



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 29th September 2017

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Present:

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

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

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

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur), Deputy D. A. Tindall (*indisposée*);
Deputy L. C. Queripel, (*indisposé*); Deputy J. P. Le Tocq (*relevé à 12h 16*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

Billet d'État XVIII

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

**XI. Proposals for the partial removal of the Anti-Tank Wall in the eastern part of Pembroke Bay (L'Ancrese East) and the managed re-alignment of the coastline in this area –
Debate continued**

The Senior Deputy Greffier: Billet d'État XVIII, the continuation of the debate.

The Bailiff: We move to a sursis motivé. A revised sursis motivé has, I believe, been circulated to everybody, but it will require a suspension of Rule 24(2) if it is to be laid.

5 So, Deputy Inder, do you propose a suspension of the Rule sufficient to enable that revised sursis motivé to be laid?

Deputy Inder: I do, sir.

10 **The Bailiff:** Deputy Ferbrache has seconded it.
Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I think that was carried, but to be certain we will have a recorded vote. Again, I think there was more enthusiasm and louder shouts from those who wanted to oppose it perhaps, than there were from those wanting to favour it.

15 *There was a recorded vote.*

Carried – Pour 21, Contre 13, Ne vote pas 3, Absent 3

POUR

Deputy Prow
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Brehaut
Deputy Tooley
Deputy Mooney
Deputy Le Pelley
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Brouard
Deputy Dudley-Owen
Deputy de Lisle

CONTRE

Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Parkinson
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Hansmann Rouxel
Deputy Graham
Deputy Yerby
Deputy Langlois

NE VOTE PAS

Deputy Oliver
Deputy Gollop
Deputy Leadbeater

ABSENT

Deputy Tindall
Deputy Lester Queripel
Deputy Le Tocq

The Bailiff: Well, the voting on the motion to suspend the Rules was 21 in favour, with 13 against and 3 abstentions. I declare it carried.

Deputy Inder, you may open the debate and lay the sursis.

20 In fact, just to clarify, the procedure on the sursis will be very similar to the procedure that we would follow if we were dealing with an amendment, in that it will be laid, formally seconded, and then the President of the Committee may respond at that point, if he wishes to do so, and debating will proceed, as I say, in the normal way, or very similar to, except that debate has to be limited only to the contents of the sursis. Although in this particular one I am not sure that makes
25 any practical difference, but that is what the Rules say. It may do, there may be some technical difference between general debate and the debate on this sursis, I am not sure, but that is what the Rules say, that debate must be limited to the sursis.

Deputy Inder.

Sursis Motivé:

To sursis propositions 1 and 3 until the first meeting of the States of Deliberation to be held after 1st January 2020, and in the meantime to direct the Committee for the Environment & Infrastructure:

A to refrain from taking, or authorising there to be taken, any action or construction works in relation to the L'Ancrese anti-tank wall, other than –

*(i) rock armouring for panels 1 to 5 of the wall if thought appropriate by the Committee, and/or
(ii) where, in the opinion of the Committee, works are immediately necessary in the interests of health and safety, or for the protection of life or property,*

B to undertake further investigations into the effects on the natural and physical environment and into the archaeological, recreational and historic use and significance of the area upon and adjacent to which it is proposed that the works of the managed re-alignment of the coastline at L'Ancrese East, as described in proposition 1 ('the Works') should take place, taking into account in particular the following matters:

(i) the nature and extent of the original works undertaken to prepare for the construction of, and to construct, the anti-tank wall which is to be removed as part of the Works, including the removal of sand and sediment from and around the site of the wall, by those who constructed the wall,

(ii) the impact of the current profile of the beach from the wall to the sea, having taken into consideration the profile of the beach before construction of the wall,

(iii) the need for beach nourishment to reduce the adverse impacts of removal of the wall, as described in Volume 1 of the Posford Duvivier Guernsey Coastal Defence and Beach Management Strategy Report of March 1999 (see Appendix 1 to the Policy Letter), and

(iv) the desirability of improving the wall as described in the Posford Duvivier Report (see Appendix 1 to the Policy Letter),

C to consult with the Development & Planning Authority in connection with the Works,

D to make application for outline permission for the carrying out of the Works, to the extent that they constitute development, under the Land Planning and Development (Guernsey) Law, 2005,

E to commission a full environmental impact assessment of the Works,

F to commission a suitable survey of the area upon and adjacent to which it is proposed that the Works should take place in order to establish whether or not there is a suitably robust sand reservoir in and under the area to ensure that the Works, following completion, are likely to have a positive impact on the beach amenity in the area, and

G to prepare and submit to Her Majesty's Greffier, before 30th September 2019 –

(i) a Policy Letter containing a report for the States –

(a) relating to the outcome of and conclusions reached further to the investigation, consultation and application undertaken or made further to directions B, C and D above,

(b) containing details of the estimated costs of any works or action that the Committee may recommend should be undertaken or taken further to its investigation, consultation and application, and

(c) with the environmental impact assessment and results of the survey obtained further to directions E and F above annexed, and

(ii) a suitable Proposition or Propositions for approval by the States relating to the carrying out of the Works or any other works or action relating to the anti-tank wall which may be appropriate, having taken into account the outcome and conclusions reached in the report contained in the Policy Letter.

30

Deputy Inder: Sir, thank you, and thank you to Deputies Dorey and Brehaut for voting for the amendment.

Sir, I am going to have to give a bit of background which may well fall foul of the Rule that you alluded to.

35

Firstly, thank you for the support from my seconder, Deputy Peter Ferbrache, and if you could bear with me for a few moment, well probably quite a few minutes actually, I would like to give Members – and for the purposes of public record – a timeline as to how we find ourselves today, because in the public discourse there seems to be some kind of connection between the original requête and the sursis, and there is actually quite a substantial difference between the two.

40

Members, I first came to this, like many of you, via the pages of *The Guernsey Press*, when the Committee for Environment & Infrastructure produced their first artist impression of their preferred scheme. White sandy beaches, sea wall removed, beautifully graduated beach, an announcement that the project was a year away.

45

I was contacted by *The Guernsey Press*, as were a number, I think, of the Vale representatives; my response was, based on the artist's impression, that subject to detail, and the costs, it did not seem an unreasonable scheme. I did not think much more about it, I must say. The groynes were not particularly obvious. I thought the Committee would fat out the detail at some point, we would be presented with a policy letter, there would be a debate closer to the time, I would give it some attention – fairly standard fare in terms of how Committees work; they do their jobs, we do our jobs, there are meetings, there is a policy letter.

50

Shortly after that Vale Deputies, along with the Vale Douzaine, the Commons Council, were invited to the initial stakeholder presentation of the scheme, and that is where we started to see a little bit more detail. Now that was held on 15th May at the Vale Douzaine room. As a matter of

course, I was still fairly nonplussed about the whole scheme, and out of courtesy for the Committee members, I circulated a short but positive contact report. Keep in mind the first image we saw, the one I mentioned earlier, the one with the kiosk and the toilets in place. I will get to the other photograph that was submitted to *The Guernsey Press* later. At the meeting, a question about the viability of the kiosk and the amenities, under the Committee's preferred scheme was posed. There was a variation where Haskoning thought the high tide line might be, and I thought it was a fair question and a suggestion that the amenities were at risk.

In the contact report – the one I sent to the Committee – I suggested that the Committee dealt with that in some way; as, clearly, they had no intention of losing the amenities. I had seen the pictures in *The Press*, I had seen the artist's impression; the amenities remained. The exchange was over email, and to cut a long story short, both Deputies Fallaize and Queripel – both with more experience than me, and certainly, I suppose they have, in many ways – informed me that the kiosk had been deemed expendable when first mooted, and in a previous Assembly Deputy Fallaize's point in that exchange was, and I quote; he was writing to myself, Deputy Queripel and, I think, Deputy ... well certainly Deputy Brehaut in the same email thread:

It would be wise to err on the side of caution, i.e. do not allow the impression to be created that the kiosk could well remain in situ if there is a strong possibility that it couldn't.

I think that was fair advice. My response to Deputies Fallaize and Queripel in that exchange was, I left the meeting thinking there was some risk to the kiosk, but the response from Barry suggests the risk is greater. As a L'Ancrese user, for me anyway, along with the parish, it is important that the facilities remain.

Deputy Brehaut had referred to the users of the kiosk as the bucket and spade brigade, he had been dismissive of the facilities, and was a bit miffed that the picture sold to us on that first page of the GP was not, what I understood to be, a true representation of the Committee's intent. To be fair to the Committee, it has been recently explained that they submitted two images to *The Press* – one with the facilities in place and one without. The fact remains, however, that the image we all saw was the image we all took ... well I certainly took my initial view on; that is really not my problem.

As the days progressed and we moved into other presentations with Haskoning, news was getting progressively worse. At the public presentations the risk to the kiosk and amenities was getting more severe, and these are some of the highlight points that started to become more apparent. There was a suggestion that the Martello Tower was at risk; that since has been explained over a 30-year time limit, but that is not the impression that we got from the – it was either 30 or 50 years – there was certainly a risk built into the presentations. No clarity as to where the high tide mark would be. The immense size of the structures, certainly in that version of their presentation, informed us that these spurs, groynes, were going to be from the top of the wall extending some 20 m out into the Bay, and Haskoning informed the public that the panels would be removed and whatever was behind the wall would be allowed to be drawn out into the Bay discolouring what is a pristine white sandy beach for anything up to two years. The wall was going to be taken down and whatever was behind the wall was going to be drawn out into the Bay.

Somewhere in those distant presentations there was mention that the, 'Slipway was at risk, if not going. Do not worry there are toilets a quarter mile away and another kiosk.' Thanks guys. The horror of it all really started to set in, rock armour piers extending out into one of our foremost and most important tourism bays, a Martello Tower at risk, kiosk gone, no guarantee to the viability of the project, and whatever was behind the wall will slump out rolling around the beach for a couple of years. All with a million pound price tag attached to it. Oh, and no access to the beach for pushchairs, wheelchairs, except for some imaginary path through whatever was going to pour out of the back of the wall. The crystal clear image of a sloping beach had now turned into the stuff of nightmares. No kiosk, monstrous groynes, a bay that looked like Longue Hougue after an oil spill with half the buildings in the harbour, and no access. Excuse my naivety, it turned

out there was no intention of bringing this to the States for scrutiny. The Committee was going ahead and that was it.

As Deputies, we are, of course, contacted by parishioners and various interested parties on matters of importance. The more the Committee presented, the more emails that we were receiving. I wrote to Deputy Brehaut, on behalf of those many contacts, informing him that there was now significant public interest – that was the email that you all received, asking that he and his Committee considered bringing this to the States by way of policy letter. We were steaming towards the Policy & Resources debate part two, and with the new uplifted delegated authority any Committee could spend anything they wanted up to £2 million without referring to the States. He said he would put it in front of his Committee. I asked again, and the last exchange was as follows, and this is from me:

I wonder if you had a chance to speak with your Committee as to whether you are going to bring a proposal for realignment of L'Ancre Bay, by way of policy letter to the Assembly for debate?

And the response was:

I have nothing to add at this stage, and my response on this matter needs to be a considered one ...

Which is fair enough.

It is not appropriate to arrive to a decision in a timeframe driven by your desire to respond to a third party.

Well, a few days before the Policy & Resources debate part two, it was obvious where this was going. Well, colleagues, those third parties had names; they were the many Islanders who had real concerns about the scheme. There were 1,300 golfers, the Vale Commons Council, Festival Guernsey, and the £1,000 currently raised by Kay Smyth and Eddie Percy on behalf of the RNLI for their peaceful ribbon protest. And one of the many petitioners, particularly a Jack Pacie, eight years old, who did not want his mum's favourite café to go ... they were the third parties, the people that gave us our jobs, the people we claim to represent.

Now, I contacted Deputy St Pier to try and understand if there was a way that he might consider removing the delegated authority without bringing a requête, and it was actually quite funny, his response, to be honest with you. Deputy St Pier, I am sure, hopefully he will agree with me; he said he did not want to lose, I think it was, Proposition 8, 9, the delegated authority bit, just because we might want to have a bit of a discussion about the wall, and his words to me, and said if it was not Inder whinging he would touch on that in his touch. Unfortunately, that did not materialise, in the opening address and the requête came into play. The requête was supported by many Deputies that had similar concerns over the scheme, and it certainly was not Deputy Inder's requête, as it has been painted. It was a requête whose purpose was to deliver scrutiny into a project that the Committee appeared not to want.

So that is about it really, mission accomplished, the Committee has done what the requérants want – get back in your box Inder, there is no reason for a sursis, you are just wasting time. If only it was so simple. After laying the requête I was contacted by a geomorphologist experienced people or person who had taken an interest in the project and they offered to meet me to run through what they had seen in the Haskoning Report and how that linked in with the Committee's preferred proposal.

I had my own concerns, the Committee were taking a line that the wall was built on sand, it had no foundations and it was a tank wall not a sea wall. As I get through the rest of the speech, I will disprove the first assertion and cast some doubt on the latter. In yesterday's speech, Deputy Brehaut repeated again, 'built on sand,' 'built on sand' – that is a theme that is running through the whole of the public discourse. Once I had met with these gentlemen, elements of concerns and oddities that I had started to have were falling into line. I will give you a few of the quotes from the Haskoning representative. I took my little black book and I wrote these things down.

I think it was built on the high water ...

145 – and he was referring to the sea wall. What do you mean you ‘think’, why don’t you know? I did not say that to him, this was just going on in my head. I am not that rude, well actually ... Haskoning again:

It is not guess work but very difficult to guarantee the backrest.

150 The backrest is the primary defence for this scheme. So you are asking us to go ahead with no guarantees of the works. Good luck with that. The groynes are going to be about six feet high. In the meeting I went to a month earlier, they were from the top of the wall, and in answer to my Rule 14 questions, they were also from the top of the wall. Subsequently, the Committee changed the Rule 14 questions. I accept they made a mistake,, they called it a discrepancy, it looks like a mistake to me, but if you want to add concern into the mix keep changing your mind every time someone asks a question. Keep changing your mind.

155 The slipway has gone, now it is not. In a meeting with Deputy Dorey and Deputy Brehaut – and I think Deputy Ferbrache had left the room – it was the end of the meeting last week to discuss the sursis, the slipway was at risk again. Nothing that could not be fixed, in my view, but no it was at risk again –

160 **Deputy Brehaut:** Excuse me, sir.

The Bailiff: Deputy Brehaut.

165 **Deputy Brehaut:** I am really keen not to intervene but –

The Bailiff: Is this a point of correction.

Deputy Brehaut: It is a point of correction, sir.

170 At that meeting I said that the initial plans going back some years because of the condition of the survey could be – the slipway is damaged and at one stage it was considered removing it. I made it clear time and time again, the slipway is going nowhere. Nothing from in the report tabled in front of you today suggests that the slipway is going, or has been added back in. It refers to a much earlier plan, probably even in the 1960’s and 1970’s because it is so dilapidated that in the future the slipway itself will need a repair.

175 Thank you.

Deputy Inder: Well, you could wonder why it has never been maintained because it is the primary access to the beach, and I think any concrete specialist going down there would probably pin it and fix it within two or three weeks. But, no, it is at risk again.

180 The Haskoning representative also said, and again I quote:

There has not been much movement of sand between the half tide mark and the low tide mark.

185 There were about 12 Deputies on the crest line when he said that. Yet in the Committee’s own document it makes great play of a data period between the 2000 and 2010, albeit seasonal, which includes well below that half tide mark, so has there been movement or hasn’t there? Honestly, the questions, the reports and the output from the consultant, they seem like they have all been written by completely different people.

190 A question was asked at one of the presentations, along the lines of, ‘When did the sand start to disappear from in front of the wall?’ Now, that was their fault; they used the word ‘sand’, but it is a fair question, but the response was ‘shortly after the wall was built’. Shortly after the wall was built. Not up until 1963, as has been painted by the Committee. ‘Shortly after the wall’ means within a couple of years, and that was quite clear, what Mr Guthrie said. There we go again,

another reference to sand. Yet all the pictures, even those contained in the various slide shows obviously demonstrate that the natural beach, and when I say 'natural' I mean the pre-war beach, was a shingle bank, and this is quite fundamental, and a very large one, and for Members who are not particularly coastal savvy since the States something like the Amarreurs shingle bank from the coast side or more likely something like Belle Grève, it was definitely not sand.

At the Deputy meeting at L'Ancrese, a question was asked about what the proposal was for the scheme for protecting the kiosk. The response was, 'We are going to do something around there.' Well, I am sorry, fella, there is a £100,000 note attached to that, so you had better have a better idea than doing something around there.

The killer question for me was when Deputies were invited to L'Ancrese for a tour of the Bay, a question and answer on the Committee's preferred option. We had had a tour of the crest line, questions were asked, answers were given, I was quietly noting everything that was said and we were taken down to the beach for a tour of the panels and a description of the groynes.

The Haskoning representative was describing how the eastern groyne would work, his assistant was pacing out the size of it, he went on to describe how the groynes would fill up, he said, and it is along the lines of, the sediment had moved away from the wall, but he was not clear what the actual sediment was. I can only assume he was thinking of sand again, so I asked him a very simple question, 'Mr Guthrie, it is 1945, the Germans have left, where you are standing right now, what was here?' He paused and said, 'What do you mean?' I said, 'What was here? Where you are standing, what kind of sediment?' He answered, '*Sand, I imagine*'. I was flabbergasted.

The company that have been working on this from 1999 in its various forms had no idea that the German wall was built on the top of an existing shingle bank, and existing natural shingle bank, which protruded some 20 m into the Bay and at the end of 1945 the majority of the shingle and the sand in that Bay was used to construct the wall. He imagined there was sand, but the reality is he would have been up to his neck in a shingle deposit. I went on to describe how the wall was built. I explained the railway system that brought in crack stone to make the flat foundation on top of the existing natural shingle bank, and after building, the Germans banked up the rest of what they had destroyed or used, to front fill the defensive system. I told him I had photographs of the build of the wall. My words were, 'Actually, you are starting to scare me now,' and they genuinely were. They were genuinely starting to scare me.

Years of work on this project, the Committee publicly stating the German wall was built on sand, and using that as an argument for the failure of the wall, and the consultant repeating the same errors. It has been sand all the way, and very little recognition of the pre-war beach, nor the historical context of how the Bay was used, or mined, importantly.

This was the response from the UK expert. The UK consultant, or sorry the Dutch one, the expertise which is a weapon so often used to defeat the arguments of local knowledge and talent in this Island. The experts that had no idea that the sea defence that they want to remove was built on a natural shingle bank, and they had no idea that over 10,000 tonnes of material were removed from that Bay by the Germans to build the wall. They do not know, they did not know it.

It is a fact, sir, that in modern day Guernsey the further away you are from a project the more of an expert you become. I am genuinely surprised how far this Island got without UK experts, or Dutch experts in this case.

So what else to the lifelong experts not know? Quite a lot. I will move back to the meeting I had with the chaps I met who contacted me to talk about the project, the geomorphologist, from which many of my Rule 14 questions came. Here are some excerpts from the commentary I was sent, and he was talking about sources of sediment:

It is generally agreed that about 45% of beach sediment is derived from river sediment inputs on the coast. Some sediment is derived from cliff erosion and cliff falls, although this process in a hard rock environment such as Guernsey is relatively low. Some sand may move onshore from offshore cells.

So that is fairly consistent with the Haskoning Report, the offshore cell part of it, what they are calling, I think they call them sand pods or something like that.

But such cells are often part of a closed system. It is a system that remains in the area. A closed system. Great care has to be taken to ensure that development of the shoreline does not interfere with such closed systems.

240 And I have just told you what happened to all of that aggregate. I will move on to that.

There is a strong possibility that most of the sediment was produced on the unvegetated surfaces, created by the falls in sea level during the glacial periods, exposing large areas that are currently under sea. That surface was subject to intense frost shatter and comminution of the resultant debris.

Look it up, I have not got a clue what he is talking about.

Which is then rolled onshore by the post glacial rising sea levels. There were, of course, many glacial periods in the Pleistocene, but for our purposes we can regard this as a singular and effectively unrepeatable sediment generating event. It is highly probably that much of the sand on Guernsey's beaches is therefore a finite resource, and to a large extent it could be regarded as fossil deposit and all the more precious for being so.

If it is gone, it is gone; it is not going to start rolling down from Alderney. If it is not in the Bay to re-accrete, I think is the word they are using, it ain't coming back. Now please hold that thought, Members.

It is highly probably that much of the sand on Guernsey's beaches is therefore a finite resources and to a large extent it could be regarded as fossil deposit and all the more precious for being so. 9:58:9

245 I will move on to where the sand and the shingle has gone later. The historic and current sediment profiles of L'Ancrese Bay, this is what he was talking about. We start here with a generalisation, so this is more of a commentary on Guernsey's sedimentary deposit, so it is not really a report:

It is generally accepted that 70% of the world's beaches are losing sediment, especially the finer transported sediment. Human interference in natural coastal systems, sand extraction ...

It actually said:

... building of sea walls, harbour jetties, ill-judged sediment retention systems, is responsible for some of this degradation.

250 I need to repeat that again, sand extraction.

On the sand reservoirs the following, the report from Royal Haskoning Dhv does not seem to include estimates of the volume of sand currently within the Bay. It is what is within the Bay that is going to return back to the sea. If it is gone it is gone. There is nothing in the Haskoning report that ... He also asked were any cores or other soundings taken to establish the depth of sand on
255 the foreshore or the sand apron. This is important because it is hoped that the constructive zone will become a sandy beach protected by groynes. It is always possible that there will indeed be some limited sand supply from the beach, the constructive zone, but this is not very likely in the present condition of the beach and even less likely if the sand apron is very thin and/or if the beach levels continue to fall.

260 My contact is a Mr Kerr PhD BSc. He is a retired geomorphologist who has had many years' experience in sediment transport in rivers and on beaches and dune systems, including work on a major report for the European Union on beach dune linkages and sand dune vulnerability around the entire Atlantic Coast from Cherbourg down to the Algarve. Nothing that he wrote seemed unreasonable, and his advice was to ask some fundamental questions seeking some clarity from
265 the Committee before any of us came to a decision on this project.

In short, how do you know there was sand there? Why do you think it is going to return? What core samples have been conducted to back up any of your assumptions? Was there anything unreasonable in that? I did not think so. But I will not bore you with all 24 questions which I have been roundly criticised for, I am sorry, but the Rule ... I can't remember Rule 6 or 14 questions,

they are kind of a mini freedom of information for me and I think they are quite useful, so I will write them all day long, or ask them all day long.

So, one of the questions I asked, if the beach levels have been falling, and not ... I have asked, they came from the report from Mr Kerr. If the beach levels have been falling, where has the sand gone, and is it not overly optimistic to expect sand supply from the current beach to the groyne area?

The response was only really referenced to 2000 to 2017 beach level data, and I think that is quite important, because I think what – and I will not say the Committee, I think what – Haskoning have done, they have stuck to the modern times level of the beach, without taking the full consideration of historical context.

Were any cores or other soundings taken to establish the depth and distribution of sand on the foreshore and sand apron? The works to date utilise archive information including historic mapping, beach level surveys undertaken since 2000, detailed sight investigation, probe drilling conducted in 1995, okay, and various photographic records. Detailed sight investigation work will be undertaken after approval for the managed re-alignment has been given, it is not sensible to do them in advance with the possibility of incurring unnecessary costs.

Well, that does not make an awful lot of sense to me. You would do your investigative work first before coming to this Assembly. You must know the volume of the sand and the deposit there. It seems a bit of a nonsense to try and look like you are saving money, get the plan voted through and then do the work after to see if it works. I am sorry, it does not make any sense to me at all. What hard evidence is there that sand supply will take place from the current beach to the newly created beach, and that is that sloping graduated beach that we have all seen, the Spanish brochure photograph. The response only referenced the 2000 to 2017 beach level data, no historical context. Have cores – and these are the questions – extending below current beach levels been extracted from the current sand dunes to demonstrate the quality of the sandy sediment that could transfer from the dunes into the new beach area? No. None at all.

Right now it does not seem like, when responding, any of the Committee could actually tell me what is in that dune system. They could tell me the depth of the vegetation, they could not tell me the depth of the soil, they do not know how many metres of sand is on top, and they could not tell me if it then goes on to a shingle system. Because they actually think, they keep using the words 'a sand backed dune system', which it is not, and I will disprove that, or rather prove that.

Have cores been taken in the area immediately behind the sea wall – basic stuff, real question, stuff anyone should have done – where construction work on the anti-tank wall may have disturbed and contaminated the dune sand? Answer. No. No work. How many of the four factors listed – namely, the quality, availability, stability, retention of the new sand deposits – are confidently assured by the new scheme? The primary – and this is the answer – deposits forming the new beach will be the existing sand reserves from the lower beach levels which are unable to present to deposit in the upper regions of the beach due to the position of the existing wall. Well, if you do not know the volume of the sand in the Bay, how do you know what is going to transfer up the beach – and we are going to talk about sand dune systems.

There is a slight madness within some of the press releases. I mean there is a reference to these new sand dune systems are going to look like Amarreurs. Well, Amarreurs has got a pier in front of it, it is has got Port Soif. Well, that is a closed system, there has even been reference to Richmond and Vazon Bay and what have they all got in common, they are all in the West. Over 60% of our wind comes from the Western cardinal and only 8% of our wind comes from the north. If you think that there is suddenly going to be this sand dune system that comes from our northern ... they do not happen, that is slip slope of a dune system.

All of the sand, and what is effectively, I think they call them static dunes, they were laid down thousands of years ago. There is no sand reserve from the West that is going to turn up on that dune and I do not think there is any sand reserve from the sea that is going to turn up and create this picture: that is not how sand dunes systems are formed. That was lesson two after us learning about ox-bow lakes. *(Interjections)*

And I asked, should the scheme fail and there is a breach on the golf course, what work has the Committee conducted with the Law Officers, or with the Vale Commons Council, to establish where the responsibility for the ruination – okay, I added that word in – of the course would lie?

325 No discussions with Law Officers or with the Vale Commons Council on the issue of liability should the golf course flood following a managed re-alignment. Isn't that part of the responsibility? If you are not sure, because Royal Haskoning says they are not actually completely sure, you must have done a little bit of legal work to work out where your responsibilities lie should something go wrong. Clearly not. No answer to these questions led to a number of conclusions. No real core
330 testing in recent times has been conducted. There is nothing in the response that gives any indication of the volume of sand deposits they are expecting to return to the Bay.

Now, if you accept sand dune systems form from the north, good luck with that, but even if it did, and you have created a new way of building sands, they still do not know what sand is going to be there for that 8% wind direction. Over 60% of our wind comes from the west. Whatever you
335 think is going to be there it will not look like Amarreurs, Amarreurs is in the west, L' Eree is in the west, Port Soif is in the west, Portinfer is in the west; our sand dune forming system is all in the west of the Island, as you start moving from Jaonneuse we end up in a shingle bank system. There are no sand dune systems from Jaonneuse all the way down to, probably what would be number one beach, down to Havelet. None whatsoever. Apart from Herm, does not count.

340 In response to quantity of the sand that may return, the answer was a bit odd, 'The quantity of sand that will be recovered, and at what rate, cannot accurately be determined, though the historic evidence would suggest there is no reason why this would not take place.' Now, I do not think that was the response I wanted. Historic evidence being no reason why the sand would not return is not the same as guaranteeing it would return. The response to what they think is behind
345 the wall, they have conducted no work at all. Right now no one on the Committee can tell me what is the makeup of that system behind the walls, and it is not a sand dune system. It is absolutely not a sand-backed system, and the pictures I will show you later on will clearly demonstrate that.

There is mention in Posford Duvivier Report that there seems to be a disconnect from what
350 was actually a fairly practical and considered report in 1999. It is interesting in 1999 they only gave the wall zero to 10 years – well, it is 19 years later and that wall is still standing. Zero to 10 years they gave it. It was going to collapse in 1999, the year after, or maybe up to 10 years, and it is still standing. You can stand if you want. You would like to dispute it. (*Interjection*) I will read some pieces of the 1999 report that should have given Haskoning some clues as to what the beach was
355 like prior to the occupation, its grade and its make-up. It is all in there, the Posford Duvivier Report, their document. Originally a semi-mobile dune ridge would have occurred around much of the back of the Bay but the area of dunes was effectively lost through sand extraction during World War II, in order to construct the anti-tank wall. That is in their report.

The written authors of the report knew that sand and aggregate had been mined from the
360 beaches, the authors of the original report – this is the Posford Duvivier report – knew that without a healthy beach and dune ridge, the Common was at risk, and in the policy letter, I would argue, sir, there is no reference to the mining and removal of thousands of tonnes of material that is sitting in concrete structures of the Island and the Committee would have you believe it is sitting – and I will use their words – in a sand pod waiting to come ashore. The only pods of
365 L'Ancrese, I would argue, sir, are dolphins and porpoises. If I could guide Members to the paper in front of you, that the Bailiff has ... no he did not, I handed to you guys outside of the Chamber because I was not allowed to hand it out in here, there are some illustrations you guys have got, and I just want to go through it.

Now Figure 1 is the visualisation of the Committee's preferred option. That is the white sandy
370 sloping beaches, and the graduated slope. What is going to happen in 18 months' time.

Figure 2 shows the RAF pictures of the dune system. Actually, if you look at left, this is where things should start falling into place, because this is not my picture this actually comes from the

Committee itself. What you will see there on the left hand side is a tonal grey at the top of the beach with a ridge in it. That is shingle. That extends some 20m into the Bay. That is before the wall was built. Similarly, unfortunately, I do not think it has come out so well on the printer, certainly not on my black and white one, there is similar on the right hand side.

But if you want to move to figure 3, look at figure 3, at the top of the beach it is dark grey, from around the half tide mark, moving to what looks like – well, it looks to me – like a couple of hours above high water, you have got a white patch. But the colour difference is quite obvious, the white patch is the sand; at the top of the beach is shingle. That, again, some 20 m. Think Belle Grève Bay, it is that kind of system that is there in place. Google Maps, if you need any more proof.

If you look at figure 4 on the left hand side of the Bay, I have put a black line around it and you have got the shingle system to the left of the Bay; to the right of the slipway you have still got the shingle system but in front of the tank wall there is no shingle. There is a reason for it. It has been mined away, or the majority of it has.

Now, I want to move on to figure 5, and this kind of disproves this idea of it as a sand backed system, or a sand dune backed system, what people keep saying. Right. Figure 5, it shows the shattered wall and this came from Festung Guernsey a couple of weeks, again and again. I do not know why, the Committee does not appear to have had that, but it is fairly obvious to me, what is described here, sir, is that what is fairly obvious from that picture is how thin the actual sand bit is.

At figure 1, you have got basically the back of the wall has been dug out, it has been destroyed, to a degree, for the purpose of building a wall, and what you can see is a very thin layer of sand – a *very thin* layer of sand – on top of which is effectively a shingle bank.

Figure 2, in front you will see some, and it is called sharp stone, if it is round it has been rolling around the beach; if it is sharp, it has got hard edges, it has been quarried out. What the Germans quite clearly have done, they have laid this whole system on top of a shingle bank, and I think they have levelled it off with cracked stone from the quarries, then in front of it, and again it is more obvious hopefully when the Committee looks at it later they will see that actually the stones start going round again, so that is the gallow, that is the round stones from the beach.

Actually figure 4, what is really interesting here, what should be sand is rock. Extraction from L'Ancrese has been absolutely huge. Figure 4, that would be if you were sitting there today. That is not a reef system: that would be a sandy white beach. It has gone, and that sand, figure 5.

Figure 6 is the post-war image. The shingle bank, what was left of it, looks like it has been pushed up against the wall to create the system. What you have got round here in the forefront is the utter disruption of human intervention to the whole of that dune system. JCBs have been in there, or whatever they were back then; unfortunately, they probably were not JCBs, it was all done by anonymous human toil, I am afraid. That is the sad thing about this thing, but it is likely that human interventions effectively destroyed that beach. That beach is not the natural beach.

If I move on to figure 7, I want to show you the pre-war image. Now this in 1910, 1920. Do not get too excited about the colours here, but if you look at that from the top of the headland, I have drawn a little line there, and I think it is red in your version, I have got the black and white version. That looks like around a 15 degree pitch from the top of the crest line down to roughly the high tide mark. Now, if you overlay that on figure 8 into the post-war overlay on to the current beach levels there is quite a substantial difference. Now, a quick calculation on dry sand anyway over the Committee's preferred option. That is just within, to get that Bay back to what it was, which is the pre-war condition, you are going to have to find something like seven and a half thousand cubic metres of material – and to put that into perspective, this building is 20 m, 10 by 10, 2,000 cubic metres; multiply that by three or four times. It is that kind of volume which has left the beach. It is not sitting offshore waiting to come ashore, it has gone.

Now, figure 9, if you need any more proof of where the material is, if you look at some of the broken areas of the wall, figure 1, weirdly enough is actually a shell in the wall. Now, that did not come out of the bottom of Les Vardes, I will tell you that for free. That came off the beach, that is a broken shell. If you look at the other pictures of a wall break that is the slipway side, what you

can see there is round stone mixed with cracked, basically sharp edge stone. If it is round it is off the beach, if it is cracked it comes out of the ground.

Half of the beach of L'Ancrese is sitting in ... well actually now at the bottom of ... it is sitting in the bottom of Chouet Quarry. Actually, in the tower system, it is not just the wall, it is the whole of the concrete structures in Guernsey. The majority of the aggregate in the sand, the Germans brought no sand and they brought no aggregate in the Island, in fact the only wreck – well, one of the wrecks, we have actually got something called the cement wreck, because that is the only thing they brought into the Island, everything else was taken off the beaches. I will give you a quote from Frank E Wilson's 'Railways in Guernsey', where he talks about the German fortification construction, Rocquaine, actually:

At Rocquaine Bay a steam driven grab lifted shingle into a screen chute for loading into lorries on the road.

This is all related to the building of the fortifications. That is another beach that has been, effectively, destroyed by the mining of aggregate.

Sand was taken from the beach at Les Amarreurs, Grand Havre, as well as L'Ancrese Common and other beaches in the area. The Chouet Tower alone, and I might need some help here from either Deputy Joe Mooney or Deputy Mark Leadbeater.

Sorry, sorry, I am getting to the end.

Now, the Chouet Tower alone, the one that is sitting in the bottom of Chouet Quarry, the Chouet Tower devoured 7,000 bags of cement to build it. You start adding the sand and the aggregate, which did not come from Berlin, which came off our beaches, it is masses. Thousands and thousands of tonnes have been extracted from our beaches to create our German fortifications. Some large stones may have come from St Sampson's, but large quantities were collected from nearby beaches.

Now, sir, and this is not necessarily related to ... well, it is sort of, but I am going to cut a little bit of slack here. In the Committee's proposal I have got figure 5 and figure 6. Now, the only reason I have taken these two shots, and I accept that that corner will have a lot higher waste because that is where the energy comes in ...

In the Committee's own proposal, effectively, they have said, or certainly Mr Guthrie has said, that they are going to take down these sections of the wall and allow nature to do its magic. Now, if you take down any of those sections, and I know there will be a groyne there, but this is just purely for illustrative purposes ... if you take down that wall you are effectively creating a 45 degree slope, and you have got no real knowledge of what is actually behind that Bay. You think it is sand.

Now, what engineers can control is they can control what they build, but they cannot control what nature is going to do next. Now, that is a Monday, the walls come down, and on Tuesday you get anything like we had in 2013 and 2014; there is a strong possibility ... I would not say that the shingle bank would breach, because it is a shingle bank, it is not a sand dune backed system, it is shingle bank. I think that whole area is in trouble, because if you allow 18 months to put the graduated beach back into place, you are allowing nature to do that, even if the sand is there, and I think I have provided that it is not, you have got a flat surface of energy running at that soft engineered system for an 18-month period.

The whole idea of the graduation is for the wave energy to be dispersed as it runs up the beach, but there is an 18-month period, if it will ever happen, between the completion of the project and the hope that the sand will move back up the beach, which I will maintain is probably quite unlikely, because it is not there, because it is a closed cell system. Because, as we said, actually it is touched on in the Guthrie report, and the same is backed up by my geomorphologist chap, if it has been extracted it is not in the same area. It is not sitting offshore, it has gone.

Members, I think there has been some fairly compelling evidence about the state of the Bay. L'Ancrese has been extensively mined of sand and shingle. There is no sand in sand pods waiting offshore to return. The hard shingle base has been mined away. The pre-war photos show you the gradient of the beach, the post-war show you the remains of the beach; and it truly is the remains

of a beach, it is what is left, it is what we have done to it as we have mined it over the years, as the Germans extensively mined it in a four- or five-year period.

I think where Haskoning has gone wrong is actually the historical context. It is sort of touched on in the policy letter, but I do not think they have given it the weight they should have done.
 480 They appear to have missed a six-year occupation and construction period where thousands and thousands of tonnes of sand and aggregate was removed from our shore line. It is alluded to in the 1999 Posford Duvivier Report, but something has gone wrong since then. I am not actually blaming the Committee, I am blaming the engineers. It might just be the fact that they did not have six years of Occupation. Maybe they did not completely understand the extent – well,
 485 actually no they did actually, because ..., well I do not think Mr Guthrie did. No, that is fair enough, fair enough.

The Dutch were occupied. What I am saying, sir, through no fault of the Committee's own, because do not forget I was actually really fairly warm to the original proposal, say for possibly a bit of blind belief in the experts. I think they are about to make a mistake. I genuinely do. I think
 490 they are about to make a mistake.

It is clear to me, it runs right through the Report, and the media output, that the primary base lines appear to be this one-and-a-half-metre reduction in beach height, but it is a modern reduction. It is a modern reduction. It is between 2000 and 2017, and this whole idea of a sand backed dune system. It was never a sand backed dune system. It was a shingle bank topped by a
 495 thin layer of sand and vegetation. The historical context is missed and the assumptions, I think, are incorrect, and the Committee right now, I do not think it can go ahead with its primary works without taking the extraction of material into consideration, and accept that behind the sea wall is likely to be a part destroyed shingle bank, and the removal of the wall could – and I say 'could' – mean the collapse of what they want to be a sea defence.

The Bay structure has been changed immeasurably, human intervention, that has to be taken into consideration in any forthcoming report, and the acknowledgement, I am afraid, is absent in the policy letter. Again, I am not blaming any individuals on the Committee, I just think something has gone horribly wrong between 1999 and today.
 500

Conclusion. What is required, I genuinely believe, is a reconsideration of the Committee's preferred works, the motivé part directs him to take into account sort of planning, environmental, sustainability of the works, it directs him to conduct proper surveys and core drilling of the shoreline and behind the wall, and consider the re-nourishment and possible rejuvenation of the beach as their preferred works.
 505

I do remember a couple of years ago there was a guy in Jersey was talking on a similar subject. He spoke about something called re-shingling, what he was effectively saying was if you take down a wall ... sorry, and they were related to the anti-tank wall in Jersey, there was a whole concept – might be something for you guys to Google; it is something called re-shingling, actually rejuvenating properly what has been removed from a bay, and it was something in my distant memory just hit me, in Jersey, anyway.
 510

Turning to the policy letter itself and it is not a direction, I am not particularly happy about the way the kiosk has been treated. It is nothing to do with me, and although technically it has nothing to do with them, in the eyes of the public it is everything to do with us. I just do not like this sort of, it is almost like, the Nuremberg Defence, I was under orders. My advice: to work with States' Property Services to come back with a considered solution for the tenants.
 515

On top of that, we have considered submission for protected monument status for the L'Ancrese fortifications, which include elements of the wall, and it is right and proper that time is set aside to be given proper consideration before we make a decision. Our opinion in this Assembly of the value of our historical structures is actually irrelevant. What is actually important is what the Planning Department, working with various bodies comes to the conclusion. Our
 520 opinion is absolutely irrelevant. I had a response for the Planning Department because I asked them before I laid the sursis. I was asking, well, actually what the process was for protected monument status and the response was:
 525

To be considered worthy for protection of a monument under the Planning Law, the wall would have to demonstrate special archaeological, historic, traditional, artistic or of other special interest which is considered is of public importance to preserve. In the case of World War II structures a high threshold accepted, uniqueness or international significance would be likely to be applied. Consideration would include whether a more representative or complete example of type exists elsewhere ...

530 I do not want to pre-empt anything but it looks like it is in the ballpark area, because the protected monument status is not actually just about the wall, it is about the whole of the fortification system along that north coast, and the tank wall may, form a part of it. But – *but* – I am throwing the Committee a line there:

If the wall was deemed worthy of protected status there is a presumption in Planning Law and IDP policy against development that would affect it or its setting, even if the wall is protected and although there is a high level of protection through the Law ...

– and you can tell who wrote this or you can tell what type of person wrote this:

and IDP policy GP6 does still allow for demolition or partial demolition ...

535 So it might be the case, even under protected status, your project still could go through, but, here is the killer:

... where it is demonstrated that the monument is structurally unsound and technically incapable of repair and represents a danger to the public.

540 So if it is in a lot of trouble and about to fall down you can take it down. If protected monument status is given, it looks like it will not be able to be removed unless it can be demonstrated it is structurally unsound – and I accept the Committee think it is – but technically incapable of repair, and represents any danger to the public. I do not think it is technically incapable of repair, to be perfectly frank with you. People have got different views; I do not think it is technically incapable of repair.

545 With reference to the environmental impact assessment we would expect the Committee to come back with outline planning for their preferred works. I wrote to the Planning Department seeking advice of what would happen if the works were approved today and whether EIA would be relevant, because I personally did not understand; I have seen the word used for fairly substantial works, golf courses, waste transfer station, that kind of thing, it looked fairly ... we had environment; it looks like it has got an impact, and to me it looked like it needed an assessment, which I do not think, as a layman, seemed an unreasonable question.

550 The response was the drainage implications of development and issues of flood mismanagement would be considered under IDP Policy GP9, sustainable development policy IP10. Coastal defences would also be relevant. An application would also be screened on receipt to ascertain whether the proposed development would be likely to have significant environmental effects. If so, an EIA would be required under Land & Planning Development. So, in terms of the motive, if it is the case that the Committee comes back and says, 'Look, we have been through the screening process, we do not need an EIA,' I am not going to fall out with you, I am not going to make you do something you do not have to do, but it did not seem unreasonable that you should have at least gone through that process.

560 Now, taking into consideration – do not worry I am about to finish – the evidence, whatever happens after this debate, this sursis might win and it might fail; quite obviously it will, if it falls then so be it. As we move into the Committee's main policy letter, I am unlikely to speak again, I have spoken enough today, I know where I am.

If you have heard nothing else today, what is patently clear is there is doubt in this; I genuinely think there is doubt. It is unlikely between now and the end of the debate the Committee can persuade me – certainly, that if there is an end to this debate, the Committee could persuade me

565 that they have suddenly found what looks like 9,000 tonnes of material to return to that Bay. I do not think it is going to happen.

Now, I ask you to vote for this sursis and actually allow the Committee to come back any time before 2020 and I think we understand this now; this was not a stopping motion, it was about coming back before the time. I think H.M. Comptroller can back me up on that because proper
570 consideration to all of the elements of the sursis, along with the rejuvenation, re-nourishment, has got to be taken into consideration, which may mean the import of a thousand tonnes of lost shingle, unless they come up with another plan. But I genuinely think they have missed a substantial portion of what this beach was.

That is kind of it, and again thank you to Deputy Ferbrache for his seconding of that.
575 Thank you.

The Bailiff: Deputy Ferbrache, do you formally second the sursis?

Deputy Ferbrache: Yes, sir, I do second it and can I speak now?
580

The Bailiff: No, because the President of the Committee has the right to speak if he wishes to do so.

Deputy Ferbrache: Of course, I accept that. Can I speak after that?
585

Deputy Brehaut: Despite the desire to, I will reserve my right to speak.

The Bailiff: In that case, Deputy Ferbrache, you may speak.

Deputy Ferbrache: Thank you very much, sir.
590

I can sense from the body language that there is at least a section of the Members in this Assembly today thinking, 'What is the point of this sursis?' But I think there is much point to this particular sursis, because ... and I start from the premise that I fully accept the integrity, the diligence and the good work done by the Environment Committee in connection with this
595 particular matter. And I take no issue at all with the quality of the experts. I regard them as independent, competent, and I regard Mr Guthrie, clearly ... because helpfully a few Saturdays ago Deputy Brehaut directed us to this link that we could go to and I saw these clips where he was asked various questions. He clearly is an independent, competent and good professional.

So I have no issue with any of that, but I do have some concerns, and again it must not be
600 taken by Environment, either collectively or individually, that anybody, or certainly I am not, criticising them. Again, whether it is Royal Haskoning or whatever they are called, or Posford Duvivier as they used to be, and/or Mr Guthrie. It is not an attack on anybody, it is just this is such an important issue.

Now, a million pounds, as Deputy Brehaut said yesterday, would do a lot to help the local
605 construction industry – of which I am the President of the Committee that represents their interests – and if that is the decision the States makes at the end of the day, good, I am glad, but we have got to be careful and make sure it is the right decision.

Now, I do not know the answer to these questions and Deputy Brehaut, if he sees fit, in due course, will be able to answer them. There are some nice historical things that ring around ... He
610 read a letter yesterday from Sergeant Ely, I think the name was, (**Deputy Brehaut:** Yes, it was.) in 1949 to some malefactor or potential malefactor.

Now, Sergeant Ely, if any of you have ever read the magnificent work by the late Deputy Bill Bell ... I think it was called *I serve*, or *We Serve*, that was written about the police officers in the Occupation. Mr Ely, PC Ely then, was a police officer then, so he was probably around when the
615 wall was built in 1942, and he later became Chief Officer of Police, so he was a distinguished policeman. It also rings another historical bell for me, because one of his colleagues was a very

gentle decent man who never liked arresting anybody, in the late 1940's, early 1950's, was a policeman by the name of PC Horace Brown, who was my late much-loved maternal grandfather. So it rings historical bells, it is the connection with Guernsey, and in connection with that, when we look at this construction, I have got some concerns.

Now, while we are sticking with that period in history, 1945-1946, there was enacted a piece of legislation which is still our main eviction law, the Eviction Law of 1946. That was enacted because the States of Guernsey wanted to ensure that servicemen coming back from the War, and people coming back from the Occupation, would have homes that they could go to and that they would not be evicted from without proper legal process.

Now, I do not know the answer to this question, I genuinely do not know it, and I am not here to advocate the case for Mr Percy in relation to the kiosk, because certainly if this sursis fails, and if the policy letter is successful, in due course, I cannot as a Member of the States of Guernsey recommend that the States spend either £103,000 or £236,000, and the Committee have put it as alternative Propositions in their policy letter to protect the kiosk where you are getting a rent of £2,200 a year, or thereabouts. It does not make any commercial sense. I do not make any criticism of Deputy Brehaut when he says, 'Look, I have got to be here for strategic interests,' etc. the words that he used yesterday. No criticism at all.

Where the criticism is, is of our governmental system. Deputy Gollop said in a different context yesterday, we should work more holistically. He is absolutely right. So my comments are meant to be prosaic not dramatic, they are just meant to be prosaic. Now, the fact is, if you look at it, the Committee in their Report say, relevant to the sursis say, 'We would like to start the work in 2018, in the summer of 2018. It will take 18 weeks or thereabouts, at a cost of just over a million pounds.'

Now, one thing I have done a lot of – I have done lots and lots of things – but I have advised lots of people, both for the landlords and the tenants over the last 36-37 years, in relation to the Eviction Law, both residential tenants and commercial tenants.

As I understand it, and again this is from information very helpfully given by the Environment Committee, Mr and Mrs Percy, or Mr Percy has been a tenant at that kiosk for 30 years or so, perhaps longer. I have not seen the lease, and why should I, none of my business. If it is an annual lease, which expires on 31st December of this year, I do not know whether there is a provision whereby you have got to give three months' notice for it not to run on for the next year, or whether it automatically runs on for the next year. But what Mr Percy can genuinely do is say, wait until 31st December 2017, because he entered the property lawfully as a tenant he can stay there, he can hold over.

If he holds over, because we live in a society – and this is where I slightly differ from a comment made in, again, a different debate by Deputy Laurie Queripel yesterday, when he talked about, well perhaps sometimes there should be more interlinking – that is my word not his – between the Courts and the States. Absolutely not.

We have had something called the Separation of Powers, which has existed going back to the days of Dante and Montesquieu which say the States keep out of, and so they should not, in any democratic society, be interfering with the Courts at all. The Courts decide.

The reason that that is relevant here is because if Mr Percy decides he is not going to get out on 31st December 2017 the States would have to evict him, and they would have to go to the Court, and the Court would do it independently; and the Court may say to the States, 'Has Mr Percy been a good tenant?' – the answer is, 'Yes he has'. 'How long has he been there?' '30-35 years'. 'Has he paid his rent on time?' 'I have got commercial interests,' Mr Percy would say through himself or his advocate, 'I want to stay here'.

There is no guarantee – *no guarantee at all* – that the Court would say, 'You have got to get out in three months, Mr Percy, because the States are going to start building a wall in June or July.' In fact, I think there is quite a likelihood that Mr Percy will be given a reasonably lengthy stay of eviction by the Court. The Court would have to order an eviction, if all the due legal formalities were being complied with. So when we talk about holistic Government, has that been covered?

Because none of you, and even me with all my legal experience, would not presume what the Court might decide in eviction proceedings sometime in the early part of next year?

Now, we have got a Land Use & Planning Law of 2005 which, if my memory serves me correctly, came into force in April 2009. So it has been around now, in practical operation, for the last eight and a half years. Now, if my recollection is of development, because the word 'development' is defined under the 2005 Law, it does not differ either at all, or materially, from the way it was defined under the 1966 Island Development Guernsey Law. So this is going to be a development; if it is a development it needs planning permission.

Now, I do not know if there have been any preliminary checks with the planners to say this is our preferred scheme; if we, in due course, get States' approval, and if in due course, we make a planning application, does it stand a chance of success? If I wanted to build something in my back garden, or if I wanted to build something, some property somewhere else, I would actually go to the planners before I put in an application and have a chat with them. I might go with my architect with an artist's impression – it all depends what the nature is – and say this is what I intend to do, because the planners may well say, 'Not a chance, not a chance'.

My own gut feeling, and it is not more than that, is that they would not have a difficulty with a planning application in these terms, but I cannot presume that. I have been dealing with planning matters for the last 36 years, and I have never been able to interpret what the Planning Department are going to say – over a succession of individuals. But I think, more likely than not, it would be okay. I do not want to scare rabbits where rabbits do not need to be scared unnecessarily. But it is still a process that has to be gone through.

Whether we call them groynes or we move away from that because Ealing comedy type, Deputy Brehaut, would call them spurs, they are going to be two big constructions emerging into the beach 130 m or thereabouts apart. They are not going to look pretty, and they are going to be eventually covered by sand, as Deputy Brehaut says. I do not have any dispute with that, but that will take a period of time, because nature takes time. I have got to say I did learn something: I always thought that was a Martello tower; I did not know that was a loop-hole tower, pre-Martello. It does not matter. I am satisfied in my own mind, from what I have heard, that that is not going to be affected materially, or at least not for 100 years, and I do not think we can make decisions which are not going to have an effect for 100 years' time. So that does not concern me, but I am concerned with these issues, and they are important issues. They are issues that need to be considered.

Now, I saw the body language when Deputy Inder said, 'Well, look, the Posford Du Vivier Report said this wall in 1999 has only got zero to 10 years,' and he is right, we are 2017 so we are beyond the experts. It is a bit like your doctor ... you go to your doctor, he said, 'You are going to die,' eventually he is going to be right. *(Laughter)* But in connection with that, I cannot remember, because the people ... I have not been in the States the longest, but I was in the States the first time in relation to this with Deputy Lowe. 1st May 1994, and our good friend Deputy Gollop came along three years later.

Now I am not quite sure if he was in the States then, or it may have just been pre his time, but certainly there was a great debate about the Alderney Breakwater coming crashing down, and it was going to cost millions and millions, and we need to spend £20 million to £25 million, a heck of a big sum. The very purposeful mentor of Deputy Trott, Deputy Berry, decided that that was not right – long-standing President of the Board of Administration – and we could do it a different way; and it is still being done a different way, and the Alderney Breakwater is still there, and hopefully will still be there in 1,000 years. *(Laughter)*

Deputy Brehaut: Point of clarification, sir.

Clarification on the Alderney Breakwater if you inflate – *(Interjections)* Sir, the amount spent on the Alderney Breakwater between 1987 and the present day is £23 million.

Deputy Ferbrache: Twenty-three million pounds, instead of £25 million.

But, going back to 1987, which if you multiply that by three would have been £75 million, or taking account of inflation. So it is still good value for money, and even if you had rebuilt the Alderney Breakwater you would still have had to spend some money on its maintenance. But I am not saying ... as I say, I have made my initial remarks; no criticism of the Committee, who have done their job diligently, conscientiously, and no criticism of the firm of engineers, or the individual engineer who leads the scheme. I just have got some doubts. I just have got some doubts, and that is why I have supported Deputy Inder in his efforts in relation to this.

Take it into account and, as the Bailiff said, we can only debate the sursis, but it is unrealistic. I have already touched upon it, Deputy Inder touched upon it; you have already read the very detailed 50-page, with the additions, Report from the Environment Committee.

Deputy Brehaut, if and when he responds, will be able to tell you whether they have dealt with the matter of the potential problems re eviction: whether they have dealt with the planners, whether they have dealt with these other issues.

I do not like the idea of these two groynes. If we end up having to deal with them, fine. Is that really what we want?

The Bailiff: I call Deputy Oliver and then Deputy Dorey.
Deputy Oliver.

Deputy Oliver: Sir, I would just like to point out to the States that being on the Development & Planning Committee, should the recommendations be E&I go ahead, this will trigger a submission of a planning application to the Development & Planning. As a member, I may then be called upon to determine the application at an open planning meeting. In performing this role, it is very important that I approach the decision entirely open-mindedly, and make my determination purely on planning grounds, having regard to the information before me at the meeting.

Consequently, to ensure there is no possible perception of bias on my part, either for or against the proposal, in advance of any future open planning meeting, I will be abstaining from the vote on this matter.

Thank you.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I am not going to make a long speech.

I approached this project with an open mind. I listened to staff and I read the reports in depth, although I am just speaking on the sursis. I concluded that there was enough information to reach a conclusion that the best way forward is our proposal, as it is the most cost effective, long-term solution. There is no need for additional information as called for in this sursis.

A number of States' Members, including some who have signed the requête, have expressed their view, either to members of the Committee or the media, of what they consider to be the best solution. Some have reached a different conclusion to the Committee. Whilst I respect their view, I do disagree with them. However, what pleases me is that they feel they have enough information to make a decision. The point I am making is that the sursis is totally unnecessary, as they, like us, do not need any further information in order to reach a conclusion.

I would like to remind Members of some of the information that is available, and there certainly is plenty of it, including the reports written by the States' consulting engineers for the project in 1999, 2007, 2012, presentations in June and August of this year at St Sampson's High School, the August presentation is available to view online, and videos are available online where the engineer answered key questions which were made and edited by Deputies de Sausmarez and Hansmann Rouxel, with some professional help. There are also the FAQs available on the website

and there are the answers to the 22 Rule 14 questions, as by Deputy Inder, and of course there is our States' report, which was requested by the requête.

As a Government, we have employed professional engineers to research, model and give us advice on the best solution. This is not the correct place, in this Chamber, to discuss detailed technical matters. I am surprised that those technical concerns have been raised today. Surely, the right time to do this is to have responded to the Committee's numerous requests, to engage with us, so that we could discuss these technical matters with our engineer before the debate. All the Committee wants is the best solution for Guernsey. And as Deputy Inder seems to have concerns about the engineers' recommendations as seen from information that he has outlined today, then he should have raised them at an earlier stage so we could have fully investigated before this debate and see if they had any validity.

I have one final general comment about the sursis before I respond to some of the bits and go into the details of the sursis. The full details of the solution and the detailed reasons were presented by professional engineers in June, which was a fortnight before the requête was lodged. So I am surprised that all the information that has been requested in the sursis was not included in the requête at that time, because that would have been the correct time if you wanted to.

So I just pick up on some of the comments made in the speeches. Mention about the loop-hole tower was talked about in 30 years and 50 years. It is very clear in the reports; the 2012 report gives a detailed picture showing the effects of various flooding, and it clearly shows that the loop-hole tower is only under threat when the sea level rises in 100 years' time, and you have a one-in-100-year event at that time. So I think it was totally misleading to make the comments that he has about it.

There will be access to the beach via the slipway. I think Deputy Brehaut covered the point about the slipway in his speech. Of course, when we created what we have, there will be access to the beach from the ... you will not have to go down the slipway, you can walk down the newly created beach.

I would remind Members that projects have to go through various gateways and that is part of the procedure for all capital projects, and that is when the detailed design and all the further work on that detailed design is done. The Committee, based on what the States decided, was first going to follow the outcome of the P&R debate, but we respected that the requête was laid and we brought the Report today. But the detailed design will be done at the various stages, and it will have to pass the various stages, and prove that it is the correct solution. As in any solution, as in any proposal, you do not spend all your money up front before the key decision to go ahead with the project is made. You spend further money when you do that detailed design, and it will have to pass those stages.

He mentioned about their saying that the wall will fail in so many years, well if you look at the back page of the Report, the wall is failing. I cannot see any clearer indication; if that is not a failing wall, I do not know what is.

The kiosk has been referred to, it is not actually included in the sursis at all, but all I would say is that the kiosk is the responsibility of the States' Trading Supervisory Board, but it is fully covered in the Report. Hopefully, when we get to the debate on the Report it could be discussed then.

As has been referred to, Deputy Brehaut and I met with Deputies Inder and Ferbrache last Monday to discuss the sursis and point out some of the problems. I am pleased that he has brought the amended sursis today to correct the problems, and that is why I voted to have it allowed within the Rules. But I am disappointed that we only received details of the amended sursis last Tuesday afternoon, and it had only been circulated yesterday. I think it should have been circulated a lot earlier.

Deputy Ferbrache: Correction.

The Bailiff: Deputy Ferbrache.

825 **Deputy Ferbrache:** In relation to that, I am aware that Deputy Inder tried to get it amended straight away, immediately post the meeting with Deputies Brehaut and Dorey, but the Comptroller was away on holiday at the time, and therefore the matter was not dealt with until then. So I cannot see how Deputy Inder could be criticised.

830 **Deputy Dorey:** I still think it would have been beneficial ... but I accept the reasons why, but it should have been circulated earlier.

Looking at the first part of the sursis, it states that Propositions 1 and 3 will be delayed until 1st January 2020. If the sursis is successful, surely, there is no point in delaying the project until 2020 if we have the information sooner. Why choose such a date, I just do not know. It should have
835 said, as we have mentioned the meeting, not later than –

The Bailiff: Give way to Deputy Inder.

Deputy Inder: Deputy Dorey, I have spoken to you about this –
840

The Bailiff: Through the Chair, Deputy Inder.

Deputy Inder: Sorry. Beg your pardon, sir. Beg your pardon.

Through you, sir, I do not quite understand why the Committee keep perpetuating this. We
845 have heard similar on the radio from Deputy Hansmann Rouxel, having been in a meeting with both Deputy Dorey and Deputy Brehaut to explain to them that we ... Deputy Ferbrache actually, as an Advocate, he thought that there might have been some problem with the interpretation of the timeline. The date was given the furthest away so they could come before – and this has been explained time and time again. They keep repeating this, and repeating this, and repeating this,
850 they can come any time before – Sir, can I have some confirmation please from HM Comptroller on that, please?

The Bailiff: H.M. Comptroller.

855 **The Comptroller:** Sir, if it will help. If the Committee does nothing then obviously – well let me put it this way: its obligation is to report back, if I can remember the wording in the sursis on or before the –

The Bailiff: It says, 'until the first meeting to be held after 1st January'.
860

The Comptroller: Yes. It is obliged to prepare and submit to H.M. Greffier, This is one of the directions before 30th September 2019 a policy letter and Propositions. That is the obligation. So it has to comply with that obligation. Now, it can at any time, of course, come back before that date, and at the same time, ask the States to rescind the sursis, so the States can deal with it at
865 any time, really, if the directions have been complied with.

The Bailiff: Thank you.
Deputy Dorey.

870 **Deputy Dorey:** Sir, I fully accept that the Committee can come back and ask, as any States' Committee can ask for something to be rescinded, but the clear direction here is:

... to sursis Proposition 1 and 3 until the first meeting of the States of Deliberation to be held after 1st January 2020.

That is clear, as black and white, to me. I am sorry if something different was meant, it should have been written down differently. It is very clear it is not –

875 **Deputy Ferbrache:** Sir, Point of correction. I did write it down –

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sorry, sir.

880 I did write it down, in Deputy Dorey's presence, in Deputy Brehaut's presence on that day at that meeting, where I changed the wording, but obviously the learned Comptroller knows more about the States' procedures than I do, when I said 'no later than', in other words to make sure that it could come back before. I am not responsible for the drafting, but I actually wrote the words in his presence and in Deputy Brehaut's presence on that particular day.

885

Deputy Dorey: I do not think that is a point of correction.

I think if you put your name to a document you are responsible for the drafting. I am sorry, that is ... If you do not agree with the wording you should not put your name to a proposal that is coming in front of the States.

890 I will now try and go through the details of the sursis. In (b) it tells us to undertake investigations into the archaeological, and it mentions other things. Well, Jason Monaghan, with contributions, and I think Deputy Brehaut referred to this, with contributions from Phil de Jersey, and Tanya Walls has given the Committee an archaeological viewpoint on the area, and I would just like to read from it because I would just like to remind Members, it said:

The sand at L'Ancrese is several metres deep, as shown by the excavations to lay the C&W shore cable in 2006 and the Wave cable in 2008. This precludes normal archaeological investigations, which is limited to 1.5 metres depth without shoring.

895 It goes on to say:

The Wave trench reached 1.5 metres at the position of the sea wall and its section showed only sand.

Also we can note from the photographs in the 1930's that it was a sandy beach and it is proposed to recreate that sandy beach. Of course, if anything significant is found doing the works from an archaeological view point when works go ahead, proper procedures will be followed.

900 In relation to the recreational use of the area, which is also mentioned in (b), our staff met with golf course management in April, and they said, and I quote:

That is reassuring from a golfer's perspective that the plans will have no impact on the actual fabric of the golf course itself.

But they did go on to express some concern about the re-routing of the path. But the existing path on the north side of the loop-hole tower will not be affected. I met with the golf course management, together with staff and Deputy Graham, in July as well as we invited them to the presentations in August, where we answered all their questions.

905 Regarding the historic use of L'Ancrese, staff and fellow Committee members have already extensively researched the States' archives. We had a whole room full of archive boxes in relation to L'Ancrese. In relation to (i) and (iv) in (b), as I previously said, the engineers have been reporting on the site and they have been collecting data during research and modelling solutions for a number of years. These have been reported in 1999, 2007 and 2012 and also in 2017
910 presentations. I cannot see the point of asking them to do further investigations. If the Assembly supports this sursis the only way forward, in our view, is to employ a different engineering company – because I think you would be saying you do not have confidence in them – to do a peer review and repeat some or all of the work, which, as Deputy Brehaut mentioned yesterday, would possibly cost up to £100,000.

915 We have spoken to Development & Planning Authority staff in relation to (c).

In relation to (d) it is our view it is a waste of money to carry out an environmental impact assessment at this stage, when the Assembly has not made a decision on the preferred solution. It is estimated that an EIA would cost in the region of £60,000, that money would be wasted if the States then decided on a different solution to that proposed by the Committee. You do the EIA after you make a decision on the proposed solution.

Our engineers have already reported in relation to (e) on the availability of sand in the Bay and have produced photograph images or visualizations of the realigned coast with the sandy beach.

I would just quote a couple of things from our engineers.

There is plenty of sand within the bay, and the near shore area, it just needs the space the width of a beach to be allowed to build the upper beach.

Another survey would be a further piece of work that, again, would need to be done by a new engineering company. If the Assembly does not have confidence in the work done by the Committee's engineers, I would remind you of an archaeological report where they dug those cables and what they found. We have to have confidence in the engineers that we employ. We have to make decisions without having every last detailed piece of information. This is a parliament.

Whatever is the history, the important fact is what is happening today, and the wall is failing. There is no doubt about that. It has been failing for a long time, at the western end in 1974 and 1984 two separate States' projects took place with the sheet piling to try and strengthen the wall and all our indications are that that is the part of the wall that is under the least forces of the tide.

I think I have said enough. I very strongly urge Members to reject the sursis, reject the delay, and reject the significant extra cost, as I believe there is more than enough information for Members to make a decision on this project at this stage.

Thank you.

The Bailiff: Deputy Fallaize and then Deputy Roffey.

Deputy Fallaize: Thank you, sir.

I am not going to concentrate at all on the technical considerations of this scheme, I am going to talk about the political considerations, and I am going to stick strictly to the sursis, which is what we are meant to be debating. The sursis, obviously, is a motion not to debate. So we are here considering whether we should permit ourselves to debate and vote on the Propositions of the Committee. We are not really debating the merit or otherwise of the Committee's Propositions.

Now, where this all started was the submission of a requête by Deputy Inder and six other States' Members, and the substantial part of the requête read as follows:

To direct the Committee *for the Environment & Infrastructure* to prepare and submit a policy letter, which sets out the options for addressing issues arising out of the damaged area of the sea wall; the consequences of implementing or adopting and not implementing or adopting each option; the estimated cost of implementation or adoption of each option; and the option which the Committee would recommend should be implemented or adopted, and to direct the Committee to put suitable Propositions for approval before the States.

That is what the requête was asking for.

What we now have before the States is a policy letter, which does exactly what the requête was requesting, and Deputy Inder's response to that is to lay a sursis to try to stop the States from debating the policy letter. This is a sursis which is an attempt to stop the States from debating the policy letter which his requête was demanding. Now, that, I think, is surprising, to say the least.

The second surprise I had when I read the sursis was that it is being seconded by Deputy Ferbrache. Now, Deputy Ferbrache is a man who spends much of his time, quite persuasively, arguing that the States should act with vigour, and with speed, and should not mess around with all these procedures and take longer to do things than is necessary, and now he is seconding a

sursis. I can sort of see *The Press* headline tomorrow, man of action demands delay, (*Laughter*) because that is what he is doing by signing this sursis. He is demanding that the States should not consider the proposals in the policy letter. He is demanding that the States should be delayed in all this work.

Now, he just said when he spoke, and made two interesting points – which I, and probably other Members, admittedly, had not given full consideration to – in relation to the issues arising out of the possible eviction of the tenant, and some of the planning matters, and he said, I have got some doubts. Well, that is a perfectly reasonable position, but it is not a reason for a sursis. It is a reason for voting against the Propositions.

If Deputy Ferbrache and other Members are not convinced by what the Committee is laying before the States then vote against the Propositions. Because, surely, the sursis is not going to resolve any of the eviction or planning issues which Deputy Ferbrache referred to. All it is going to do is push them three years into the future, the kind of sequence of event he described, where Mr Percy may be in Court and there may be a stay of eviction. All the sursis would do is that, instead of that happening in 2018, it would have to happen in 2021. So I do not understand. They are valid concerns, he has got a good argument, obviously, but I do not understand why they are reasons for voting in favour of the sursis.

The sursis itself is silent on the costs of carrying out the additional work proposed. In fact, I thought amendments, and requêtes, were meant to have attached to them an estimate of the cost implications. Well, this one does not, and in his speech Deputy Inder did not say anything about the costs of the additional work that he is proposing, which obviously include an environmental impact assessment. I think Deputy Dorey must be right, it must include a peer review of the Posford Duvivier and Royal Haskoning work, because it would be pointless asking the same consultants to do the work they have already done, and possibly, because I am not quite sure what is meant by 'consultation with the Development and Planning Authority'. I mean the correct approach would be to submit a planning application and let the Authority do its job.

I have some concern that if this sort of thinking reaches its logical conclusion the next thing is we will have a planning inquiry and all the sorts of process and cost that is related to that. But, in any event, there are clearly not inconsiderable costs associated with the work proposed in the sursis.

Now, that is acceptable, incurring the additional costs would be acceptable if they are going to move the debate forward, if they are likely to change anybody's minds. And clearly they are not going to. What the sursis is proposing is that the Committee for the Environment & Infrastructure should spend up to another two years researching something that they and their predecessors have already been researching since the late 1990's. Another two years for the Committee simply to check whether they want to change their mind.

Where we will end up in two years, or two and a half years, or whatever it will be, is the same Committee coming back to the States with the same recommendations, the same protagonists will be making the same arguments against the Committee's Propositions, and what is the point of all of that. It is simply delay for the sake of delay. Nothing is going to change.

In fact, Deputy Inder really did not speak to his sursis; he just spoke against the Propositions. He made, I thought, actually, quite a good speech, but it was a speech against the Committee's Propositions. Nothing is going to change Deputy Inder's mind to persuade him in favour of this scheme. There is nothing... He thinks that the scheme is so fundamentally flawed there is nothing about an environmental impact assessment that is going to change ...

If the environmental impact assessment says, 'Well, from an environmental perspective it is not an unreasonable scheme,' and if the Committee has to consult with the Development & Planning Authority, and they do that and the Planning & Development Authority says, 'Oh yes, thanks for consulting us, this does not seem like an unreasonable scheme from a planning perspective. None of that is going to change Deputy Inder's view, that this scheme fundamentally is wrong. So what is the point of having a sursis and deferring all of this for another two years, while the Committee

1010 simply sits around a table and convinces itself that it was right all along, and then comes back for Deputy Inder to say, 'No, no, no, you are as wrong in 2020 as you were in 2017'?

Now, I accept that there is a case against the Propositions. I do not speak against the sursis because I am terribly enthusiastic about the Committee's proposals. If we move to general debate I will probably vote for the Committee's proposals, because on balance they seem to me to be
1015 setting out a reasonable scheme. But a month ago I could easily have been persuaded against the Committee's proposals.

I went to see Deputy Inder when he had set up his office down at L'Ancrese East, outside the kiosk, and we had quite a long conversation and he took me on to the beach and showed me the areas where he had some concerns about the Committee's proposals, and talked to me about
1020 perhaps alternatives that the Committee could consider. I said to him, I think in two or three respects he had made quite good points, and I said I will go away again and spend some time looking at the alternatives to what the Committee is proposing. Then he submitted his requête, asking the States to direct the Committee to come back to the States, setting out all the options with their preferred option.

I thought at that stage that was quite a sensible move; I might even have signed his requête if he had asked me. I would have voted for it. I thought what he wants to do is to get all this information before the States so that he can come to the States with an amendment proposing an alternative course of action than that proposed by the Committee. He can put his alternative
1025 scheme before the States.

1030 I will give way to Deputy Inder.

The Bailiff: Deputy Inder.

(Mobile phone and laughter)

1035 **Deputy Inder:** Thank you for giving way, Deputy Fallaize. *(Interjection)*

It is important for people to understand – I thought I explained, it was such a long speech maybe it was missed, but – there is not a direct connection between the requête and the sursis. Our beach tour where I had my office, the extraction of the material at that time – I did not know
1040 at that point, I genuinely did not know at that point.

So the sursis has come after me wanting to install democracy into the process, which was successful. There is no direct relationship between the requête itself and the sursis. It certainly was not part of some sort of nefarious plan to sort of spoil the whole project. The sursis is quite genuine. Well, I will try again later on, but just to say there is no connection between, there was
1045 more information since we had our meeting.

Thank you.

Deputy Fallaize: I am grateful for that, and I entirely accept what Deputy Inder says and I am not suggesting anything nefarious at all. All I am suggesting is that I think there has been enough
1050 time since the publication of the Committee's proposals for the opponents of the Committee's proposals to put forward alternative proposals, and I think that a sursis, to my mind, instead of giving them whatever they have had, three months or four months, to develop their alternative proposals, just gives them another two years. I do not think they are going to be able to come up with an alternative scheme in two years where they have not come up with an alternative scheme
1055 in three or four months.

Now, another factor here is that this wall, this end of the wall, the eastern end of the wall, has been incredibly neglected over the years – for decades, not just years. It has reached a quite abysmal condition, and in the last States Deputy Queripel and Deputy Spruce and I, met with the Committee's predecessors to try and force them, effectively, to do something about this wall,
1060 which they were basically just leaving to disintegrate on to the beach. We felt that they were not moving quickly enough and that they were simply repeating the historic neglect and, of course, at

that point they shared with us some of their longer-term plans which are, effectively, what the Committee is now putting before the States, but be in no doubt about it, the sursis proposes a continuation of the neglect. Now, as a Vale Deputy, some correspondents have said to me, as a
1065 Vale Deputy you ought to be supporting Deputy Inder in his efforts, his efforts which have now sort of become ... are operating under the banner of 'Save the Wall.' But what I do not want to see is continuing neglect of this wall. The States have allowed it –

Deputy Kuttelwascher: Sir, point of correction.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: The first item (a) of the sursis does not say that at all, 'continuing neglect'. What it does say is it 'should not do anything other than', then there are items 1 and 2,
1075 rock armouring for panels 1-5 of the wall if thought appropriate by the Committee, and then it goes on about doing work if it is necessary for health and safety.

So it does not say 'continuing neglect', it says anything that requires to be done to keep it safe should continue, so it does not quite say that.

Deputy Fallaize: I know that Deputy Inder's sursis does not say the wall should continue to be neglected. They were my words, obviously. But, yes, I would say thank you very much for conceding that over the next few years enough work should be done so that there is no health and safety risk posed by the wall, or that there is no damage caused to life or property, but I think after several decades of neglect this wall, which is in my parish, deserves a bit more than just to be
1085 propped up so that it does not fall down on somebody.

There is no question in my mind that the sursis would mean continuing neglect of the wall. Yes, okay, work could be carried out to ensure that nobody is injured by the wall, but have you seen the condition of the wall? My family and I use that beach; you try taking kids down, young children down to that area of the beach, and allowing them, as they should be able to on a beach,
1090 just to sort of play freely. There are holes between various parts of that wall which, as Deputy Spruce used to say, you could drop a cow into, let alone a small child. There has been terrible neglect of this wall, and the sursis, at least to some extent, is an invitation for that neglect to continue. I do not think that is in the best interest of the beach users or of my parishioners.

Deputy Ferbrache said you have to be sure that you are making the right decision. Now, of
1095 course, that is correct, but delaying the decision for another two or three years is not going to help him; it is not going to make it any easier for him to reach a decision.

We are really in classic Ferbrache territory, where he would normally be saying, 'Look, stop prevaricating, stop thinking that by kicking this into the long grass it is going to be any easier. You have just got to assess the information, the folder is full of information that is before us, and reach
1100 a decision.' Some Members will reach a decision that the Committee's proposals are too risky, or unsafe, and they will vote against the Committee's proposals. Other Members will reach the view that the Committee has put forward a persuasive set of arguments and will vote in favour of the proposals.

Both of those positions are perfectly legitimate, and good arguments can be put one way or
1105 the other, but there is no argument whatsoever for not allowing the States to get on with the debate on the policy letter. So whether Members intend to vote for or against the substantive Propositions, please reject this sursis. It is a classic waste of time.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, Mr Bailiff.

Deputy Fallaize has annoyingly, as he often does, stolen some of my thunder, so I will be able to be somewhat briefer than he was.

I start by thanking Deputy Dorey, because I thought for a while this morning I had woken up in a parallel universe, because I thought we were coming here this morning with the first job to do to decide whether or not to debate the pros and cons of the E&I proposals on L'Ancrese East, and yet for the first hour or so I thought I was hearing a debate about the pros and many of the cons of the E&I proposals for L'Ancrese East. So at least Deputy Dorey brought us back to the sursis, which he does not like.

Now, sir, I am not one of those Deputies who trots out that old cliché that sursis are always pointless. Indeed, in my 35 years in and out of this Assembly I have known a number of sursis which have been extremely useful, but I do accept that useful sursis are few and far between, and, sir, this is definitely not one of them.

In fact, it is probably the most pointless, facile and expensive delaying motion I have ever seen. The way we vote on it should not relate in any respect to whether or not we support the proposal to remove part of the anti-tank wall. I do understand the arguments on both sides, and I will explain where I stand, if and when we get the chance today, and only then. And, of course, that will only happen if we reject the sursis. If we accept it today then we will not debate the merits and demerits of E&I's proposals, or at least we should not. I really hope that no Member today plays fast and loose with the Rules of Procedure by supporting a delay in debate on the wall, but in so doing telling us chapter and verse about how they feel about it anyway, because I have seen that happen a number of times, and it really brings, I think, us into disrepute.

To be honest, having listened to Deputy Inder this morning, this feels like a motion which says, I am 100% against removing the wall – *absolutely 100%* – but I am not 100% confident of winning that argument today. So let's just kick it down the road and order more expensive consultants' reports. If that is true, it is weak with a capital 'W'.

It does, it is true, chime with the traditions of this Assembly, and traditions are important, but I am afraid it chimes only with its very worst traditions. In fact it is variation, really, a variation of Einstein's definition of insanity. That definition which we all know is for us to keep doing the same thing again, and again, and expecting a different outcome. This sursis is asking Environment & Infrastructure to do the same thing again, and again, and expecting them to reach a conclusion. I really doubt that they will. The work will cost a small fortune and the recommendation will stay pretty much the same.

Now, will Deputy Inder then say, 'Fair enough, this backs up the previous conclusion, so I will now vote to remove the wall?' Sir, that is not a rhetorical question. I do not ask rhetorical questions, I mean what is the point? (*Laughter*) Sorry, I have to credit Alexei Sayle for that one. I would ask Deputy Inder, in his summing up on the sursis, to confirm that if the additional expensive research that he is asking for today does back up the current proposals then he will vote fulsomely for them. Otherwise this is an abuse of a sursis.

Like Deputy Fallaize, I was slightly confused to see Deputy Ferbrache as the seconder. Man of action, he was described as by Deputy Fallaize. To be honest, over the last few months I have sort of been building up a caricature image of Deputy Ferbrache in my head, and it is not a bad one, I do not think. I do not know if any of you remember that comedy, that policy comedy *The Thin Blue Line*, well, in there is that character Inspector Grim of the Gasford CID, what he wants us to do is stop all this fannying around and go, go, go; and to me, that is exactly who Deputy Ferbrache has reminded me of in respect of the work of his department. Stop messing us around, let's go, go, go. But when it comes to anybody else's, let's put it back a few years and do the same work all over again. It is surprising.

Sir, Deputy Inder has described these plans as a dangerous experiment. I think he is downright against them, and fair enough, he has every right to be, and if he is not then he has done a very good job of camouflaging his own ambivalence. So surely he should have the courage of his convictions today, please withdraw this sursis now, because otherwise I think we are going to have the same debate twice, with everybody saying pretty much the same thing – unless they can really constrain themselves to the sursis and not to the main issue, kill it off. If you really want ... and for those who are really against this scheme, I say, kill it off, kill it off now, do not leave the *Sword of*

Damocles hanging over this wall, that you feel so strongly about, for the next two or three years. Do not worry your parishioners who really want to be confirmed that it will be repaired; if you want it repaired try and get it repaired, do not put the thing off. This sursis really does deserve, in my view, to be buried at sea.

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The Bailiff: I understand Deputy Trott wishes to move a guillotine motion.

Deputy Kuttelwascher: So did I.

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Deputy Trott: I think we ought to, sir: 26(1) please.

The Bailiff: Will those Members who have not spoken and wish to do so, please stand in their places. Do you still wish to proceed with the guillotine motion, Deputy Trott?

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Deputy Trott: Sir, no, I think on balance, sir, I will not.

The Bailiff: In that case, I will call Deputy –

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Deputy Kuttelwascher: Sir, can I propose a guillotine motion? (*Laughter*) I am quite happy for it to go to the vote, in spite of the number of people who have stood up. (**A Member:** No.) Yes, I am serious.

The Bailiff: You are entitled to. Well, again, I ask those who wish to speak to stand in their places. They have done so; do you wish to go ahead, Deputy Kuttelwascher?

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Deputy Kuttelwascher: I do, sir.

The Bailiff: Right. I put to you then the motion that debate be terminated. Those in favour; those against.

Members voted Contre.

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The Bailiff: I think that is defeated.
I call Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

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I rise merely to respond both to Deputy Inder's comments about the States' Property Services' relationship with the tenant of L'Ancrese East, and the comments of Deputy Ferbrache on the process required to evict them.

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First of all, to be clear, there is no proposal on the table to evict Mr Percy, and I think our relationship with Mr Percy is generally good. Indeed, he is the tenant of the much bigger kiosk, Vista at Vazon. He is the tenant of East L'Ancrese on a rolling 12-month tenancy. He has never been offered a longer period of tenure precisely because of the possibility that the kiosk may be affected by changes in the coastal area.

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There was a meeting on 2nd February this year where Property Services staff met on site with Mr Percy to discuss works required following a break-in. During this meeting, Mr Percy sought clarification on how long the States would permit him to continue trading from the kiosk, in the light of the perceived risk to the nearby sea wall. Mr Percy requested a letter of comfort as reassurance that the States would not re-tender the kiosk while he wished to be tenant. The advice of Law Officers was taken by our staff and, following receipt of that advice, Property Services were instructed that a concession agreement would be more appropriate, and a yearly

1215 rolling concession agreement was sent to Mr Percy on 7th June. That has not been returned signed to the department yet.

But there is no intention on the department to evict Mr Percy. He has never been offered any security of tenure beyond one year, precisely because of the circumstances of the kiosk. Our relationship generally with him, nevertheless, is good.

1220 The kiosk is maintained by Property Services, as are other kiosks on the Island, at the expense of the States, and as Deputy Ferbrache has pointed out, the rent of the kiosk is relatively modest, but there is no problem with him, and it would be a complete travesty to describe the actions of the States in relation to him as anything other than proper.

1225 **The Bailiff:** I call Deputy Gollop, of course, as President of the Development & Planning Authority. I am sure you will have considered what you can properly say in this debate, if you wish to avoid having to recuse yourself if any matters come.

Deputy Gollop: Well, I am moving towards that position. *(Laughter)*

1230 Having heard the merits and demerits of a sursis I have to point out to you, sir, and Deputy Roffey, that I have seconded a fair number of sursis, or proposed them over the years, and the first point would be – did I always read every word of the legal implications prior to them being drafted or redrafted? The answer was no.

1235 The second point that I would make is that perhaps not all of them are successful, but, I would point out that you can look at things in two ways. You can – like a famous army officer, who some of us know, particularly in St Peter Port, used to – say, ‘It is better for the States to make a decision even if it is the wrong decision,’ and you contrast that with my view, I have said in Committees, it always pays to delay because the problem might go away. *(Laughter)*

1240 We spent a lot of time yesterday talking about calendars, and it was unfortunate yesterday that our meeting, because of the overrun, happened to coincide with a significant conference that was on last night, but also it coincided with the unusual visit of the Royal Town Planning Institute to our shores – delegates from Devon Cornwall, Somerset, Bristol and Jersey – and I think some of our Members are keen to meet and learn from those eminent speakers, including a talk from Dr Monaghan about archaeology.

1245 Only one of our Committee members, apart from myself, was currently present in the Chamber, Deputy Leadbeater, and he signed the initial requête, which I did not do. I believe there is a possibility – there has to be – that this will be the subject of a planning application, which under our procedure would be likely to go to an open planning meeting. I will read some notes that were given to me for another purpose relating to the question time that we had two days ago, but I think they might be instructive.

Proposals are being considered for a managed re-alignment of a 200 metre length of coastline by removing the wall installing two groynes, projecting approximately the length of the slipway and encouraging the formation of a sand dune at the head of the beach.

1250 It is fair to say, obviously, planning officers are aware of the possibility of an application and the possibility of matters relating to that.

Planning permission will be required for such works, and the normal planning application process would need to be followed.

As Deputy Oliver reminded us:

Such works may require an environmental impact assessment, EIA, and information would need to be submitted, so that the planning service can undertake a screening opinion to confirm whether an EIA would be required. We know the Vale Commons Council has written to the planning service, a letter was received on 8th September to request the protected monument status be given to a number of German World War II-

Deputy St Pier: Sir, may I raise a point of order?

1255 **The Bailiff:** Yes, Deputy St Pier.

Deputy St Pier: Sir, under the Rules, we are supposed to purely be discussing the sursis. Now, we have had very little debate on the sursis at all so far. I wonder whether it could be confined to ...

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The Bailiff: That has been noted by a few Members, and a slight difficulty with this sursis is that it is a sursis motivé and therefore Deputy Inder, I think, has to be entitled to explain why he requires the work that ... it is not purely a motion to delay the debate, it is also a proposed motion to direct the Committee to do, or not do, certain things.

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I think that is why perhaps I have allowed him to go, and maybe I have allowed him to go a bit further than I should have done, but that has been the difficulty for me in presiding, in that I think he had to be given the right to explain why it was that he feels that what the Committee have done is not as thorough as it should have been, otherwise why should they be directed to go away and spend what some people have said is going to be a six-figure sum of money to do further works.

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I am not quite sure where Deputy Gollop's intervention is taking us, but that is why I have allowed the debate to stray a bit further than some Members think I should have done.

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Deputy Gollop: Well, where I am taking it is I am making a point about our process and our awareness of the situation. If a potential protected monument is brought to our attention through a letter or even a planning application, and appears under potential threat, we would normally consider this under agreed *ad hoc* procedures. Now, where we are at is we have decided as a Committee that we will not participate in the main debate, if we get to it. The sursis is somewhat different because one could argue that a sursis would give the Committee, in the event of an eventual planning application on this or some other scheme, more information, which is always useful. But I am not going to speak in any subsequent debate, or vote in any subsequent debate, and on balance, I will not vote or abstain in the sursis vote.

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The Bailiff: Deputy Soulsby.

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Deputy Soulsby: Sir, the amount of interest that this matter has raised has baffled me. I do understand the historical significance of the wall, but it really does have to be seen in context. This is not the last remaining piece of concrete from World War II. We have to remember that Guernsey was probably the most heavily fortified part of the Atlantic Wall, over 600,000 square metres of concrete is estimated to have been used around the Island, representing 10% of the entire wall that stretches from Northern Scandinavia to Southern France.

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Now, some of the comments I have heard really made me smile. We have the 15th hole at the golf course likened to the centre court of Wimbledon, and we have had the Vale Commons Council making comments that *King Canute* would be proud of. We have had a requête, a policy letter, and now a sursis motivé, over an issue that, if the policy letter is passed, will result in an equivalent amount of expenditure to what the Health & Social Care spends every three days.

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Now, the first presentation I attended as a Deputy was by Royal Haskoning. It was a presentation I had been looking forward to, as whilst I may have 'chartered accountant' tattooed on my forehead, I have geographer running through me like a stick of rock. Once a geographer always a geographer, and much to my family's sufferance. In fact, I specialised in geomorphology, my dissertation in coastal geomorphology and the interrelation of geology and rising sea levels on the coasts or landscape of South Devon. I am no expert on walls, or L'Ancrese Bay, for that matter, but I do have some understanding of wave patterns, fluid flow dynamics and changing sea levels since the Pleistocene. But I do not have the resources to dig a sample hole, the computer software to model the waves and sand movements, or to write a peer review report.

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Now, Deputy Inder refers to, I think it was, a Mr Kerr with a PhD, I think, who has undertaken work on beach dune linkages. Well, that is all very well and good and I am sure he is a very respected scientist. But I would ask what work he has done on the actual beach? Has he established what sand there is in the Bay? What core samples has Mr Kerr undertaken? What analysis has been done into the impact of sea level rise? What analysis has he done on the fact that the melting of glaciers is leading to more material being brought down from the north? We do not have an independently commissioned report from him, which has been laid open to scrutiny. If he has, why has that not been published in advance of this debate? (**A Member:** Hear, hear.)

Which leads me back to the Royal Haskoning Report. I was very impressed with the report at the time, and still think it is one of the best consultant's reports to have been commissioned in the last five years. Indeed, I remember them saying in that report that Perelle wall was likely to fall imminently, and I believe it did fall in between that presentation and the policy letter being taken to the States.

Now, talking about risk, Deputy Inder and Deputy Ferbrache talk about the life of the wall and how it has not failed yet, though predicted to. Well, of course, it is about probabilities, just as the whole Haskoning report is about the probability of flooding in terms of the next 10 to 100 years. But, quite frankly, although we now know more about the sand and shingle in L'Ancrese than we probably ever wanted to know, the fact is the wall is failing, it will fail, just as the Atlantic Wall where it is built on beaches throughout its length is failing. It is obvious it is not sitting on firm foundations. Now, neither sand nor shingle make a firm foundation.

I am aware that attempts are being made amongst other nations where the Atlantic Sea Wall was built to preserve parts of it. However the approach being taken elsewhere, such as France, is to focus on those parts that are better preserved already, rather than try to repair those, like at L'Ancrese, which are built on the beaches and are already crumbling away. If anything, I think we should be doing far more with the bunkers, look-out posts, and other usable structures around the Island, something Education, Sport & Culture as part of their heritage mandate should perhaps be considering. (**A Member:** We are.) Instead of spreading what limited resources the States has across the entire brutalist architecture of this Island, surely it is better to focus it on where it could make a real difference.

It seemed to me, when observing this whole saga, that what people are really bothered about is not the wall at all, it is the kiosk. It is clear that the community does not want to lose it. It is a much loved spot, and a lot of credit goes to those running it, who have made it so. (**A Member:** Hear, hear.) But, the issue of what to do with the kiosk is addressed within the policy letter.

Sir, I have struggled to understand why Deputy Inder laid a sursis motiv   when he has made it clear he does not agree with what the Committee are proposing. All he is potentially doing is delaying and costing the States a significant amount of money which, to me, is unnecessary.

Sir, I am satisfied with the evidence provided by the Committee for Environment & Infrastructure. Deputy Inder believes we need more. All I can say is there comes a time when enough is enough, and the time invested is disproportionate to the subject, and even then it will not be possible to give a definitive conclusion. It is about risk and probabilities, where there are so many variables to enable anyone to model 100% what will happen.

I am satisfied that the work shows that what Environment & Infrastructure want to do will not lead to a catastrophic destruction of L'Ancrese, but in the long term is likely to enhance the area and save money and, for that reason, I ask Members to vote against the sursis motiv  .

The Bailiff: Deputy Laurie Queripel, you have been waiting a long time.

Deputy Laurie Queripel: Thank you, sir.

Sir, before I get into my own notes, I would just like to make a few observations in regard to what we have heard during debate.

I admire Deputy Dorey enormously, sir, he is a man of great detail. We have worked on a couple of amendments together and I have always been amazed at the work that he has done, but I think that ability might just have deserted him this morning. I say that because Deputy Inder has circulated a number of images and pictures of the beach and some of them, of course, are pre-War pictures, and I do not know if somebody has nubbled Deputy Dorey's pictures or airbrushed them before they got to him, but it is quite clear Deputy Dorey is still trying to paint this picture of a lovely bleached sandy beach, if the re-alignment takes place. But it is quite clear that there is a significant volume and line of shingle at the top of the beach pre-War, and that is likely to happen again. Clearly, it is, if that material is going to re-establish itself.

I will give way to Deputy Dorey, sir.

Deputy Dorey: Thank you.

You probably cannot see, but there is a postcard here, post-War, which clearly shows that it was a very sandy beach, pre-War.

Deputy Laurie Queripel: And there are, sir, clearly some images that Deputy Inder has distributed and even, actually, in regard to the images that Environment & Infrastructure have provided, there is a lot of shingle up there as well. So that calls into doubt, I think ... I mean Deputy Dorey may be right, there may have been a time when it was all sandy, that calls into doubt, I think, that we are going to establish, for sure, this bleached white sandy natural beach alignment. It seems to me there has been lots of shingle up there in the past and there could be again if this work goes ahead.

I am a little bit concerned that that has not been taken on board. I know Deputy Inder gave a lot of information when he spoke, and it was given out rapidly, but there was a lot of stuff in there, I think, that should have been taken note of, and it just seems that it has not been really considered by Members, or at least when I heard Deputy Dorey speak, in regard to what he said.

Also I just want to make a couple of remarks about, and I think Deputy Dorey said this, and Deputy Roffey and Deputy Fallaize, and I absolutely agree with your ruling, as I always do, when you say this is a *sursis* motiv  , not just a *sursis*. Now if Deputy Inder had stood up and said, 'I do not think the policy letter should be debated, so I move the *sursis*,' there would not have been a great case, really, for supporting, or speaking in support of, the *sursis*. So clearly he had to convey the information he had to hand in order to justify the moving of the *sursis*. So I think that is a little bit harsh of Members to be saying those kind of things.

Having said that, sir, I want to start by saying ... I have said it before on a number of occasions and I said it on the *Sunday Phone-In*, when I was there with Deputy de Sausmarez. I want to say it now in this Chamber. I am not totally opposed to the concept being put forward by Environment & Infrastructure; I can see and understand the appeal of the plans. It is not so much for me about the wall or the section of the wall itself as a structure; for me it is more about what will happen, or what might happen, if that section of wall is removed. So we are talking in the area of risk here, very much in keeping with the *sursis*, and in what Deputy Inder has said.

Of course, there are other associated issues concerned around the wall, and I think a number of those concerns are valid, and I will try to address some of those in a moment.

So, I am glad, for the following reasons, that Environment & Infrastructure have brought this policy letter to the States, and I thank them for that. I am glad for the following reasons. (1) it has allowed Deputy Inder to present his findings, his evidence, his technical information, gleaned as a result of extensive research that he has carried out over the last few weeks and months.

(2) I think this project under the category of coastal management is sufficiently different in nature, and when I say sufficiently different, I think it is unique. I am not aware of any other proposal of this kind before, in regard to coastal management, removing – I might be wrong and somebody might wish to correct me – removing a wall. So I think it is sufficiently different in nature to warrant it coming to this Chamber and before the Assembly.

(3) I think there is sufficient public interest in this matter, and I include in that, sir, special interest groups, so the golf clubs, Festung Guernsey, the States in respect of their public assets, amenities, tied up in this project and perhaps at risk, and not least the Commons Council, who have, as has been already alluded to, are going to apply for, or have applied for, a protective status for the historic fortifications and defence-related structures on and around the Common. That alone should give us some pause for thought. The concerns raised by all these groups of people very much relate to the references in the sursis under (b).

Now, (4), and I know this is a bit of a personal hobby horse of mine, I appreciate that, (4) there is a matter of delegated authority. Now, during that debate a while ago, the P&R Plan part two, that figure was increased from, I think, £1/4 million – I think I am right in saying – to £2 million. I did not vote for it and I did not vote for it in principle. In principle, I was against it, because I believe, other Members may not share my concerns, but I believe it undermines political and democratic scrutiny.

Sir, it was the requête that triggered E&I's decision, Environment & Infrastructure's decision, to bring this policy letter to the States, which then allowed for this motion to be placed. The new delegated authority figure, would have allowed that process, without the requête, to be bypassed. So, that is another reason why I am glad we are here today, and debating this sursis.

I just wanted to say something else, sir, in relation to this issue. We really need to vent the personal heat that has built up over time in regard to this issue. There have been some rather fraught exchanges and that is not good, it should simply be about policy. I know that some of the members of Environment & Infrastructure have been on the end of some rather abusive comments, some vitriol, and I absolutely denigrate that, that is totally unacceptable, (**Several Members:** Hear, hear.) and it should not happen. It should all be about the policy, whether that is inside this Chamber or outside the Chamber, whether it is members of the public contacting Deputies, it should be about the policy. I do not mind frank and robust exchanges with members of the public – that comes with the territory – you cross the line when you start to abuse Deputies; that is totally wrong.

Sir, I thank, actually, if you think about that, if Members listened to the *Sunday Phone-In* last weekend, Deputy de Sausmarez and I, I think the first 10 minutes or quarter of an hour was actually a debate between us about the L'Ancrese wall or that section of the L'Ancrese wall, and I think we debated it robustly and there were some very frank exchanges but never at one time did any personal comments come into play, and I thought it was very professionally conducted, and I think this debate needs to be conducted in that spirit.

Because, this is about one particular project, this sursis is about one particular project; it is not calling into question the good intent, or ability, of the members of the Environment & Infrastructure Committee. I know they are all good and able people. Nor is it calling into question, as Deputy Ferbrache said, the professionalism or qualifications of the expert who is advising on this project. What it is doing is saying, as is often the case, there is another side to this story. That side is worth telling and is worth being considered and listened to by this Assembly.

Sir, it has happened before, there is a record of the advice of experts and recommendations in policy letters not quite panning out in reality, and I can give two examples of that, quite recent ones. Number one, the seafront changes, the changes that took place a couple of years ago down in front of the old Woolworth's establishment going towards the bus terminus, where the traffic going in the direction of the terminus was changed from two lanes to one.

Now I am sure there was good intent behind that, because clearly there was. That was based, I think, on the advice of a UK traffic expert. Now, I am not at all calling into question that UK traffic expert's knowledge or intent, but clearly in the Guernsey context that was not the right decision to make. Clearly, it caused great inconvenience to people going into the Town and also to businesses. There was a cost to it. There was a cost to businesses, because commercial vehicles were delayed, etc. so there was an obvious cost in the sense of the work (**The Bailiff:** I think –) and ongoing costs for the community –

1460 **The Bailiff:** Deputy Laurie Queripel, I am reluctant to interrupt you but what has this got to do with the sursis motiv ?

Deputy Laurie Queripel: Because, sir, I believe it has –

1465 **The Bailiff:** You have made the point that experts sometimes get things wrong, (**Deputy Laurie Queripel:** That is right.) and I think everybody connects with that (**Deputy Laurie Queripel:** That is right.) and we would all have (**Deputy Laurie Queripel:** That is fine.) our own examples. I am not sure we need to start going into debates about specific instances, or we will get people coming back saying, ‘Well, actually I think the experts got that right,’ and we will get
1470 into all sorts of subsidiary debates.

Deputy Laurie Queripel: But they do get things wrong, sir, and I think that is material to this situation.

1475 **The Bailiff:** Well, I cannot express a view but I would have thought most people would accept that as a general proposition.

Deputy Laurie Queripel: Thank you, sir. I will just quickly mention the waste strategy costs which went from £4 million to £30 million as another one to do with experts.

1480 **The Bailiff:** Well, I do not think we want to get into waste strategy in this debate.

Deputy Laurie Queripel: Thank you, sir. Can we please get into it. (*Interjections*)

1485 **The Bailiff:** Some might think it is a waste of time.

Deputy Laurie Queripel: Sir, the Deputies who have brought this sursis, Deputy Inder and Deputy Ferbrache, are doing their jobs as they see fit. They have accessed a parliamentary tool, in this case a sursis, to give voice to their concerns. The Deputies who are considering supporting
1490 this sursis are genuinely doing their jobs as they see fit. They are holding to account, they are applying scrutiny, they are questioning; that is all right and proper, and I will defend any Deputy’s right to bring a motion.

I know the kiosk and the toilets and facilities at the eastern end of the Bay have been mentioned a few times, and I just wanted to get into that a little bit, because it is what I consider
1495 to be – once again, this can be questioned, of course, but it is what I consider to be – the attitude towards those facilities, early doors, in the early discussions about this project that raised some red flags for me. Deputy Inder has alluded to the email exchanges and how it was classed as a facility from a bygone era.

Now, I know, to give credit to Environment & Infrastructure, they have latterly addressed that,
1500 there are options in the policy letter in order to protect those facilities, but that did raise a red flag for me because I was concerned about the attitude towards those facilities. The policy letter still says that there are similar facilities 500 yards away towards the west of the Bay; I think that is missing the point. It is clearly a very popular facility for the use of Islanders – clearly, very well used. There is a viable business there, and I do not think as many people would go up to that end
1505 of the Bay if those facilities did not exist. So I think they have been a bit lightly dealt with.

Of course, it is a States’ public asset, there is income received via the rents, but not only that, there is a lot more to it than that as well, there has been a business there for a long time, there are jobs, taxes, and Social Security contributions going into the States’ coffers, and of course the business plays a part in regard to the multiplier effect in regard to the local economy. They use
1510 local suppliers etc. They are putting more in an indirect way, they are putting more into the public coffers than just paying rent for the facilities.

I also just wanted to speak about the risk to – the possible risk to the ... we are told it is unlikely, but the possible risk to – the integrity of the Common. If Deputy Inder is right and things do not quite pan out the way they are meant to, the way that the Committee and the experts have envisaged, and we do not get the forming of these sand dunes, I just wonder if any thought has been given to the material that constitutes what lies underneath the Common. Do we know that that material could – if these sand dunes, this natural defence was not sufficiently formed – withstand sea water and wave action, or if it would further erode the Common if things did not pan out the way that is being presented and envisaged?

I think, sir, the question we have to ask ourselves is, has Deputy Inder, in particular, presented enough additional information to validate risks and concerns hitherto not sufficiently or properly covered. That is a key question. Now, what I would hope, at the very least, if this sursis is defeated, and the policy letter goes through, I would hope at the very least that the Committee for Environment & Infrastructure will take on board all of the information that Deputy Inder has provided to us this morning, and perhaps build that into their thoughts, if they go ahead with this plan, so that those things can be taken note of, and taken under consideration.

So that is the real question: has the information been presented, has Deputy Inder and others cast some doubt with regard to this project, enough for Members to feel that there should be a delay and a reassessment of the situation? I would say there probably has and I would ask Members to vote for the sursis.

Thank you, sir.

The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

Deputy Queripel has just posed a question and answered his own question, and if he had not, I was going to answer it for him. I am not generally enthusiastic about delay, but I think genuine concerns have been raised.

Deputy Inder, through genuine research and with photographic evidence, has cast some doubts on the fundamental assumptions underlying the report, and I think these should be investigated before undertaking any irrevocable works.

Deputy Dorey referred to a failing wall; Deputy Ferbrache pointed out that in the case of the Alderney Breakwater that was deemed to be failing decades ago. Further failing structures ... so was the Leaning Tower of Pisa – no longer. If the sursis falls, before the wall and in general debate, I will endeavour to speak a bit further about that and refer to it again.

Just a word on Deputy Dorey's reference to costs: if cost is to be a barrier to any further work being done, and £100,000 was quoted, then why not go for option two, repair and maintain for 25 years? Twenty-five years ago I doubt that rock armour would have been used, sheet piling was used, as Deputy Dorey has said, and that is still solid. What is going to happen in 25 years' time? Sorry, that is straying a little bit away from the sursis, but I just thought I would say it.

The Bailiff: Deputy Paint.

Deputy Paint: Sir, something that has not been mentioned at all yet, as far as I know, but is very relevant to what we are discussing with the sursis, and might make people change their minds one way or the other if it comes out ... What it is is if what Environment & Infrastructure are suggesting fails, and there is damage caused to the kiosk and perhaps the ... who will take that responsibility? Will it be the members of the Environment? Will it be the consultants, or will it be the taxpayer? That is something that has got to be looked at. Who will take the risk if it fails?

The other thing is thousands of Islanders have expressed their disapproval at what is being proposed. Many Islanders are saying that the Deputies do not listen to what the general public point of view is. Has the Environment & Infrastructure Committee adjusted itself to take into

account what these people are saying? They elected all of us. If not, I would suggest that this is why it is continually being said that it is bringing this Assembly into disrepute.

1565 Thank you, sir.

The Bailiff: Deputy Graham

1570 **Deputy Graham:** I rise just to speak very narrowly, and very briefly, on the sursis only. That is to say, in my view, we might be in danger of making rather heavy weather of this one. In my view, it is a pretty simple issue. This sursis stands or falls on establishing whether or not at the end of three years, or two years, the Assembly will be any better placed, any better informed, any wiser, as to the merits of one scheme or another.

1575 Now, I believe in that sense the onus is on those bringers of the sursis to demonstrate that this is not paralysis by process. My own view as to the potential benefit of any further reviews to justify any further expenditure on research and reporting, is that really the evidence so far – and having attended two briefings actually on the site of the wall itself, and then attended the public meeting at St Sampson's High School – is, I think, there are very few open minds left on this.

1580 In a way, the public meeting at the High School was encouraging in the sense of the turnout, but it was rather depressing because I think not a single person attending there came with an open mind. I have got a feeling that, for that sort of person – and it includes us, I suspect – if *Poseidon* himself, and even *Neptune*, waded ashore and linked arms and assured us that they were not going to misbehave for 100 years, people would not really be satisfied.

1585 In my view, it is a simple matter. Are we going to be any wiser in two or three years' time as a result of this sursis being passed? I personally doubt it, and I do not think it has been demonstrated so far that is has.

The Bailiff: Deputy Brehaut.

1590 **Deputy Brehaut:** Thank you very much, sir.

The Bailiff: Are you rising because you are assuming nobody else wants to speak?

1595 **Deputy Brehaut:** Oh, I beg your –

The Bailiff: Or are you wanting to speak at this stage anyway?

Deputy Brehaut: Can I speak at this stage anyway? Thank you, yes.

1600 I am staggered to the point of being taken aback, and frankly a little embarrassed by our States' processes. There could not have been a more exhaustive, authoritative, piece of work from 1999 to the present day on our sea defences. As I said yesterday, 33 Members went to the College presentation; respectfully, colleagues, 16 of you attended the Royal Haskoning presentations. This was my fear: images like this would be presented to sow that seed of doubt and all of the work that has been done before today gets set aside and introduces delay.

1605 Deputy Inder has been commended on his research and his thoroughness and his application in making the case against the proposals, and these proposals can be set aside so casually because we have got the money to behave like that, have we?

1610 With regard to our own processes, this was in the plan, this was approved, this was essential work, this was coastal repairs up to a budget of £2 million, remember, or within those margins. So, you all had the ability to sign this off some time ago, and actually I do not mind debating the requête because actually I am a democrat, and if States' Members feel they want to have the peace of mind to sign a project off, all well and good; but we are not signing a project off, or voting not to, we are introducing more delay, with the prospect of when it comes back it will still not be approved.

1615 Just very quickly touching on Deputy Inder's speech, sir, one image in *The Press* ... well, we do not have control what *The Press* print; if they use images from our site dealing with this issue, we have no control over what *The Press* print.

You do not know what is behind the wall, you pull the wall away then you have this debris and muck and dirt on the beach for two seasons. You remove the wall, you find out what is behind the wall, for example, the infill, whatever it is, and you move the debris, you move the rubbish, you remove the dirt, you remove what you do not expect to find there. The idea that we would remove a wall and just leave it open to the elements and then see what happened, it would take some intervention, it would take some profiling to give you the defence that we are looking for.

1620 Slipway – stays/goes? We keep going back to this: this minor issue of the slipway fundamentally undermines the argument. Nothing of the sort, nothing of the sort! The idea that we cannot make up our minds impacts on the process. It was my mistake, and I acknowledged that mistake very early on.

Deputy Inder says there is a £100,000 note riding on the kiosk. I do not know what that means.

1630 The majority of the material of stone and sand is in the wall. I hope Deputy de Sausmarez will deal with that, because she has dealt with it at length. It is a mathematical impossibility, what is being suggested – that the deficit in sand, the deficit on the beach is contained in the wall. Think visually: how many times would you have to get that wall laid upon itself to cover the volume of the beach?

1635 **Deputy Inder:** Sir Point of correction, please.

Deputy Brehaut: I will not give way, sir. I will not give way.

1640 **Deputy Inder:** It is a point of correction.

The Bailiff: He is raising a point of correction. (**Deputy Brehaut:** Okay, sir.) Is it a proper point of correction? You raised one yesterday and it was not, Deputy Inder.

Deputy Inder: It is, sir. It is, sir.

1645 I do not know what the fixation is with the wall. I said in the speech, 700 bags of sand in Chouet Tower, it is the whole Bay; the whole of the Bay was used for the whole of the fortifications. It is not just the wall.

The Bailiff: Deputy Brehaut.

1650 **Deputy Brehaut:** Sir, Amarreurs Bay was used for a great deal of sand, and in 1938 the occupying forces, actually by the civilian Government, were asked to stop using Amarreurs Bay for sand and could they use L'Ancrese. So it has not all come from L'Ancrese.

1655 I do not want to out-nerd anyone, I spent far too many hours studying where sand went during the Occupation, and we seem to be playing sand trumps for some reason. I know where the sand went, you do not therefore; let's get another consultant in to prove us both wrong and then when we are both proved wrong we will not do anything.

1660 This is another one: shingle/not shingle. Now you see it, now you don't. If you look at the picture that Deputy Inder has so helpfully given us – if I can get a bit Blue Peter on you now – 5 and 6, look at the shuttering. If you look at the shuttering, the wooden shuttering and you look at the shadow at the bottom of the wall, look at the picture below, the picture below is the wall constructed. What we can see today when we are on the beach is the base of the shuttered wall – where has the beach gone? It does not matter. It does matter. The point is the wall itself is the mechanism that erodes the beach. The wall was built, visual level; the beach is in front of the wall.

1665 Where is it today? If you stand –

Deputy Inder: Point of correction, sir.

It is the shingle that is in front of the wall. There is a five-metre bank in front of the wall. It is the shingle that is –

1670

The Bailiff: That is not a point of correction.

Deputy Brehaut is giving his explanation of the photo. You gave your explanation. There is a difference of opinion between the two of you, but Deputy Brehaut is perfectly entitled to present his view as to what he sees in that photograph. You will have an opportunity to reply in due course, and you can say then what it is that you disagree with, but I think he was courteous to you when you spoke in opening Deputy Inder, (**A Member:** Hear, hear.) and I think it is only fair that you (**Deputy Inder:** My apologies, sir.) offer the same.

1675

Deputy Brehaut: Thank you very much, and thank you, Deputy Inder.

1680

I will give way to Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, Deputy Brehaut.

I believe my years of working, watching people try to improvise and not listening to each other will certainly ... well just to try and explain what is ... The two things that people are saying are not correlated. You are talking over each other. So what is not understood, and Deputy Brehaut did start to talk on, is when a solid structure is put in a beach environment you will get erosion lowering of the sand – lowering of the sand.

1685

Now, Deputy Inder has said that the lowering of the sand, because we can see, if you stand on the beach, you look at the toe of the wall, where the wall was built, it is roughly at my head height, and you can see that from the videos. The sand will in any coastal environment ... you can look anywhere around the world where you put a hard structure on a natural environment, it will lower the sand level. That is all that the experts were saying about the lowering of the level.

1690

Deputy Brehaut: Yes, so that is what I am trying to convey. If you stand on the beach now and look at the base of the wall, quite clearly, you are looking at a foundation that you should not be able to look at, because the beach in front of it has gone. So that is the point.

1695

Deputy Inder, in his speech, just to quote him ... This kind of disproves the theory – this is what it kind of looks like what is happening, something like four or five years. Now, 18 years of beach studies removes all of that doubt; 18 years of beach studies about sand movement, removes all of that doubt.

1700

Deputy Ferbrache, well he referred to the pictures in the report. I think our report clearly shows, actually, if you look at the physical condition of the German anti-tank wall, it is collapsing, we have taken intervention to hold it up. It was probably because of this intervention and with the armoured stone that it lasted a little bit longer.

1705

The lease on the kiosk was dealt with thoroughly by Deputy Parkinson, and Deputy Gollop referred to conversations that had been had between the DPA and Environment & Infrastructure. And, of course, the whole issue of the gateway and detailed design stage, and we have to say this is a design; and let's be frank and absolutely up front about this, if Deputy Inder is right, if we take down the wall and there is a rock face, or there is a shingle bank, then we are wrong, and we will not be spending £1.1 million.

1710

If the work is initiated that proves that it is wrong, why would anyone in their right mind seek to continue with it? So before the work is commenced, when, because nobody has agreed to it yet ... once you agree to it a process starts. If that process, bearing in mind there has been test drilling in 1999 and later, if we are proved wrong then the project cannot go ahead. The idea that we would stubbornly pursue a project despite the evidence in front of us is simply not the case.

1715

I agree with Deputy Fallaize ... I do beg your pardon, Deputy Fallaize, I did not see you and I will give way.

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

1720 Could he tell the States if his Committee found out prior to the removal of the wall, or if his Committee became persuaded that the sand dune system which they currently envisage, actually is less likely to develop than they believe at present, would they recommend maintaining the wall in its present location, or would they still recommend the removal of the wall and some alternative scheme?

1725 **Deputy Brehaut:** That is a very good question. The wall is in the wrong place. So the wall is ahead of the high tide mark. If we removed the structure and had to do something else, it would be a more measured lower construction but ahead of the high tide mark. It is obviously the relationship between the sea and the positioning of the wall that causes the damage.

1730 I just asked the Museum Service while I was sat down – I do apologise my laptop as gone flat – but I posed the question how many architects would it be – architects! Archaeologists would it take to change a lightbulb! – No I did not. I asked how many archaeologists it would take to do the trench work over a 10-day period. The response from Jason Monaghan was the work would be too dangerous. So it is not something, a dig of that nature to do the archaeology, is something perhaps they may not want to do. But we know that there have been trenches dug, we know that there have been bore holes done. We know the Guernsey Museum Service said that they could not justify the expense of digging down through the sand to the land level. If it was shingle then I would imagine they would know that and the risk would be less.

1735 Now, I just want to be a bit playful with you, and ask you to imagine that you agree with this sursis today, that you sign it off because you believe that you have carried out your job as scrutineers; you have called for a review and you want to ensure to be given that peace of mind that you have done absolutely the right thing.

1740 Deputy Ferbrache is sat at a desk with Deputy Inder somewhere as Frossard House, and the first person to walk into the room is the States' archaeologist, who says you have approved the sursis, 'I am not too sure how much the dig is going to cost, but I think it could be about £10,000, if we are going to do that amount of work to understand the value of the archaeology.' So that is your first £10,000, so you can sign that cheque.

1745 The next person through the door might be someone from Planning saying, 'We would like to do the Environmental Impact Assessment. That is £60,000' – these are actual sums of money.

1750 Then of course there is the ... I just asked Deputy Trott before, if a project of one million is delayed for two years, he was saying that you can expect to put £100,000 on it. So that is a further £100,000. But the review of Royal Haskoning, the review of the work that has been undertaken, the peer review by someone else, is probably – and this is conservative – I said £100,000 yesterday, I have been advised that that is too conservative, so it could be, possibly, £150,000.

1755 Now, what is also within this it is not just the archaeology survey, but the actual survey that has been requested to establish the sand reservoir, which we think could cost £5,000 – something in that nature.

1760 So, if you agree the sursis today, you do so in the knowledge that you are going to spend about £325,000. That is a fact. That is inescapable. In the region of £325,000. This is the price tag on the sursis. So why would you do that? Why would you do that? If this was juxtaposed, respectfully, with Deputy Inder's position, which is the wall should stay and should not go anywhere, but in parallel to do that make the case for the wall to go, I may agree with you. I just do not see how that can be squared.

1765 It has been said that there is huge public interest in ... there is no doubt there is public interest in this. I would go a little bit further and say there is acute parochial interest in this, because most of the representations we have had have been from Vale parishioners. Most of them, they have doubled up on their communications with us. I think from certain people we have had four or five emails, but it is a parish issue.

1770 I thank the work of Festung Guernsey. I am not clear whether Deputy Le Pelley is still involved with Festung Guernsey; he was the secretary for some time.

Deputy Le Pelley: Indirectly, sir. I am the Vice-President of the Occupation Society, but I am not a member of Festung Guernsey. They are sort of related but I am not actually on their Committee.

1775

Deputy Brehaut: Okay, thank you for that clarification.

I just want to raise an issue with Deputy Paint who has just said that – which is a theme that Deputy Paint has adopted – our behaviour, our voting patterns, these debates, reflect on the Assembly because of our decision making. Deputy Paint, Deputy Spruce and Deputy Domaille led the coastal defence work at the Environment department; that is the work stream they adopted. So they took on the task of looking at the coastal defences and to come back with proposals. What did they propose to do on the L'Ancrese sea wall? Do nothing. The wall would be falling on to the beach, because the proposal from Deputy Paint, Deputy Spruce, Deputy Domaille was do nothing.

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1785

When then the new Environment board came in under Deputy Burford and revisited that decision, it was seen that we did not want to let the wall fall down, we did not want it looking like that. It would have looked dreadful, so we went for the very conservative scheme, which is to modestly re-align the Bay.

1790

Deputy Smithies spoke of ... who is an engineer, and I am not too sure where he stands on the sursis, I was not too sure whether he was going to support it, but I really do think if we are to discard Royal Haskoning's work, yet again, on the strength of a few A4's and some table top research, then I think that is unfortunate.

1795

I just want to say how disappointing it is that Royal Haskoning has been over time and time again ... so much opportunity for Deputy Inder to sit down around the table with them and to talk it through, because Deputy Inder believes in his heart, passionately, which is clear, he believes we are doing the wrong thing. He believes we are doing the wrong thing. I have to say to him, I think you are wrong. I have to think about me being wrong and the cost to the community. I would like Deputy Inder to think about the possibility he might be wrong and the cost to the community. Sign off this sursis, the cost to the community today when you vote is a minimum of £325,000, to get you where? As Laurie Morgan kept saying to us, procrastination is the art of keeping up with yesterday. That is where you will be. Bearing in mind the huge – we have got to find 3% and 5% salami slice, call it what you like, disregard all that, write out the cheque for £325,000 to remain exactly where you are. In fact, we would be going backwards.

1800

I would please ask you to not support this sursis.

1805

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

Deputy Le Tocq: Thank you, sir.

1810

The Bailiff: Deputy Paint.

Deputy Paint: Sir, I do not think Deputy Brehaut answered the question I asked, which is the most important one. (*Interjection*)

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The Bailiff: Well, he has sat down now, Deputy Paint.

Deputy Paint: Well, I did try to stand up.

1820

The Bailiff: We will have general debate later, so that can be dealt with then.
Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

Sir, I went to the presentation at St Peter Port High with an open mind and I asked two questions at the end. The first one was, I asked the presenter: what is the probability of success of your number one proposed outcome to reinstate the sand dune-type beach? The presenter declined. That is relevant now because of something that has just been put by Deputy Fallaize saying what if when you start the work you suddenly find it is not happening. It has also created more of an issue for me because Deputy Inder's evidence is suggesting that the sand just is not there to create the dunes to restore the beach; and pictures 7 and 8 kind of demonstrate that, when you see the drop in levels that has happened from 70 years ago. It is an awful lot of sand that has got to arrive to fill that.

I know you can ship in sand. I remember, a long time ago, sitting of Waikiki Beach in Honolulu and I was told that the whole of that beach was artificial. All of the sand had been imported in, and it did not go away, but anyhow. I really do not know, at this present time, whether the sand is there, either in the Russell, or anywhere else, to produce the desired effect.

So there is some uncertainty there. So it could be that if the sursis were to succeed that is the only question that needs to be answered. You do not have to review everything, you could just review that: is the sand there or not? If it is not there, then the first option is not going to happen, but anyhow.

The other question I asked was what contingency in the figures has been allowed for, and the presenter could not answer the question, it was referred to a civil servant. He said, 'Oh 20%.' So we are talking about there is £200,000 contingency in here for plan A. Now I am very interested in contingencies because it covers lots of things. I remember sitting on the project board for the Airport and we had a risk register, and each one of those risks had a sum attached to it about what could be the problem. We got problems with possibly unexploded audi- ... ordinance – *(Interjection and laughter)* Yes, maybe I meant that. But the biggest risk, and it was with the Airport, was the possibility of litigation as a result of unknown and unwanted effects, and it could relate to the golf course and other things.

So £200,000 would not go very far if there was litigation involved, and I think the question was asked by Deputy Paint: who is going to be responsible for that? So it would be nice to see, or have, some indication of how much money has been attached to each of the risks in this approximate £200,000. Now, I could not find that in the Report, but I think it is very relevant.

So, at the moment, with the information I have, whether the sursis succeeds or not, if we get to main ... I cannot support the first Proposition, because I do not have the information, as far as I am concerned, on the sand. In fact, Deputy Smithies – in an interview, he did not say it today – mentioned one of the possibilities is it is just not going to happen.

I also recall that if it all goes pear shaped once you start, what would happen? I think it was Deputy de Sausmarez on the *Phone-In* was suggesting that if there were some unintended consequences relating to the Common as a result of the work, there was sufficient in-house expertise to deal with it. Something like that.

Deputy de Sausmarez: Point of correction.

Deputy Kuttelwascher: All right.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: I think Deputy Kuttelwascher must have misheard me at that point. The conversation was about sand dune management. We do have considerable in-house experience and expertise about the management of sand dunes, and that is what I was referring to.

Deputy Kuttelwascher: Okay, so if the sand dunes do not materialise there would be no in-house expertise into how to deal with the problem.

1875 I was doing something useful at the time; I do not listen to the *Phone-In* unless I am doing something useful. I was changing some taps on a bath actually.

So I am not sufficiently clear, at the present time, on the issue of the sand. Is it there or isn't it there, and will it materialise? Because that is what the whole premise is, that the sand will be there and the dunes will form. Now, I am not sure about that. So, should we go down the route of spending £1 million, assuming that is what is going to happen, at what point would you abandon it? Or is the best value for money option – let's just patch it up.

So there we go. I mean, I am in a limbo on this, but I am far from convinced that the sand dune option is going to be the desired option that we should follow.

Thank you.

1885

The Bailiff: Deputy Langlois.

Deputy Langlois: Very briefly, sir.

1890 It is just, I rise to my feet because Deputy Kuttelwascher is doing something which Deputy Inder tends to do, which is ignore a standard project management sequence. All projects start with a couple of squiggles on a napkin, or a bright idea, and they go through various stages, including outline scheme design.

1895 Outline scheme design was about the level that the Committee considered it with some comparative costings for other outline scheme designs; and fairly soon after we had endorsed the Environment department's decision, the engineers would have started moving into a detailed scheme design, with a view to doing the calculations and getting it looking as realistic as possible for a planning application. In other words, you do not want to build something, or get planning approval and build it, and it does not look like the planning approval plans; you will be in all sorts of problems.

1900 So in other words, it is an accretion of detail as you go along the project's various stages. So when you are just moving from outline scheme design to detailed scheme design, and somebody starts jumping up and saying, 'Have you done the trial holes yet? What about the contingency sums? How are you going to allocate that? You do that sort of thing when you reach the tender stage: you worry about how you allocate your contingency sums.

1905 Ever since the requête, or rather Deputy Inder started taking an interest in this project, he has been jumping in with questions which are not really relevant to that particular stage, and that has caused a degree of disruption on the project. The engineers had to answer questions about the height of the groyne, or whatever, that they would have been working out in detail when they come to put in the planning application. That is why some of the ... oh, yesterday they said it was going to be this high, now they are saying it is going to be that high. That is how that has arisen. It is democracy, and people can do that sort of thing, but it is disruptive to the design process.

1915 The other thing is that when Deputy Fallaize gave way to Deputy Inder, and Deputy Fallaize was questioning what was the justification for the sursis, Deputy Inder said that new information had come to light since the requête which justified this sursis. That seemed to be, from what he was saying, entirely the premise that somehow the beach was irreparably damaged by the building of the wall and other fortifications; the excavation of material from that beach had irreparably damaged the beach and any attempt at restoration, which is in part what the Committee is proposing, was doomed to failure.

1920 But that is something which we can discuss in debate of the policy letter. I am not going to argue the case against that idea now, but it is something which could be discussed when we debate the policy letter. I think the idea is extremely flawed. I am not going to debate it now.

I do not think there is any real justification for this sursis, for many of the reasons people have already given.

Thank you.

1925

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir. I will be brief.

1930 I just would like an answer, when Deputy Inder responds, and yes or no really will suffice: are we actually debating the sursis motivé that he thought he was laying? Because this definitely says – the copy that I have says it will be:

... the first meeting of the States of Deliberation to be held after the 1st January 2020.

1935 I believe in his opening speech, sir, he referred to it being before 2020. I know there is a parliamentary structure where we can rescind and read this again, debate whether we want to debate it again. But I just wanted clarity, and a simple yes or no will suffice, sir. Is this the sursis motivé that he intended, and indeed his seconder intended, to lay?

Thank you.

The Bailiff: Deputy de Sausmarez.

1940 **Deputy de Sausmarez:** Thank you, sir.

The Bailiff: Do you want to speak now, or would you rather wait until after lunch? I do not know how long you are likely to be.

1945 **Deputy de Sausmarez:** I am really hungry actually! (*Laughter*) Can I speak after lunch? Is that okay?

1950 **The Bailiff:** Is it going to be a short speech (**Deputy de Sausmarez:** No.) or a long speech? (*Laughter*) Well, unless anybody wishes to make a short speech, I suggest we rise and resume at 2.30 p.m.

*The Assembly adjourned at 12.28 p.m.
and resumed its sitting at 2.30 p.m.*

**XI. Proposals for the partial removal of the Anti-Tank Wall in the eastern part of Pembroke Bay (L'Ancrese East) and the managed re-alignment of the coastline in this area –
Debate continued –
Propositions carried**

The Bailiff: We resume debate on the sursis motivé.

1955 I was going to call Deputy de Sausmarez. Do you still wish to speak? Or have you reflected in any way? You are speaking. It is just you had not risen. I thought maybe you had changed your mind.

Deputy de Sausmarez: Sorry, sir.

Members will be relieved to hear I do actually intend to keep this quite brief now I have eaten.

1960 I would just like to, firstly, talk a little bit about evidence. To me, my understanding of evidence is not what we have been presented with today. For me, evidence is something that is well evidenced; I suppose the clue is in the name.

1965 I think these photos are interesting, but I certainly do not think that interpolations of them ... we could extrapolate all kinds of things from these photos. Indeed, in our own report and in our communications around these proposals, we have used many of the same photos, so I do not see that what we have been presented with today is evidence, in my view.

I think, if we are looking for evidence, then we should actually look to the policy letter, because we do have evidence of sand volumes in the appendix. Appendix II attached to the policy letter – I

am afraid I do not have a page number reference for you. I will read out a little bit of the relevant section. The Eastern Section of DU3 that is the wall:

1970

This section is under the greatest pressure, with the largest fluctuation of beach levels. There is limited long shore sediment supply to the area, and a strong scouring action due to the oblique wave action in relation to the wall. Sediment supply tends to be from lower down the beach, but the forward position of the wall and the angle of waves along the wall prevent the retention of that sediment. Beach levels in front of the wall at the eastern end of the frontage are recorded to have varied by as much as 2m over the monitoring period.

That monitoring period relates to a very long length of time. If you are looking for evidence then, please, look to those charts, which I know do not come particularly intuitively to those of us that are not Deputy Soulsby; but look to the charts which show the beach sand level monitoring data. That is what has been monitored. We understand a lot more about the dynamics of the beach since the 1999 Posford Duvivier report. That is the point.

1975

So all I am saying is the historical context, we know that beach levels have dropped since the wall was there. We know that the beach is being eroded because of the presence of the wall, but the evidence that I would like to base policy decisions on is the evidence that has been analysed by the experts, by the people who have the greatest professional knowledge of what we are talking about.

1980

I do not profess to be an expert, but I am not in a position where I have to put my professional reputation on the line, they do. They have to have an understanding of what they are talking about. They have done an analysis of data, stretching back a long time, in the context of what we are talking about, and more importantly, the modelling has been based on the sand volumes that we have got now.

1985

I was originally intending to stand up and talk to you about volumes of sand and things like that, but it is just too boring, I cannot bring myself to do it. But this information is there. We know, for example ... and I know Deputy Inder is saying that actually sand from the beach has been used to create the entire Atlantic Wall, or something. It is not just the wall, and perhaps I think his point was that actually sand from the beach could be used in construction of the wall elsewhere. Well, yes, but actually when we have done the calculations, it shows us that even on the most conservative, from our point of view, say the most conservative estimates, even if the maximum possible amount of sand was taken from that beach and used in the construction of just the wall at L'Ancrese then that would have contributed to a drop of around 18 cm maximum of the 150 cm average beach loss. So, I mean, that wall is 925 metres, it is a big construction and that shows the volumes that we are talking about.

1990

1995

In a way, this is irrelevant because the marine engineers who have been studying this area since 1999, and we have got consecutive bodies of work that build up on each other. The historical context is interesting, and it is important to a degree, but actually, when they look at the situation they need to understand what the situation is now, and they have based their modelling upon the information, and the data has been collected, which tells us what that situation is, in terms of the sand within the Bay. They have watched how the beach moves. It is a dynamic process beach, and they have watched it carefully, they have understood the processes, and they have modelled this proposal based on what is there. They have confidence that their proposals will work. I have confidence in their ability.

2000

2005

As Deputy Soulsby says, they appear, to my layman's eyes – I accept Deputy Soulsby's take on it with even greater kudos – they really do seem to know what they are talking about. They have been involved in many of our studies; we put an awful lot of faith in them. They have done our entire flood risk assessment in 2012. So these are people in whom I have faith. They have done modelling based on the situation as it is now. They have modelled these proposals, and they are confident that they will see the results that they have predicted.

2010

That brings us to another important point, because within the process that this project would go through, as Deputy Langlois pointed out, we already have checks and balances. We are at a particular stage of the process, that stage has actually been informed by, actually, quite a large

2015 volume of work to get us to this point, but it is still, in terms of the project itself, in a relatively early stage.

There are checks and balances, and as was drawn out in some of the questions earlier, if anything, as that project develops, indicates to us that the original assumptions were wrong then, obviously, we would act on that. Those checks and balances are already built into this whole process of the project; that is what it is there for. To me, this sursis – well no, actually, it is not to me, this sursis does not ask us to do anything that has not already been looked at in a very reasonable degree, considering the stage of the process that we are already at, or that would not be done anyway in the course of developing this project.

2025 I do find it nonsensical that we would carry out an environment – let me just be clear, you are not going to find a greater fan of environmental impact assessments than me; I think they are a very important part of the process, but the point is when you do them within that process, we are taking a logical process which is set out, and is common to all projects of this nature, because it makes logical sense to do them in that order, and this sursis asks us to do things in an illogical order, and the illogical nature of that does accrue costs.

2030 So I do not intend to talk very much longer at all. I was going to say, actually, if we are all about introducing *ad hoc* photographic evidence, then I have got a nice one here to show you myself, about what the beach looked like before the wall. So that is very interesting. Throughout our report, obviously we, as the consultants, acknowledged the wall is built on sand and shingle, these things are not new; none of the so-called evidence that we have seen presents anything that
2035 I can see that fundamentally contradicts what the consultants have told us. There is nothing, there is no new evidence, that I can see, that does that. It does not exist. We have got lots and lots and lots of evidence about this.

The sursis really is ... all that I can see that it is doing it is not redirecting us in a different direction, it is not asking us to look at different solutions, it is simply asking us to do, either the things that will be done anyway, or go into more detail – but for what purpose? It would cost a significant amount of money; we are talking at least in the region of £1/4 million, and we are talking about delay. These are not insignificant factors. I am absolutely open to the spirit of the requête. I would very much like to debate the Propositions in the policy letter, but I do not think this sursis achieves anything in any way constructive, and I would therefore ask Members to reject
2045 the sursis so we can move on to debating the policy letter.

Thank you.

The Bailiff: Deputy Hansmann Rouxel.

2050 **Deputy Hansmann Rouxel:** Thank you, sir.

We have got our knickers in a little bit of a twist here with all the evidence, and talk of evidence, and talk of what is and what is not. The sursis itself speaks about Posford Duvivier, the 1999 report, and even Deputy Inder himself did say that he thought it was a really good report.

2055 I believe in that report. The rationale behind what they said was: it is possible to abandon defences without causing extensive flooding or erosion of land. Originally semi-mobile sand dune – it is important, that word ‘semi-mobile’, because natural defences are mobile. It is effectively lost through the sand extraction during World War II in order to construct the anti-tank wall.

Now, that was in 1999. That is what, if we came to the States in 1999 with this proposal, with just the information they had in 1999, I would say absolutely we need to get more information.
2060 That is exactly what they said, their conclusions. Without a healthy beach and dune ridge at the back of the Bay, erosion of the low lying hinterland of L’Ancresse Common *could* occur. This *could* lead to a loss of part of the golf course, and *could* threaten the structural integrity of the two pre-Martello towers, and *could* lead to the potential loss of land of archaeological interest. Now, I have to stress that is in the 1999 report, with the information they had initially then.

2065 So, what more information did they look for in order to make their conclusions? At the end of 1999, they said that the studies to ascertain technical, environmental and economic viability of the

options should be looked at. That is, maintain or abandon defences. Now regular inspections and to monitor the deterioration of the defences. What they then did from 2000 is started monitoring the sand in the system. In the 2007 report, they did more, they monitored the beach levels since 2009, there was inspection of the defences to better appreciate how the defences might be responding to deterioration, they were starting to learn how that eco system, that environment, is starting to work. They used climate change data and sea level rise and brought that in in the 2007 report, and the broad-based review of contours of the Island can better define the risks of flooding.

Now, it is important, in 2007, they started coming up with this idea of retreating the defence again, but in a smaller section. From the assessment made in the strategy, and without a broader scale plan for the area, the conclusion of the strategy is to revise the policy for the frontage of one to no further active intervention in the coastal protection. It said:

If the abandonment and removal of current defences is adopted it provides an opportunity to recreate a bay fringing dune system, enhance the overall level of this important habitat on the Island, and in addition this option could also provide enhancements with regard to the recreational value of the bay.

So they have started to shift their understanding of how the Bay was working, based on more information, and more monitoring. So that is 1999 to 2007. We have still got two more reports to go, guys. So in 2012, they are thinking about it again, there is more information, they did offshore wave model overtopping analysis, sensitivity and tidal inundation modelling, and flood mapping. So, again, we have much more information in the 2012 recommendations.

They then took the information and further looked at how they could manage that particular area of the wall, and create a dune backed beach. Deputy Inder has looked at this and sown a seed of doubt about the origins and where the sand is. If these coastal management experts did not believe there was enough sand, based on the modelling of the sand moving in and out of the foreshore, that modelling since 2000, if they genuinely believe that, why would they continue to model for a dune backed beach?

We have got to that point. Deputy Inder raised that, and he asked Rule 14 questions, and very specific ones, about sand, about the core drilling, and we have answered that, saying that this time all the evidence that we have, right from 1999, shows us that there will be a dune backed beach. However, those two pieces of monitoring we would complete prior to the works taking place. Deputy Brehaut and Deputy de Sausmarez have both said that if it was the doomsday scenario that Deputy Inder says, we will make a different plan within that construct. It is just about taking away an anti-tank wall that unfortunately does not work as a sea defence.

Now, I have to take umbrage with Deputy Inder when he said that it was a new concept in 1999 that a wall is an anti-tank wall and not a sea defence, and this is not a new concept. I had a conversation with my father-in-law, who is a Royal engineer, a civic civil engineer, and I should not have to caveat this, but he is locally born, locally educated, done good, went off and got his engineering and came back to the Island and worked as a civil engineer in the Civil Service.

He said to me back in 1969 when he started working as an engineer in the Civil Service, they knew then that it was an anti-tank wall and that it was going to fall down because it served no purpose. Back in 1969! Why have we then spent all this money maintaining it? Because it is easier, it is easier to delay making the decision than to look at the long term? Just patch it up here and there, patch it up there and there.

I would like to just point out when a report says that a wall will fail within 10 years, it will fail within 10 years if you do nothing to it. We have spent money on the wall in those 10 years and therefore it did not fall down completely, because we were trying to get to a point where we could make a long-term decision on the wall. Just patching and repairing it just so it possibly will not fail is not an indication that the experts were wrong. It is just a misinterpretation of what an assessment is. If I look at this structure and I do nothing to it, I believe that in 0 to 10 years it will definitely fail. If I do nothing to it. There has been maintenance on that wall, we have released the figures previously.

2115 If we want to move forward we have to get stuff done, we have to stop playing like amateur improvisers and blocking all the offers. This is a block, not a solution. Let's move on, move forward. If you do not like something, if you think it is wrong, you say no and give a solution. That is how we move forward. We do not move forward by just throwing our hands up in the air and saying, 'Well, I do not like it – don't like it, don't like it! It is wrong, it is wrong!'

2120 Let's get on with making the decision today. Let's vote against the sursis and make a decision that is 70 years in the making; stop kicking the can down the road.

The Bailiff: Deputy Green.

2125 **Deputy Green:** Thank you, sir.

I came into this debate with an open mind and a due sense of dread, and the latter has certainly been confirmed by the debate we have had on this sursis so far.

2130 I had an open mind on the sursis, but I think I have very much come down against the sursis, and I will be voting against it. You do not think you have to be *Nostradamus* to see that the sursis is clearly lost, and I am somewhat surprised by some of the contributions in the last few hours of debate or so.

2135 Nevertheless, for me, looking at what this sursis is actually saying, what it is actually calling for, it is just not necessary. It is not necessary because I think we have clearly enough information, more than sufficient information really, to make a decision one way or the other today. Information on the beach and information on the wall is not in short supply, and I just do not think we need to go to the lengths of obtaining the extra information that the sursis calls for. If you do not like the proposals that are on offer then vote against them. I think an awful lot of the contributions that have been made in this debate on the sursis motiv   have been because people are against those proposals, and there is nothing wrong with that, absolutely nothing wrong with that. I am not fully persuaded at this time that I will necessarily vote for the Propositions that Environment & Infrastructure are putting forward in their policy letter, but we are not at that stage.

2140 I think the difficulty for Deputy Inder, and perhaps when he sums up he can address this ... he needs to be clearer, I think, in pinpointing why it is that we do not have enough information now.

2145 But the second point, and I think Deputy Brehaut made the point well when he spoke before, is why is the additional cost of these works necessary? Why is it necessary to spend money on the environmental impact assessment and all the rest of it? I just do not think that is necessary and I cannot see how that is value for money.

2150 Put to one side for the moment – *for the moment* – the potential costs of the overall project, but in terms of trying to delay this debate in the way that the sursis is trying to do, I just do not say how the merits of that have been supported by the speeches that we have heard so far.

2155 So, in those circumstances, I think we have got adequate information. I do not see the reason to expend more money in the way that is inevitable if the sursis is supported. I will be voting against the sursis. But, again, I will approach the substantive Propositions with an open mind.

The Bailiff: Does anybody else wish to speak? No.
Deputy Inder, you may reply to the debate.

Deputy Inder: Thank you, sir. Thank you, Members.

2160 It feels like the last scene of *Butch Cassidy and the Sundance Kid*: you have got Inder and Ferbrache stuck in a hole somewhere surrounded by the Bolivian Army, and Inder turns to Ferbrache and says, 'Let's do it,' we run out of the doors, and we cut to the credits and we do not actually know what happens after that. (*Interjection*) Well, yes, shot down in a blaze of glory.

2165 It is interesting. I mean, I am not going to go back through everything; thanks to those who support it, and I just disagree with those who do not. I think a huge amount of context has been lost here, and I do not know why people cannot see the 15 degree line in the 2000 and 2017

modern data, and not understand that there are thousands of tonnes that have been removed from that Bay. Both Haskoning, and actually my contact, talk about pods of sand which should be sitting on the Bay waiting to come back unless they have been removed. They have clearly been removed, the evidence is there. It is up to you.

I just want you lead you, really, finally, to my figure 3, where quite obviously there is a huge shingle bank in front of the tank wall and if you look right to Banque Barquet which is 'bass bay' to most of us who fish it, it is the same colour, that is a shingle bank that goes 20m, it is exactly the same as Belle Grève Bay.

Some people – oh dear, Deputy Dorey, I accept that Deputy Dorey has read the reports, but I cannot persuade him with any new evidence. I think what is really important, both Deputies Brehaut and de Sausmarez and Rouxel said, in effect, if wrong we will build it into the process. Now that is expense. If wrong we will build it into the process. Okay. So that is not a finite project with an end point; that sounds like an open ended project.

All this sursis has done is it actually throws a line to them, and asks them to go back and do the work and give consideration to the historical context, and some of the work that I do not think they have done in the first process. So it is a bit rich to say it is going to cost hundreds of thousands of pounds because it is work that should have been done in the first place.

It is a process, as Deputy Langlois pointed to. It is a process; the process is all askew. It appears they have come up with a concept and are now trying to build, to a degree, I do not mean too unkindly, some evidence around it. Where was the core data? It is absolutely obvious that this is not a sand backed system. It is not a sand backed system. It is a shingle bank. I do not need to repeat how sand dune systems work, the windblown portion of it. I accept some of it is brought back from the sand by the water, but to think that you are going to create a sand dune system from the north where you have 8% of your wind comes in, you have just reinvented on the spot how sand dunes are formed.

So, sir, I move to delay.

Thank you, and thank you, Deputy Ferbrache, for seconding it.

The Bailiff: We vote then on the sursis motivé. Those in favour – I thought there might be, that is why I was hesitating. There is a request for a recorded vote.

There was a recorded vote.

Not carried – Pour 11, Contre 21, Ne vote pas 2, Absent 6

POUR

Deputy Prow
Alderney Rep. Jean
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Mooney
Deputy Le Pelley
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Paint

CONTRE

Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Brehaut
Deputy Tooley
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy Yerby
Deputy de Lisle

NE VOTE PAS

Alderney Rep. McKinley
Deputy Leadbeater

ABSENT

Deputy Oliver
Deputy Tindall
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Meerveld

Deputy Langlois

The Bailiff: Well, the voting on the sursis motiv  , proposed by Deputy Inder, seconded by Deputy Ferbrache, was 11 in favour, with 21 against and 2 abstentions. I declare it lost.

2200 We therefore move to general debate, and I would urge that those who have already spoken generally on the sursis motiv   do not attempt to repeat what they have already said. (**Several Members:** Hear, hear.)

Deputy Paint.

2205 **Deputy Paint:** Sir, I am very pleased that Deputy Rouxel confirmed that studies were being carried out from 2009 onwards, which is contrary to what Deputy Brehaut has told us. I feel it was very disingenuous of Deputy Brehaut to criticise Deputies Domaille, Spruce and myself for not doing anything, because of what Deputy Rouxel said.

2210 **Deputy Merrett:** Point of correction, please, sir.

The Bailiff: Deputy Merrett.

2215 **Deputy Merrett:** The Deputy concerned is Deputy Hansmann Rouxel, please. Thank you.

Deputy Paint: Sorry, I did not hear what she said, sir. (*Laughter*)

2220 **Deputy Merrett:** The Deputy I believe you are referring to is called Deputy Hansmann Rouxel, not Deputy Rouxel.

Deputy Paint: I stand corrected. (*Interjections and laughter*)

At the time, when I was in Environment department, the coastal defence budget was  50,000 – that is all. So nothing could be progressed until we got money to do something else. That was at least four years ago.

2225 It is just a real shame that Deputy Brehaut, as usual, has to try to belittle others who are genuinely questioning what he has put forward. If he recalls, we, Deputy Domaille, Deputy Spruce and myself, resigned from the Environment department, simply because the minority report that was put in by himself and ex-Deputy Burford got the approval of the States. The minority report was on traffic, and I for one resigned simply because I could see the disasters that were going to be experienced, which have now come to practice. I now finish that bit. Because I think, really, 2230 Deputy Brehaut should apologise for what he said.

But, now, could he answer the two questions that I actually asked when I spoke on the requ  te (**A Member:** Sursis.) in the last debate.

2235 **The Bailiff:** Deputy Ferbrache.

2240 **Deputy Ferbrache:** Just two points, sir, because I take heed of everything that you have said. We have now got to the crux, because we have got to have a holistic approach in the States. Let us say Mr Percy does not get out at the end of December, I know he has not signed the paper that was sent him at the end of June. He has still got a lawful right. Let's say he gets a two-year stay of eviction from the Court, from the end of this year. According to the figures, the homespun figures from Deputy Trott, which were conveyed to Deputy Brehaut that means building costs will go up another  100,000, and if it is three years, because Deputy Trott told me at the lunch break that that would be a cumulative figure that would be  160,000 extra building costs. That is the figure that Deputy Brehaut told the States. I appreciate Deputy Trott was not in the States at the 2245 time that he had been told if there was a delay of two years it would cost an extra  100,000. That

is what he said to the Assembly, and he said that Deputy Trott gave him that information. What I am saying is that if the Court were to give Mr Percy a two-year stay of eviction, which would not be unreasonable in my view, does Deputy Brehaut accept that would add another £100,000 to the building costs, because it must do, on the basis of that arithmetic?

Secondly, secondly, in connection – and if the Resolution is passed on what the Committee propose, is somebody going to actually approach Mr Percy and see what the position is, whether it is the States' Trading Supervisory Board, or whether it is the Committee for the Environment & Infrastructure, somebody has actually got to do so, because it is not only the decent thing, it is the legal thing. We do not have a society whereby you just turn up with a wheelbarrow and put somebody's possessions in and wheel them away. It has got to be done through a judicial process.

So we have got an extra £100,000 building costs, perhaps, potentially – I am sure Deputy Brehaut will accept that – if my hypothesis is right; and, secondly, what is going to happen if the Development & Planning Authority reject the planning application? Because it is all accepted they have to make it, what is the contingency plan?

The Bailiff: I see no one else rising. Oh, Deputy Roffey.

Deputy Roffey: Thank you, sir.

Sorry to drag it out, but I did speak specifically on the sursis before.

I quite often make passionate speeches in this Assembly, but normally my emotion is generated by the way I feel about the issues involved, rather than any personal reason. But this debate is slightly different, and I hope Members will not mind me being tangential briefly in explaining why.

My dad died when I was very young – I think I was 11 or 12, but he had been unwell for some time before he died – so my last real memories of ordinary conversations with him go back to when I was about eight. Like me, he was a Vale boy through and through, and although his home patch was Bordeaux, he was also incredibly passionate about L'Ancrese, which he loved. He was also an older father, born in the very early years of the 20th century, so he had known L'Ancrese beach really well, for many years before the Occupation.

I remember as a young boy walking along that beach with my dad and him waxing lyrical about how the Germans had disfigured and ruined the beach that he loved. To be fair, I think he, like many of his generation, would actually dearly have loved to tear down every vestige of the German Occupation, although he accepted that was not going to happen, and we could not have afforded to do it, even if there had been the political will.

I know he would have loved to remove this Jerry-built wall and return L'Ancrese, and indeed Pembroke, to the natural bays that he had loved before the War. To be brutally honest, sir, I could not understand what on earth he was wittering on about. I had never known L'Ancrese any differently; it had always had that wall in my very short life at that time. It seemed perfectly normal to me, so why on earth was my dad getting so hot under the collar.

To be honest, I parked that memory for many years. It is really only over the last year or so that the penny has finally dropped, because it has only been over the last few months really that I have seen for the first time those glorious pre-War pictures of L'Ancrese before the Occupation, and they have made me realise that my dad was right to be angry – really angry – as he was as a Guernseyman, because we had lost something glorious.

Alas, this proposal is not to remove the whole of the wall and return the beaches to the way they once were and how he knew them, but it is, in my view, a small step in the right direction.

Despite all that and my emotive leanings in one direction, leading me to support the E&I proposals, I would not have done so if I thought there was any realistic risk of flooding being caused. I do not think any of us would wish to do so. So I listened to the professional engineering presentations. I did so with huge interest, and with a degree of cynicism. I went in thinking that the precautionary principle was where you should come from, if there was any real risk of it

happening at all then we should err on the side of caution. Although you can never, of course, be absolutely 100% sure of anything.

2300 To be honest, I was convinced – it is as simple as that – by the experts that the chances of flooding through this project were infinitesimally small – not impossible, I know. Even if the predicted dune system does not prove a sufficient sea defence, and we have argued all day about how much sand is sitting there in that beach, even if it does not and we do need a manmade barrier, then surely the best place to put it is at the top of the natural beach, not part way down it.

2305 Now it is a long time since I took my physics A-level, but I do still understand that waves running up a beach represent kinetic energy being converted into potential energy until all of that kinetic energy is spent. Therefore a sea wall at the crest of a beach may be absolutely useless at keeping out tanks but it will also have to absorb an awful lot less energy from the waves than one which is built part way down the beach.

2310 Sir, my eventful life has made me more scared than most people about the destructive power of large waves or tidal surges. Being swept away by a Tsunami tends to stay with you. But political decisions have to be made on reason not on inflated fears. I think, to be honest, over the last few weeks and months we have had pushed at us inflated fears – genuinely held ones, and I understand that, and I understand that you can make the argument you should never do anything

2315 if there is only a tiny risk of it not working out, but I do not think we can do that, because the biggest risk of all is never changing.

On that basis, although I understand the strong arguments against – the strong passion against – and that people have got used to that wall being there, I do ... as I am a Vale boy, you can take the boy out of the Vale you cannot take the Vale out of the boy.

2320 I am, without any real doubt in my mind, going to vote in favour of Environment & Infrastructure's proposals.

The Bailiff: Deputy de Lisle.

2325 **Deputy de Lisle:** Sir, thank you.

I have concerns, particularly as Mr Guthrie, when he was speaking to us, reported that removal of the wall would cause the coast line to move back. He said the crest line of the coast was likely to be set back up to 30 m. That is a fair amount.

2330 When I look at the UK consultant, Royal Haskoning's coastal defence and beach management strategy, it reports on the adverse environmental impacts that could occur with removal of the anti-tank wall and natural realignment. What they say is that:

... this could lead to loss of part of the golf course, could threaten the structural integrity of the two pre-Martello Towers, and could lead to the loss of potential archaeological interest.

2335 Now, I know – I thank Deputy Hansmann Rouxel for making the point – that we have had a number of reports and there has been research in a continuum from the early report from which I solicited some of these points. But, really, I would point out later on, that even in the 2012 report there has not been a lot of – it does not give me a lot of comfort in what they say from thereon.

But let me go on with what was said, because there is also this other point that concerns me, and that is where they say that:

Perhaps the greatest consideration is the historic value of the sea wall itself. Having been built during the Occupation it forms part of Guernsey's World War II heritage, and this value needs to be weighed against its value as a modern day coastal defence. If considered worthy of conservation, the wall should be repaired and rebuilt in an appropriate manner to ensure that its heritage value is not diminished.

2340 So that is something that I think, perhaps, we have not taken enough consideration of in the past, and the department that I serve on, and perhaps other departments need to be looking at this now, as to how far we want to go in terms of preservation of those facilities of War time, because there is no doubt that these facilities are becoming more and more interesting, if you

like, to the overseas public and visitors, and are starting to be quite an attraction to people coming here. So I think that is another vestige, if you like, of that period that we have to consider in the future. Just how we are going to deal with that is another matter, but we should be talking, I think, between departments as to whether it is a responsibility of Environment, or whether it is the responsibility of some other department, given whatever we decide with respect to these heritage facilities.

The other point that they make, of course, is that:

Minor repairs to the existing structures are unlikely to have any adverse impact on existing environmental interests.

So that is an important point, and any proposed works should be undertaken outside the main tourist season, in order to reduce the potential disruption to the recreational use of the beach.

Now, actually that was the policy taken by my board, when I was Minister of Environment back in 2007 and 2008, where we undertook minor repairs, if you like, and I would suggest that we continue along those lines.

When I look at the 2012 information, which is in appendix 3 here, on page 36, they say there, they go into there, the dis-benefits of taking the action of removing the defences, and they say that:

The obvious and immediate disbenefit would be in the loss of both kiosks and the loss of the main car park ...

But they go on and say:

There would also be loss of the heritage value of the military defence.

And then they say:

There would be the loss of the main road behind the beach at the western end of the bay.

[and] The two pre-Martello towers set back behind the bay would not be at risk in the short to medium term. [but] Potentially over the next 100 years, erosion may reach these important historic structures. They would, however, be at the back of a far more stable beach line.

I do not have a lot more to say, to be quite honest, so perhaps you will reserve your comments until I finish.

So, essentially, what I am suggesting, essentially what I am suggesting, is that we continue along the lines –

Deputy Hansmann Rouxel: Point of correction.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Deputy de Lisle is saying that that information is from the option that we are currently looking at, and it is not. He is reading the Report and outlining what would happen if you just allowed all of the defences to be removed without any control structures. We hope that with his knowledge he would be able to clarify that to the Assembly, so it is not too ...

Deputy de Lisle: Yes, I realise that an investment of £1 million-plus would, to some extent, give a little more comfort, but then there is the whole aspect of spending £1 million there, rather than spending the £1 million on other coastal areas that have been subjected to ever increasing blight from the sea and where we need to be investing that money.

In fact, did we not, just recently – in fact, a couple of years ago – through the Environment department, put forward a strategy to prioritise areas which are at risk of flooding, given rising sea levels, and certain areas were identified at that time, and two amendments were put in to include two other areas of risk. In fact, the top priorities, if you recall, were St Sampson's and Belle Grève Bay, being priorities one and two.

Now, if we have got money to throw away in terms of, sort of, supporting our seas defences, then I think the money should go into those areas, and we should plough on with the policy that the States was directed towards, with respect to putting that strategy into place and prioritising those particular areas, rather than spending the money on this particular area. Because in many areas we need sea defences; in this particular area we have got a sea defence, and many other areas would love to have that particular defence to defend their particular low lying area, or whatever.

So I leave it at that.

Thank you, sir.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I have not got a lot to say. I would just first like to start and say that if you want to see the finest specimen of an anti-tank wall that I have ever seen, go and visit Alderney: Longis – absolutely fantastic specimen. So I think we should – it might be falling down, but it is still in better condition than the one we have got.

I just think we should use our resources in developing other military installations of greater historic value and interest on the Island, rather than preserving this, as a monument. I appreciate that it has to be treated with respect, with the history behind that, and I understand the Committee will ensure that if there are any remains in there it will be treated respectfully.

I am no expert on this; I am way beyond my limit of knowledge. We have policy papers that come before us, time and time again, and most of them are absolutely fine; I can read and I gather the knowledge, and I can put forward my own views, but on this I have to trust the experts, and for this I am going to trust the experts. I am going to support the Committee with their policy paper and I urge you to do the same.

Thank you.

The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

We are now moving from the realms of evidence testing into a much different realm – a realm of make-believe. We are to be made to believe that the removal of panels from the wall will result in the creation of a lagoon of golden sand, to rival La Concha at San Sebastian. The reality is we do not know what will happen. If we have a muddy mess, or if we have a spongy sub-soil structure, what then? A dune backed beach is expected, but if it is not to be, will the wall be reconstructed? I doubt it.

We do know what has been there for 70 years, because it is there, and many of us have lived with it for those years. We have photographs to show what was there pre-Occupation. What is being proposed is neither case. It is unknown territory. There is no proposal to remove the whole wall. There is no need to venture there. Spend half the sum proposed under 7(b), on option two, and repair and maintain the wall for 25 years. Why take the risk of removing panels?

We have had some literary references over the past few days. Here is another one. In my library I have the collective works of Anthony Trollope, one of which is *He Knew He Was Right*. Well he and I seem to know that they are right, and I only mention this because, as you might have guessed, as the plot unfolds in the story, he was actually wrong.

The Committee may be wrong, even the experts will not guarantee their proposal 7(b) will succeed. This scheme has taken on an almost totemic significance to the Committee – a great big sandpit to play in, with which to experiment. We are asked to accept that this plan is almost accepted as an act of faith. The cheapest option is to repair and maintain. Please reconsider. Please reject Proposition 1, and then E&I can have a look again at option (b) and even proceed under their delegated authority.

2435 **The Bailiff:** Deputy Fallaize, then Alderney Representative Jean.

Deputy Fallaize: Thank you, sir.

I am pleased Deputy Smithies spoke before me, because I intended to speak about the artist's image that the Committee has circulated, and the image that has been created by the Committee, and its advisors, of the sort of Caribbean-like bay that they hope will be created. Now, there are some Members, clearly, who have doubts about whether the Bay will end up in that sort of condition, and therefore do not wish to proceed with the removal of the wall. I share their doubts, I am not remotely convinced that the Bay is going to end up looking as it has been drawn in the images, and the conclusion I reach is still that the wall needs to be removed.

2445 We are not being asked to vote today on the artist's impression. I think the Committee, although I support the Committee and I support their proposals, I think perhaps they might have presented their proposals in a slightly different way and concentrated more on the need to remove the wall, rather than on the impression that they have created, and the advisors have created, about what will replace the wall; because the truth is Deputy Inder, I think, is right – and other Members are – there is a great degree of uncertainty about what will happen, and I, like Deputy Le Clerc, am no expert in coastal geography, but I think that the case that Deputy Inder has made about how much sand is there, and what the movements of the sand is, and that there must be some doubt about what will happen, I think he has made a perfectly reasonable case. I do not stand here and say, 'No, look, I think Deputy Inder is wrong,' because I think that there is some doubt about what will happen.

2455 But let's just look at the situation with the wall as it is. This is a wall which is disintegrating. This is a wall which was put there, quite obviously, to prevent tanks from entering the Island. The only two purposes for the retention of this wall possibly can be, are (1) to stop the tanks, or (2) to stop the sea.

2460 Now, we are hoping not to be invaded by tanks any longer, so there is not really a very strong case for keeping it for that reason; and, as I understand it, and nobody has really disputed this substantially, it is in completely the wrong place to act as an effective sea defence. So if a decision is made that that area of land, and area of land behind it, the Common backwards, needs to be protected from the sea, if that is the policy decision, then the correct action is to take the wall down and put it up in a much better position, from where it would actually have some chance of defending the land successfully against the sea. Because all that is happening at the moment is that, clearly, the existence of the wall is damaging the beach, the wall is completely disintegrating, it is not successfully defending the land against the sea, and if we maintain it in its current position, because of the dreadful state it has got into, we are just going to be throwing good money after bad.

2470 So the point I am making is, I think, even for those people who, like me, are not necessarily convinced that we are going to end up with the kind of bay that is suggested in the artist's impression, the case is still quite strong for the removal of the wall. In a sense, I think, that is what the Committee should have proposed – the removal of the wall – because it is serving no useful purpose and it is not worth investing in its maintenance.

2475 So I think the two logical options before the States are either remove the wall and not replace it, or remove the wall and replace it; and, clearly, if a decision is made today, or in this – had the Committee invited the States to remove the wall and replace it to put it in its correct position to defend against the land, they would have been criticised because they would have been unable to produce any evidence to suggest that the land needed to be defended against the sea by the erection of a wall, and Members would have said, you know, this is going to potentially cost hundreds of thousands, or even millions, of pounds and yet all the evidence that has been produced suggests that there is not the need for a wall in that location.

2480 So I think if you follow that through logically, the only proposal the Committee could put before the States was to remove the wall and not replace it. Now, if I was the Committee, that is

where I would have stopped. I do not think I would have put so much emphasis in trying to sell the sort of tourist-friendly image of the way in which the Bay will develop, because there is a great deal of uncertainty about that.

2490 If the removal of the wall does not result ... because the timeframe that the Committee talks about is quite short here, so we would know quite soon after the removal of the wall whether the Bay was developing in the way they anticipated. If it is not, then it will be possible for the Committee to reconsider their options and come to the States with any alternative proposals.

2495 But there is absolutely no point, whatsoever, in maintain the wall in its current position, because we cannot allow it to disintegrate into the sea. So if it is going to be maintained in its current position a lot of money has to be pumped into it to ensure that it can be maintained in some kind of fashion, despite the fact that its original purpose has disappeared, the protection against tanks, and its purpose as a sea defence has basically been proven to be non-existent.

2500 So I cannot see any argument at all for retaining the wall in its present position. I think the best option – it is not a risk-free option, it is not a perfect option, but I think the best option is to allow the Committee to remove the wall and then, based on the balance of probabilities and the experts' advice, the Bay will develop in a way which will require minimal intervention thereafter, but if the experts are wrong, the Committee can then propose taking action which could, at least, create a sustainable arrangement in that part of the coast, because maintaining the wall in its present position is not sustainable, it would require throwing good money after bad and it would be a thoroughly daft policy decision.

2505 So, for that reason, sir, I will support the proposals.

The Bailiff: Alderney Representative Jean.

2510 **Alderney Representative Jean:** Thank you sir.

I would like to say how much I have enjoyed some of the speeches today, but particularly, for me, the speeches of Deputy Inder, Deputy Ferbrache and Deputy Smithies.

I would also like to assure Deputy Le Clerc that we will not be taking down any of our tank wall. We are going to keep it. I think that you should really keep yours.

2515 I was very interested in Deputy Inder's speeches, and Deputy Smithies, because they were very practical and they pointed out that the wall could be repaired. This is an area you do not really know what is going to happen when you do this. I would not do it, and especially as the Bay has now lowered in sand.

2520 I would also like to tell you something else: that the sand lowers at times in Longis Bay, and that there is a possibility that in 10 years' time, or 15 years' time, the sand will come back in to that bay. It all depends as well on which way the wind goes, how prevalent they are when the sand comes back in. There are some bays on Alderney where the sand piles up for quite a few years with a layer of stone at the top, and in the summer the whole of the stone is covered with sand and you cannot see it. In the winter the sand goes away, you see the layer of stones, and then another year the sand piles back in.

2525 So all of the talk about sand, I agree with, but it is very much a moving, shifting scene; (*Interjections*) there are no guarantees that you will build up sand dunes, no guarantees at all, and that is why I like the speeches of these two men.

Thank you.

2530 **The Bailiff:** Deputy Graham.

Deputy Graham: Thank you, sir.

2535 I have got no particular wisdom to add to any of the aspects of this issue really, but one is entitled to a comment or two, and here are a few.

As a regular beach-goer, and I have been on them with my family, if I thought that there was any threat to the amenity of the beach at L'Ancrese I think I would express those concerns by probably voting against the policy letter.

2540 Similarly, as an amateur historian, if I ever thought that General Irvine's loop-hole tower on the 15th fairway, which was built in the late 18th century, and has stood there unmolested for about 150 years, was in any danger, I think again I would vote against the policy letter. But I do not.

I am a regular golfer – or I used to be before I became a Deputy – at L'Ancrese. The only times I have ever played the 15th it was waterlogged. In one year it was the result of an overly wet winter, and I am told the water table there is fairly high, and there was no sea water there at all.
2545 The other occasion it did flood from the sea, but the impression I got, and it was reinforced by the number of times I have stood there at L'Ancrese on a really windy day, because I thought the wall was the problem rather than the solution, the overtopping seemed to be caused by the wall itself. On those occasions when the 15th fairway was flooded we merely either played over it or round it, but on one occasion I played into it.

2550 On the heritage side of the wall as an anti-tank wall, I suspect, sir, that had it been practical in 1945, as it was to remove the barbed wire emplacements, and also the mines and so on, I have no doubt that Guernsey might well have made use of the German prisoners of war, many of thousands of whom stayed here for quite some time, to actually have got to work on demolishing the anti-tank wall there and then. It was impractical then, and was impractical over successive
2555 years. But, as an ex-soldier, I have to say that that, as an anti-tank wall, holds absolutely no interest to me whatsoever.

Having said that, there are two aspects which I think do concern me, and I would like them to be adequately answered. The first is the kiosk and the toilets. I recognise that these are a public amenity, and also for a small group of people it is a family business. But I am comforted by the
2560 fact that the policy letter itself invites us, really, to put our money where our mouth is on that. We have the opportunity to assess the importance of that, put a value on it, and either say yes or no.

One aspect, which so far, I think, only Deputy Le Clerc has alluded to, is the very sensitive issue of the slave labourers, some of whom may well have given their lives, I do not know, on that particular project, and some of whom, had they given their lives there, may, for all I know, have
2565 been interred there. I think the evidence is probably that they were not, but the possibility exists.

Now, I think I have got a couple of difficulties with this particular issue. I am very sensitive to it, and I respect those who sincerely raised it as a concern, but if it were a concern, I am rather surprised that the Environment & Infrastructure's proposed solution, a memorial plaque or something like that had not been thought of before, if people were so concerned about it. To be
2570 honest, I am not quite sure how the removal of less than 200 metres of wall really changes that particular game.

But I think there is another difficulty here; here we are two or three generations further on, and I think we need to be very careful, about calling to our cause, the reaction, as we think it would have been, to those who gave so much there and afterwards may have survived and had thoughts
2575 about what should happen to that wall, when the possibility existed to do something about it. I think it would be very presumptuous of us to say that they would have thought one way or another.

I remember not long after I first joined my regiment, it was a cockney regiment, and I remember sitting down with one old soldier who was no longer serving, who had survived the
2580 Burma Railroad construction, a couple of young officers and I sat and chatted to him and one of us said to him, words to the effect, 'It must have been a bit of a consolation that the results of all your suffering are there to see in the form of a railway.' Well, soldiers have a pretty blunt way of expressing themselves at times; all I would say is that he was pretty explicit about precisely where the Burmese could stick their railway! (*Laughter*)

2585 I will conclude, really, just by saying that I do admire what Deputy Neil Inder has done. I think the days when the States might not have Deputies who are prepared to put a lot of emotional contribution and effort into such a thing, and clearly, a lot of hard work, I think the days when we

do not have Deputies like that in the States, it will be a poorer States. My admiration for him does not quite extend to voting against the policy letter, but I would like to thank him, on my behalf anyway, for the effort that he has made.

The Bailiff: Deputy Yerby.

Deputy Yerby: Sir, in the course of the previous debate, a couple of my colleagues said that they were not prepared to vote for the sursis motivé, but had not yet reached a conclusion on how they were going to vote on the Propositions. I am rising really to urge them, now that we have said no to the sursis, to enthusiastically say yes to the Propositions.

I think we have reached the stage where it is do or do not, and there is no track.

Deputy Inder, to his credit, at least as far as the point of the requête, was trying – perhaps very trying as far as the Committee were concerned, but certainly he was trying – to find a solution. In the course of having multiple presentations made to us, the evidence supporting this policy letter presented to us, nobody else has come forward with any kind of amendment to the Propositions, that would suggest an alternative to what Environment are proposing, and although we have a multiple choice option when it comes to the kiosk, we do not have that choice when it comes to the beach.

So, really, the decision that we are making now is do this or do nothing. For my part, I think the case for this is strong. I am happy to accept the expert advice and the good judgement of the Committee, and have not commented on that in the sursis motivé debate; I think it is worth just pausing to think about that.

The Committee: Langlois and Dorey – some of the finest analytical minds in the States; Dorey and Brehaut – long serving States' Members who would not throw away votes foolishly; Brehaut and de Sausmarez – devotees of environmental policy who would not wantonly destroy Guernsey's natural resources; de Sausmarez and Hansmann Rouxel – fantastic communicators and sympathetic listeners who would not ride roughshod over the wishes of parishioners; Hansmann Rouxel – a Deputy of the Vale who would face the displeasure of her parish and the opprobrium of colleagues if she went and did this, and did so bravely, nevertheless.

These are not a group of people who would make this decision recklessly, or out of self-interest, or indeed for any other reason than that it is the right thing to do. That deserves to be recognised and they do not deserve the attacks on their integrity that they have been through in the past few weeks. **(Several Deputies: Hear, hear.)**

Sir, the plans are sound and reasonable, they are well within the Committee's mandate. We have decided already that we have enough information to make a decision, so let's do it.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

I just wish sometimes that, from my point of view, I am really enthusiastic about something, or really enthusiastically against it, because that makes the decision easier. I would love to be, today, in Deputy Inder's position. I know exactly where I am, I know what I am saying, or in Deputy Brehaut's, I am going to defend this, this is the policy, this is ... It is when you are in the middle ground, and it can be as sharp as you like. I just want to move along that wall and sit there with Deputy Fallaize, because I know, he is just moving off to the side, but I think he is trying to find that fence and I am trying to sit on it with him. *(Laughter and interjections)*

I do not mind Deputy Fallaize removing the wall. I am quite happy with the wall to be removed, but I then start getting into Deputy Smithies' country with, what is it going to look like afterwards? One of the main problems I have is the groynes. It really is, it is the groynes down the beach. I have learnt quite a lot about sand today, and the movement of the sand, and whether it should come back. If there is a finite amount of sand on the beach and that is the sand that is going to make the dunes, if dunes were ever there in the first place and, of course, we have not got to that

2640 ... is that do you actually really need the groynes? So, I would be almost more comfortable to see the area open up, let it naturally develop and then see if you need the groynes or not.

The other bit which I thought was interesting with Deputy Fallaize, was the danger we have now of the wall and children; you could drop a cow in, these spurs or groynes are going to be bits of the concrete wall in large chunks, taken there and put and then covered with rock façade with holes left in on purpose to make sure that the waves can dissipate their strength.

2645 So we are going to have, not exactly a child-friendly structure, either side of the new bay, and it is not going to be something you could walk along happily, with a nice topping and you can dive off or whatever it is. This is going to be a pretty ugly, prickly sort of – a bit like some of the west coast as it is now. We have pretty sharp rock pools and stones. I would be a lot happier if it was done in stages: take the wall away, see how it develops, see how much, whether it is soil coming out or whether it is sand, and perhaps leave the groyne structure away for the time being. If anybody was going to propose something of that sort it certainly would have my backing.

2650 The other point is, and it is probably the enthusiasm of youth, as Deputy Yerby who was saying, that we have got the evidence and we will go forward and whatever. The difficulty I find is that sometimes when the Civil Service and consultants make the decision, once that decision is made and crystallised on a piece of paper, you try and change it. My goodness you need to have some pretty good arguments to go back. People can be very dogged with these things. So, really you have got to make sure the work is done before the ink is dried on that piece of paper, because once it has dried I cannot see departments very readily changing.

2660 Now, we have heard today that the department will be monitoring this, as they do the experiment, and as the wall comes down to see what is behind and do the rest of the work, so it will certainly give me some comfort if Deputy Brehaut is able to undertake that literally the department on this occasion; because I have been with some departments and they will not change their mind unless you actually shovel the new evidence in with a rather large spade.

2665 So, if Deputy Brehaut can give me that assurance, that they really will be open minded as they go, and if somebody could put an amendment forward that would remove the groynes for the time being, I would be very happy, and would be much more inclined to support it.

So thank you, sir.

2670 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

Deputy Yerby, I thank you for your kind words, and I think she sums up what we are going to have to vote for. It is do or do nothing.

2675 I would just like to remind you what 'do nothing' looks like, because that is how I and, I think, the Committee will interpret a vote against this proposal. I am reading from the 2012 report, it says:

Under this approach rather than positively removing defences, defences will be allowed to fail, and the only works undertaken will be to address safety issues. Major sections of the eastern wall might be expected to fall over the next five to 10 years, these defences are large mass concrete structures, and would definitely fall due to undermining and toppling on to the beach, the structures would be monitored and access behind the structures will be fenced off. As damage is identified there will be a need to close the kiosk and the small carpark. Once failed, wave action would tend to get behind the walls undercutting and outflanking adjacent sections of wall, failed section of wall would then act as low breakwaters modifying the pattern of erosion etc.

So you would have the situation where we would just be in a health and safety situation. I think that would be unacceptable.

2680 Deputy Brouard talked about not doing the groynes. Well, that is part of the solution. If we do not do the groynes then the wall will not be protected and the beach will not then form, so we are in danger of the wall either side then being ... the water getting behind it and then falling in. So the groynes are a part of the solution; you cannot just do one part without the other. So I would say that that is not an option.

2685 There has not been any discussion really, apart from just being mentioned a couple of times, about the kiosk and the toilets, because there are a series of options in the report, and that is where I would encourage Members to think about, because there are different options, and which option do you want?

2690 Deputy de Lisle talked about progressing, about St Sampson's should have been a priority. Well, it is a priority and it is progressing. He also spoke about what would happen if we did not just remove the wall, you can see how far the beach would go back. He spoke about the Martello tower; if you look on page 44 it very clearly shows the lines that we would expect the beach to go, and there are two lines, lower projection and the higher projection.

2695 Deputy Smithies said it is an act of faith. Well, no, it is not an act of faith, it has been properly modelled and, interestingly, the Environment Agency said:

Natural flood management methods are an increasingly important part of how we manage flood and coastal erosion by protecting, restoring and emulating the natural regulating function of catchments, rivers, flood plains and coasts, in the right place and the right scale it can help reduce flood and coastal risk, used in conjunction with more traditional measures.

That is the situation: that we have an option here, identified by engineers, which will be a form of a natural flood management. Because obviously if the wave comes in, and it hits the beach, the wave power is dissipated, and obviously the groynes are there to dissipate the wave power either side of it to protect the walls and to help create the beach.

2700 Alderney Representative Jean spoke about the wall. Well, actually, we are only losing 14% of the anti-tank wall. There will still be the 86% of the wall left. So it is only a small area, but what is key is that that area is in such poor condition that if you wanted to protect it, if you wanted to keep it, the engineers say that you would have to encase it in concrete, so you would not have the original wall.

2705 So I urge Members to, as Deputy Yerby said, vote for 'do' and not 'do nothing', because I think the 'do nothing' option will be horrific for the beach of L'Ancrese, and for the area behind.

I would urge Members to think and read about the kiosk and toilets, and which of the options they want to go forward with.

Thank you.

2710

The Bailiff: I think that – Oh Deputy St Pier.

Deputy St Pier: Thank you, sir. I will just be very brief.

2715 In June this year, the States agreed to delegate authority to P&R to approve the project business cases and open votes for projects of a value not exceeding £2 million, and I would be grateful if the President of the Committee could just confirm, when he sums up, that the proposals within the policy letter are not seeking to bypass that agreed approval process. I do not believe they are, but I think it would be useful to put it on the record.

2720 The Policy & Resources Committee does consider that the issue of whether and how to provide a toilet and kiosk facilities is actually an integral part of the project, and as such it should be addressed within the business justification case, and if any funding is required then it will need to be included in the capital vote, in our view.

2725 Just as an aside, sir, my Committee has noted that whilst the policy letter does comply with the Rules of Procedure, in that it sets out the financial implications of the proposal, some of the recommendations are somewhat unclear. For example, in relation to the source of funding for any works on the toilet and kiosk facilities that has not been identified.

2730 In fact, sir, the Committee will shortly be writing to the States' Assembly & Constitution Committee to request that consideration be given to making a minor change to the Rules, to revert to the practice we had before the current set of Rules to include consultation with Treasury on all the Propositions to ensure that, at least, the financial implications have been properly identified and addressed, and advice can be given at officer level on the wording of Propositions,

to ensure that in respect of the financial aspects that then enable the intentions of the proposals to be implemented.

2735 So, again, not suggesting any P&R process of veto on Propositions that come forward, but we just think that, actually, the States would be better informed if there was the opportunity for, at least, that dialogue to take place at officer level, and that will be the suggestion that we make to the States' Assembly & Constitution Committee on the Rules.

Thank you, sir.

2740 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

2745 I am going to declare a limited vested interest, if I may. I am Vice-President of the Channel Island Occupation Society, which I mentioned this morning in answer to a question to Deputy Brehaut, and that Occupation Society is affiliated to the Festung Guernsey Group, which is carrying out various studies and renovating various Occupation sites round the Island, including that area.

2750 On 1st October 1941, there was an order that was sent out from the German High Command under the initials AH, which obviously was Hitler, ordering that, although he did not anticipate any attacks against his western defences any time soon, he did actually want to have defences put in place. That order, as I think Deputy Heidi Soulsby mentioned this morning, resulted in a western wall, which extended right the way from sort of Scandinavia right the way down to the border with Spain and France. There is a terrific amount of concrete that was actually put around the Islands; in fact, the 168 km of the Channel Islands boasts more concrete laid than the 1,000 km from Brest to St Nazaire, including all the submarine pens. So there was a terrific amount of work done.

2755 We have also heard from an infantryman who does not think much about tanks. Well, I am not surprised about that. I heard from Deputy Roffey, who had memories there of walking the beach with his father. I can remember, because my grandfather was not actually in Guernsey during the Occupation, he was in Jersey, and they were an English family, my maternal grandfather, and they should have been deported. They would have been deported, but for the fact that he had skills that the Germans valued for construction, and he was a forced labourer, who had to work on their tunnel system. I do not know exactly what he would have thought about retaining this wall. I did not actually have the chance of asking him what he thought about it.

2760 But I do understand that there will be lots of personal reminiscences and views around the Island from lots of people who will have different memories of what the Occupation meant, and those people who lived in the northern part of the Island around Paradis, who may have seen the slave workers living in terrible, terrible, conditions, being sort of forced to walk to work from their *lager* – that is the German word for a camp rather than a beer – to actually work on these massive defences. So there is that element.

2770 I, personally, would like to see the wall retained. I do not want to see groynes on the beach; I do not think they are going to look very pretty, I do not think it is going to make that beach any more attractive to the visitor. I do not want to lose the café; I think that café down there serves a great purpose. It may be that it could be relocated, I do not know, but I would rather not lose it.

2775 I attended three of the E&I meetings that were organised – one for Deputies, one for the general public, and one down on the beach with the specialist. I have also attended the beach, visited the beach several times, and have taken it upon myself to actually talk to the people that were on the beach, sunbathing or with kids sort of playing around or whatever, and the great majority of those people on the beach wanted that wall retained.

2780 I also spoke to several café visitors. Perhaps one is sort of talking to people who are being influenced by all the ribbons that are on the headland there, on the top of the beach, but I did not come across anybody in that café who did not want that wall retained. There was overwhelming support for that wall to be retained.

Now, Education, Sport & Culture has three elements; the sport and the culture side of it also come into play. We have had concerns expressed by the Golf Club who are very worried that that 15th fairway ... which is really the most prestigious of the holes that they have got, they think it is their sort of premier one. I do not know why it was compared to Wimbledon today, perhaps more St Andrews would have been a better comparison, but there we are. But the Golf Club have expressed some very serious concerns about what might happen. I accept it is what might happen. I will come back to the uncertainty later.

We have also had the concerns of the Vale Common's Council expressed to us as a Committee. Not only the worry of what might happen to the Golf Club, and the golf course, but also to the actual pathway, and what is going to happen to that slipway for access to the beach in the interim, and all the rest of it. So there has been a whole raft of people writing in, either as part of official bodies or individuals making contact.

I need to also say that there are several sites of antiquity in that area, we have got at least four areas that need to be excavated, and investigated by our Archaeological Service. Some of them are at risk of flood. We were talking about loop-hole towers and what were they – were they Martello towers or not? – well, they are not Martello towers; we have three Martello towers in Guernsey – Fort Grey, or the Rocquaine Car, is probably the best example of what a Martello tower would look like. What we have are pre-Martello towers. We used to have 15 of them, there are now 12. Three of those loop-hole towers have actually been removed: one around about 1906, round by First Tower, another one which was taken down by the Germans because it was in the way of lines of fire and whatever, and they have gone, and there are 12 left. There is one there, which is quite close to the edge of the sea there, and there is a concern expressed that that Martello tower could be at risk.

I have also looked at Economic Development and what their interest might be. Well, there are some very interesting sites down there, when I was teaching at St Sampson's Secondary School, we, during our activities weeks, and even during actual history lessons, had two areas that we really looked at very closely. One was Delancey Park, because you have got absolutely everything there, you have got a Neolithic dolmen on site, right the way up to the very end of World War II.

I will give way to my learned colleague over there, sir.

The Bailiff: Deputy Trott.

Deputy Trott: Not only all that, sir, but Delancey Park has a protest tomorrow afternoon at 2.30 p.m., (*Laughter*) should Members wish to attend.

Deputy Le Pelley: There will be a speech by a certain Deputy Trott at 2.10 p.m., I believe. I think he has also got a drummer boy, and one or two other things, but we will worry about that tomorrow. We digress. (*Interjection*) Certainly not me.

Now, looking at the area round the L'Ancrese Bay is a very interesting Occupation site, it is not just about the wall. That wall is just one section of a complex defensive system, and there is the opportunity of specialist tours actually being invited to come over to the Island to investigate and to study what is left of this particular area. It is a very accessible area, it is well serviced, at the moment, with various amenities, toilets and café bars, etc. and it is not that long ago that, in fact, I believe a group of Danish tourists paid for the privilege to actually come over here and to actually help the Festung Guernsey Group to excavate some bunkers. So there is that interest there.

More recently than that, I seem to remember reading something in *The Press* within the last fortnight about the people going to Alderney where something was cancelled and they believe that it was a cost to the Society over there, the community over there, of somewhere in the *circa* £10,000. So these are economic enablers, these are things that if we really get our minds to it can actually add to the tourist economy.

To finish, I think I have suggested that there are quite a lot of reasons to actually sort of look at it. I have declared my limited interest, I am not going to be heartbroken, but I do support the retention of the wall.

I have suggested to my members at ESC that perhaps we should look at reforming a strategy that was in place a few years back called Fortress Guernsey. It was actually set up with the involvement of Evan Ozanne who was, I think, known to quite a few people and was based on a lot of work which had been done by – he was a former resident of Guernsey, he is now a resident of Alderney, and is – Jurat Colin Partridge. They have actually written out and assessed nearly every sort of German type of fortification that exists on the Island.

When the German fortress engineers came to actually build things, they did that according to a manual. The manual had hundreds of different formats of laying out things, right flanking, left flanking, what its action was; was it to actually stop a full frontal attack, or was it to offer cross fire across a beach? All that information was actually there and the fortress engineer would say, 'I need a 612, and a 681 or a 637,' whatever, and he just reeled off what he wanted, gave the site, and the engineers actually went and did the work.

There is a great deal of interest around, and some of these buildings, some of these fortifications; I know some people hate them, and just want to get rid of them, but there are others that want to study them, and want to see them *in situ*, and there are fewer and fewer of them. Guernsey is in a prime site here to actually have something for the specialist tourist.

I think that the last thing that I want to say is really in support of what Deputy Smithies said, and that is it is about uncertainty. Just exactly what will happen? What happens if it goes wrong?

So, on that note, I would like to sort of finish, but just say to Deputy Inder, thanks for actually putting the effort in; it is hard slog, it is a hard, hard slog, and I do appreciate the work that you have done, thank you.

Thank you, sir.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Sir, I would like invoke Rule 26(1).

The Bailiff: Right. Will those who have not spoken stand in their places if they wish to speak? Well, you will reply anyway – so there are two people standing who will not have the right to speak, do you wish to ...?

Deputy Leadbeater: Yes, please, sir.

The Bailiff: Right. I put to you then the motion that debate be terminated. Those in favour; those against.

Members voted Pour.

The Bailiff: I believe that is carried.
So, in that case, Deputy Brehaut will reply.

Deputy Brehaut: Thank you very much, Mr Bailiff.

While it is fresh in the memory, I would like to give Deputy Gavin St Pier, the ... I beg your pardon, the Chair of P&R, an absolute assurance that we will work closely with P&R, and let's not lose context here, this is the Committee that gets called to resign when you want to install a gate for £2,000, so the likelihood of us pulling the wool over P&R's eyes in any way, shape or form is near impossible. But, no, being absolutely serious, of course we work closely with P&R and assure due diligence and respect for both Committee roles at every stage.

With regard to Deputy Brouard, who is almost unrecognisable, with regard to the groynes, the spurs, I think that is the one element of the project that has caused the greatest concern. Once you start then imagining the beach, the Bay, and the walls gone, then you get a different type of perspective, I think, of the scale and where they sit. When the sand does then re-accrete, the perspective and the dimensions will change.

But, like him, I am anxious that we do not end up with a structure that is disproportionate to the area we have open-ended up. So we open up 130 m, and then have a Forth Rail Bridge, to exaggerate, either side, to secure the ... I am anxious about that too. But this is a design stage, so to take your point about talking and dialogue and listening to staff and civil servants, we need to make it clear to the designers that they have to be incredibly sympathetic with the way that that looks when they embark on this project, because I think the public need that reassurance.

With regard to Deputy Le Pelley, can I say his speech was, in essence, 'Do you know decision-making is difficult?' and he gave us all the reasons why decision-making is difficult, and it is a very, very difficult decision. I did say to him, was it yesterday, that if he was serious at any stage to say this was a site of special heritage value, it would not be with us, and if your Committee wanted to take it, and have the burden of maintenance, the worry, frankly, the consideration, through the Chair, sir, of maintaining the wall and the archaeology behind it, that could have been done some time ago.

The reality is that we have been moved to action because of the parlous state of the wall. Of course, all the references to German, quite obviously, have a relevance, but we cannot lose perspective on the fact that the wall fell very early on, and what a lot of young people played upon, in the 1960's and 1970's was actually the apron that was put on by local engineers, not by the German occupying forces.

I will briefly sum up on what has been said. If I can get to my notes; just bear with me a moment.

Yes. Deputy Peter Ferbrache did something, I think, that any good lawyer does, which is try and consolidate really complex issues – the engineering, the dynamics, how the Bay will look; he did not bother with any of that, he brought the focus right down to an individual. How would you feel making a decision and how it will impact on the family?

Now, I have every sympathy for the tenant, bearing in mind we do not, and I take it on board that there is only one States and there is collectively a duty of care to the tenant, but in answering the question before, Deputy Charles Parkinson said that it was a rolling lease that is yet to be signed. It is a rolling lease that has yet to be signed.

So, if there is ever a dispute of any nature, and as uncomfortable as it is talking about these things, the lease is open ended at the moment. But, can I just say, from my point of view, I believe we do have a duty of care to those people, to that family, and I think the States will behave responsibly, and appropriately, when dealing with that situation. We had a situation, didn't we, regarding the milkmen, and we came to some agreement with regard to the projected income and the perceived loss, and I can imagine that is a conversation that may happen in another time and place.

Deputy Ferbrache did raise issues of the quantum of compensation, I suppose, or the costs of the kiosk generally. I can only look back at, if the sursis would have been successful and the potential costs of over £300,000.

Deputy de Lisle spoke of the scheme, and he spoke at length about the Martello towers, loop-towers, the golf course – the loss of; and Deputy Hansmann Rouxel was absolutely right to point out that that was a previous report. So the scheme – and we must bear this in mind – even with removing that much more of the eastern end, that was the worst case scenario, the storm surges, the spring tides, prevailing winds, you might find yourself in the situation where you lose elements of the golf course, potentially, over that 50-year epoch. So, we are only taking out a tiny portion of the wall not moving towards the west, like we did do in other areas.

I have to say this to Deputy de Lisle, he would rather we did not spend anything on the wall and spent the money in St Peter Port to protect against sea rise. So the 'do nothing' would leave the –

I will give way to Deputy de Lisle.

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Deputy de Lisle: Point of clarification, sir.

The Bailiff: Deputy de Lisle.

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Deputy de Lisle: Point of clarification. I was not saying do nothing, I am saying that the repairs that we have been undertaking in the past, I support.

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Deputy Brehaut: Actually, to Deputy de Lisle's credit, when he was Minister of the Environment Department, it was then that, bearing in mind the budget was a pittance ... I mean the sea defences for this Island had a budget of £45,000, and we are chastised for saying you only spent £10,000 on the wall. But spending on the wall started under the watch of Deputy de Lisle and then under the Burford/Brehaut Environment Department is when we could say we got a grip and an understanding of the problem and started to spend a bit more. So the flooding risk sits somewhere else, not with our proposed scheme.

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Deputy Fallaize, he is right, it is a wall, it is in the wrong place; put a wall, therefore, in the right place if you are looking to protect the land behind. I know this is where the points of debate and contention are: the land behind is the defence, the land behind is the defence, so if you remove the wall with some management, and of course, the Bay is not entirely natural, and we cannot forget that, so the eastern end of the Bay is disproportionately affected by the movement of water from quite a long piece of tank wall, so it takes the pressure to the east of the Bay, which is why we need to release that valve.

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I do not agree with Deputy Fallaize that we promoted the Caribbean sand thing, at all. No, through you, sir, we came up ... the engineers, possibly with a member of our staff, from my recollection, did a mock up image to produce an image that it could look like this. That was the beginning and the end of it. We then did not go out and promote it; it appeared, I think, in the room next door, when we were doing the presentations to the public, 'But sand, actually, is that colour at Pembroke and L'Ancrese, sand is that colour at Herm,' when people say this, if you do the juxtapose of a really quite ugly wall and then an expanse of sand of any colour, then it is going to be quite a stark difference.

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Alderney Representative Louis Jean – Longis tank wall is currently failing, a panel has come out. I was up in Alderney the other day, and having a look at the marvellous Alderney Breakwater, and I was taken to see the Longis anti-tank wall, which is much higher than the Guernsey tank wall and the pressures are such that the concrete has snapped and cracked and thrown a panel forward and a panel back. But he is right, the sand will arrive at the base of the wall and you can go down in the winter and the sand will be gone; that is because the wall is there. If the wall was not there the sand would stay on the Bay and not be dragged down in the winter months. So it is the hard sea defences that ensure that sand does not settle.

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I just wanted to say something to Alderney colleagues, in a very delicate fashion. If you think of the travails of getting this proposal through, capital expenditure, the detail that people have drilled down to on this very one small piece of infrastructure, please bear with us when we try, because we have got the Alderney Breakwater as one of our high priorities, that we hope will be reflected in the P&R Plan.

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So, we need the support of you and the Assembly to progress the Alderney Breakwater, and the numbers of the Alderney Breakwater make this look like a sluice in a millpond. So, please, bear with us when we need to make those type of decisions.

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Deputy Graham mentioned the fortifications and I do, without being too flippant ... when Doyle finished the road and got to the coast to the new loop-hole towers, this expensive

infrastructure, in relative terms, in Guernsey at that time, his first thought was not, 'Yikes, this could flood if we are not careful. We could lose this road if there was a storm,' that did not cross their minds. It did not happen at any time in between the wars, but we have this pre-Occupation, post-Occupation panic about the purpose of the wall.

We are incredibly sensitive about the prospect of any human remains being found behind the wall, and I raised that in 2013, and I think when I was on the beach with Mr Bourgaize, who is coincidentally in the Public Gallery, I did say at that time, I think, in 2015, that we should have an appropriate memorial some place or other.

I have a bit of a personal view on revisionism in history, because people who took part in certain activities, people who are associated with awful events, do not want to be associated with them anymore, and people then come after them, commemorate them in a manner, sometimes, that is a bit clumsy, and is not fully understood or appreciated.

There are options with regard to the kiosk, if States' Members want to do something about that.

I, too, would commend Deputy Inder for getting his teeth into this, and for getting it debated by the floor of this Assembly, and I think he has worked incredibly hard. But I have to say this: it did not need to be this hard, it did not need to be this hard. If you have documentation that you believe challenges the case of the department, go and see the staff, go and speak to politicians, take any amount of people with you, if you feel that you want to be sure that the meeting is accurately reflected by others too.

That was probably something that could have been done. There could have been a little bit more of that, rather than there, effectively, being two camps, I have to say, with the rough and tumble of politics and having this romp particularly, things like the road Transport Strategy get a bit rough, this did not need to be like this. It did not need to be, especially, on social media that we are the Committee that hunts in packs, for example, and there were some very unpleasant things said, and when politicians enter those forums they affirm them by just being there. If people are saying things, and very unpleasant, politicians just stay away from it rather than sometimes trying to qualify it. You end up affirming other people's very bad behaviour, unfortunately, but I am not – *not* – accusing Deputy Inder of that. I am talking about people who participate in social media.

Deputy Emily Yerby, thanks very much for your supportive speech.

I suppose, getting back to P&R and why I would like their support, is this idea, and some of the options are here when we go to the vote shortly. Any make do or mend, and it today seems like a small, lesser, smaller sum of money, it will not be, because bearing in mind the vote yesterday and the interesting demographic within the Chamber, cast a vote not for you as a taxpayer, but for your children and your grandchildren as taxpayers. Because you can spend £400,000, £600,000 to keep this wall, to maintain it, but sooner or later you have to do something about it. But, more to the point, you have to do something about the remaining anti-tank wall, and you have to do something about the tank wall to the east, and to the west, I beg your pardon.

Just before I sit down, I think Deputy Richard Graham made the point which I think is the most obvious point: the Germans took away fixtures and fittings, the paraphernalia, the stuff of war, lots of it went into The Hurd Deep, but they took one look back at an anti-tank wall and, 'Just what do you do with it?', it is just so expensive to deal with, the civilian Government immediately after the Occupation thought, 'Just what do you with it?' and in the 1970's when it started to fall apart they had to do something.

Members, I would very much like you to support the Propositions as they fall away to support the Propositions –

The Bailiff: Deputy Paint is trying to raise –

Deputy Brehaut: I do beg your pardon, yes, I will give way to enable him to ask me the questions because, respectfully, I did forget.

3035

Deputy Paint: He did forget. My first question was who will take the responsibility if this fails. Will it be the consultants, the Committee, the States or the taxpayer? The next question was, there have been thousands of people against this project, has your Committee taken any notice of what they said to you?

3040

Deputy Brehaut: Can I say to Deputy Paint, because he does pick up on these things on a fairly regular basis, that nobody can spend too much time in this Assembly on the moral high ground and stay there and believe that no other people can reach them at that level. We all stand in electoral districts, and we get elected, and we are asked to make decisions. There are times when we make decisions in this Assembly that we cannot take everyone with us. We cannot take everyone with us. Consequently, some of us do not get re-elected, or our votes plummet away. That is the stuff of Government, I am making this decision, knowing that some people will be upset, but I do not accept that it is the thousands of people that Deputy Paint is referring to. I think within 40 minutes we had more emails on college funding that we had had on the L'Ancrese sea defence over a period of three months, probably. So that is where the community is, and I do not mean this in a disrespectful way, but it is, and I understand why, a more parochial issue, rather than Island wide, ironically, because it is strategic.

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With regard to who is responsible, I take my job very seriously, I think I have a reputation for holding my hand up to say I have made a mistake. I think my manifesto said, sometimes I make mistakes and get things wrong. Ultimately, as politicians we are responsible to the electorate, and the electorate are taxpayers, but if we are to say, we come to this Assembly and we are not going to upset anyone, we are not going to make any decisions, then we have got good internet connectivity, let's all start working from home.

3055

Thank you

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The Bailiff: Deputy Inder, unless you are raising to ask for a recorded vote –

Deputy Inder: It is just for you, sir, I just wanted to ask something about when we do move to the vote, I am not entirely sure, I do not want to think that some Deputies do not know, but there is a price difference between options 3, 3(iv) and 3(v), and I wonder if it would be worth stating that before we vote.

3065

The Bailiff: Well, we cannot have further speeches at this stage, so we will just have to go through.

3070

What I was intending to do is take the Propositions separately, because of the options that there are in Proposition 3.

So I will put to you first Proposition 1, which is to endorse the proposal to implement the managed re-alignment of the coastline at L'Ancrese East, and Deputy Lowe has requested a recorded vote. So this is a recorded vote on Proposition 1, only.

There was a recorded vote.

Carried – Pour 17, Contre 15, Ne vote pas 2, Absent 6

POUR

Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Brehaut
Deputy Tooley
Deputy Le Clerc
Deputy Trott
Deputy Merrett

CONTRE

Deputy Prow
Alderney Rep. Jean
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Mooney
Deputy Le Pelley
Deputy Stephens
Deputy Inder

NE VOTE PAS

Alderney Rep. McKinley
Deputy Leadbeater

ABSENT

Deputy Oliver
Deputy Tindall
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Meerveld

Deputy St Pier	Deputy Lowe
Deputy Fallaize	Deputy Laurie Queripel
Deputy Hansmann Rouxel	Deputy Smithies
Deputy Graham	Deputy Paint
Deputy Green	Deputy Brouard
Deputy Dorey	Deputy Dudley-Owen
Deputy Le Tocq	Deputy De Lisle
Deputy Yerby	
Deputy Langlois	

3075 **The Bailiff:** Well, Members, the voting on Proposition 1 was 17 in favour, with 15 against, and 2 abstentions. I declare Proposition 1 carried.

Proposition 2 – hopefully we can go *aux voix* – it is to note that the Committee for the Environment & Infrastructure does not have a mandate for the provision of facilities. Those in favour; those against.

Members voted Pour.

3080 **The Bailiff:** I declare Proposition 2 carried.

Now, Proposition 3, we need to take each of the sub Propositions, or each Proposition, there are a number of options, take each one separately. Proposition 3(i), referred to as option (a), is to remove the toilets and kiosks and do not replace. (**A Member:** Recorded vote, please) A recorded vote. So this is a recorded vote on Proposition 3(i).

There was a recorded vote.

Not Carried – Pour 2, Contre 30, Ne vote pas 2, Absent 6

POUR

Deputy Trott
Deputy Langlois

CONTRE

Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Brehaut
Deputy Tooley
Deputy Le Clerc
Deputy Mooney
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy Yerby
Deputy de Lisle

NE VOTE PAS

Deputy Ferbrache
Deputy Leadbeater

ABSENT

Deputy Oliver
Deputy Tindall
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Meerveld

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The Bailiff: Well, Members, the voting on Proposition 3(i) was 2 in favour, with 30 against, and 2 abstentions. I declare 3(i) lost, which means we move on to Proposition 3(ii), described as option (e), remove the toilets and kiosk and replace by a public/private partnership. There is a request for a recorded vote on Proposition 3(ii).

There was a recorded vote.

Carried – Pour 20, Contre 11, Ne vote pas 3, Absent 6

POUR

Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Brehaut
Deputy Tooley
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Dorey
Deputy Le Tocq
Deputy Yerby
Deputy De Lisle
Deputy Langlois

CONTRE

Deputy Prow
Alderney Rep. Jean
Deputy Kuttelwascher
Deputy Mooney
Deputy Le Pelley
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Paint
Deputy Brouard
Deputy Dudley-Owen

NE VOTE PAS

Alderney Rep. McKinley
Deputy Ferbrache
Deputy Leadbeater

ABSENT

Deputy Oliver
Deputy Tindall
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Meerveld

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The Bailiff: Well, Members, the voting on Proposition 3(ii) was 20 in favour, with 11 against, and 3 abstentions. I therefore declare Proposition 3(ii) carried. That means we do not need to consider the other Proposition 3(iii), 3(iv) or 3(v).

So that concludes the voting on the Propositions of the Committee for the Environment & Infrastructure

We move on to the next matter, Greffier.

3095

**XII. Requête –
Proposed removal of 200 metre section of anti-tank
wall at eastern end of Pembroke Bay/L'Ancrese –
Withdrawn**

Article XII.

The States are asked to decide:

Whether, after consideration of the Requête titled 'Proposed removal of 200 metre section of anti-tank wall at eastern end of Pembroke Bay/L'Ancrese' dated 28 June 2017, they are of the opinion:-

1. To direct the Committee for the Environment & Infrastructure to refrain from taking, or authorising there to be taken, any action in relation to the L'Ancrese anti-tank wall, other than where immediately necessary in the interests of health and safety or for the protection of life or property, until the States have considered and decided what action is to be taken in relation to the wall or any part of it.

2. To direct the Committee for the Environment & Infrastructure to prepare and submit to Her Majesty's Greffier before 28 February 2018:

(a) a Policy Letter which sets out:

(i) the options for addressing issues arising out of the damaged area of the seawall concerned as referred to in the document entitled 'L'Ancrese East Frequently Asked Questions' and recently published by the Committee, including doing nothing and proceeding with the proposal referred to in Recital 2 above,

(ii) the consequences of implementing or adopting (and not implementing or adopting) each option,

(iii) the estimated cost (if any) of implementation or adoption of each option, and

(iv) the option that the Committee would recommend should be implemented or adopted, and

(b) a suitable Proposition or Propositions for approval by the States relating to the option that the Committee recommends for implementation or adoption.

The Senior Deputy Greffier: Article XII – Requête: proposed removal of 200 metre section of anti-tank wall (*Laughter*) at eastern end of Pembroke Bay, L'Ancrese.

3100

The Bailiff: Deputy Inder, I believe there is a motion to withdraw the requête, is that correct?

Deputy Inder: That is right, sir.

3105

The Bailiff: Seconded by Deputy Ferbrache.

Deputy Laurie Queripel: Yes, sir, thank you.

Deputy Inder: No. (*Laughter*) Deputy Queripel.

3110

The Bailiff: Can we start this whole thing again? (*Interjection*)

I am sorry, I know I have mistaken you for your brother, but it is the first time I have mistaken you for Deputy Ferbrache. Seconded by Deputy Laurie Queripel.

I put that motion that the Requête be withdrawn. Those in favour; those against.

Members voted Pour.

3115

Deputy Gollop: I abstain, sir.

The Bailiff: Well, despite the fact that somebody was shouting very loudly, I believe that was carried.

XIII. Schedule for Future States' Business – Approved

Article XIII.

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 18th October 2017 and subsequent States' Meetings, they are of opinion to approve the Schedule.

3120

The Senior Deputy Greffier: Article XIII – Schedule for Future States' Business.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, thank you.

3125 The schedule is, I believe, self-explanatory. We have obviously had a three-day meeting for this sitting, sir; the business for the next sitting, I think, is fairly light. I do not think it will take us three days.

3130 However, there is significant business, I think, coming through the system, sir, and it is probably worth noting that in due course, with the Uprating Report from Employment & Social Security, the Budget Report, and the Brexit policy letter that was published, the report from the Committee for Economic Development, which Deputy Ferbrache spoke about earlier in the week, and, of course, the Secondary Schools Plans, that will also need to be considered.

3135 Up to now, sir, the Policy & Resources Committee have not really needed to consider the timing of when reports are recommended to come before the Assembly, in terms of managing the States' business, but I just think it is probably quite likely that we are getting to that point, where a lot of work is coming together. So that is not necessary for this next sitting, sir, and hence the schedule is as before Members. I will just put Members on notice that it is something that we will have to consider.

3140 **The Bailiff:** Does anybody wish to propose any amendment, or any alternative meetings at which any of the items should be debated? No.

I put the schedule, therefore, to you for approval. Those in –

Sorry, Alderney Representative McKinley, you wish to rise and propose an amendment.

3145 **Alderney Representative McKinley:** I do not think this is working, sir.

No, I just want to say, as I said yesterday, this is one of the meetings which is going to clash with our own States' meeting, so there is a very strong possibility that until we know what is actually on the Billet, what is relevant or not relevant – well the finalised Billet – whether we will be able to attend both meetings.

3150 Sorry, sir.

The Bailiff: Thank you.

Well, I put the schedule to you for approval. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

The Assembly adjourned at 4.40 p.m.