



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 27th April 2022

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Present:

R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

M. M. E. Pullum, Q.C. (H.M. Procureur)

People's Deputies

S. E. Aldwell	A. Kazantseva-Miller
C. P. A. Blin	D. J. Mahoney
A. H. Brouard	A. D. S. Matthews
Y. Burford	L. J. McKenna
T. L. Bury	C. P. Meerveld
A. Cameron	N. G. Moakes
D. de G. de Lisle	R. C. Murray
H. L. de Sausmarez	V. S. Oliver
A. C. Dudley-Owen	C. N. K. Parkinson
J. F. Dyke	R. G. Prow
S. P. Fairclough	L. C. Queripel
S. J. Falla	P. J. Roffey
P. T. R. Ferbrache	H. J. R. Soulsby
A. Gabriel	G. A. St Pier
J. A. B. Gollop	A. W. Taylor
S. P. Haskins	L. S. Trott
M. A. J. Helyar	S. P. J. Vermeulen
N. R. Inder	

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and E. A. J. Snowdon

The Clerk to the States of Deliberation

E. J. Atkinson (Deputy Greffier) (AM)

S. M. D. Ross, Esq. (States' Greffier) (PM)

Absent at the Evocation

Deputy J. P. Le Tocq (*relevé à 11h 30*); Deputy M. P. Leadbeater (*indisposé*).

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Lt Gen Richard Cripwell, C.B., C.B.E.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billet d'État VIII of 2022. To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 27th April 2022, at 9.30 a.m. to consider the items listed in this Billet d'État, which have been submitted for debate.

Statements

COMMITTEE FOR EDUCATION, SPORT & CULTURE

General Update – Statement by the Committee for Education, Sport & Culture

The Bailiff: Good morning, Members of the States, and without further ado we will move straight into the first of two general update Statements, this one on behalf of the Committee for Education, Sport & Culture, to be delivered by its President, Deputy Dudley-Owen, please.

10 **Deputy Dudley-Owen:** Good morning, sir.

At the time of my last Statement in October, we had yet to debate proposals for a four-day weekend to celebrate Her Majesty the Queen's Platinum Jubilee. We now have that longer celebration, but first we will celebrate the 77th anniversary of the Bailiwick's Liberation. Their Royal Highnesses the Earl and Countess of Wessex will visit the Bailiwick in connection with both of these events. We look forward to welcoming them and to seeing the many and varied ways the parishes will celebrate our freedom. (**A Member:** Hear, hear.) The ongoing conflict in Eastern Europe serves to remind us that freedom should never be taken for granted.

15 We know that the Occupation played its part in the demise of our native language and, sir, I am delighted that your predecessor, Sir Richard Collas, is the first Chairman of the Guernsey Language Commission, which is holding an open evening tomorrow at 7 p.m. at Les Beaucamps High School.

Through you, sir, I urge everyone here and those listening to come along and learn more about the Commission's plans and how we can help to preserve and generate interest in our precious Guernésiais.

Sir, a full update on progress covering the first year of the Active-8 Plan for Sport will soon be published, so I will not steal its thunder by saying more today, but we welcome feedback on that progress update following its publication.

The Guernsey Museum's two temporary galleries will soon have new equipment giving tighter control of environmental conditions thanks to a modest capital allocation; and in the latter months of 2023 it will host a prestigious Renoir exhibition. Excitingly, we have agreement, in principle, for artworks to be loaned for display from MuMa Le Havre; the National Gallery, London; and Musée d'Orsay, Paris; as well as our partners le Musée des Impressionnistes Giverny and Art for Guernsey. The exhibition has the very real potential to attract visitors to the Island, and has a strong educational element, building on existing Guernsey Museum and Art for Guernsey initiatives with local schools.

Speaking of which, I am pleased to report that, in line with the Government Work Plan, work on the transformation of education continues at an ever-increasing pace. The new facilities at the Les Ozouets Campus are now in the technical design phase – RIBA 4. Work which has included participation from a range of staff working for the Guernsey Institute and in our secondary schools. The associated traffic impact assessment has been completed and has identified no major issues, and the planning application is now well progressed.

In parallel to this design work, we are tendering for construction work, and anticipate imminently recommending a preferred bidder. We are also in the midst of work to allow us to vacate the current facilities, thus giving the construction partner a free run to start the construction of state-of-the-art facilities for all our post-16 learners.

It was frustrating and disappointing to have to adjust the planned commissioning date of these facilities from 2024 to 2025, but I was gratified by the support for this approach from professional leaders, trade unions, and many in this Assembly.

Good progress has been made on the operating models for both the Secondary School Partnership and the Guernsey Institute. This critical work is entering its most detailed phase, which will in turn allow for the implementation of necessary and beneficial changes. We anticipate formal consultation with staff on the model for the Secondary School Partnership in the coming months.

Work to confirm how we will deliver the Digital Roadmap for Education is nearing completion. We anticipate this moving into the delivery phase later in this year which will quickly bring tangible benefits.

The Committee is also continuing its work to review the Education Law, which will provide a modern, fit-for-purpose legislative framework to underpin our education system for decades to come. We are on track and confident that we will be consulting on the full suite of proposals in the first quarter of 2023.

Sir, as part of our work on the update to the Education Law, the Committee has been looking carefully at the way that individual education settings are governed. We recognise the need to support our settings' leaders by providing them with appropriate governance structures that can be used to ensure a deeper understanding of the individual challenges and opportunities that each setting faces.

Appropriate support and challenge mechanisms that hold leaders to account effectively are critical aspects of a continuously improving education system. We are currently developing an interim governance model that will strengthen this aspect of the Committee's practice until proposals for the new Education Law, including proposals for a future model of governance, are debated next year.

All of our education-focused activity links to our Education Strategy, the main tenets of which States' Members were consulted on back in December 2020. The Strategy is the overarching framework that lays out our aspirations for all learners and has been carefully designed over time by leaders right across the education system.

75 All education-focused operational plans and policies, and the great work that our head teachers and principals are leading in their own settings, are all now aligned to the Strategy; and our central education leadership team ensures that the key policy workstreams they implement under our direction all feed into the priorities and commitments of this Education Strategy.

Earlier this year, we asked all members of the large and diverse education workforce about the values they would like to see evidenced across education. We had a wonderful response and have used this feedback to refine some of the commitments in our Education Strategy so that we can reflect the voice and the aspirations of our staff even more clearly.

80 Sir, Members will know that in early 2020, Nasen was commissioned by the previous Committee to undertake an independent review of special educational needs and/or disabilities (SEND) locally. This review confirmed that there is substantial effective practice that supports learners with SEND across Guernsey and Alderney, but it identified some inconsistencies that need to be addressed.

85 All 18 recommendations arising from the SEND review, which were grouped into immediate, short-term and medium-term priorities, were accepted by the Committee. I am pleased to report that progress has been made against all recommendations, which are central to the delivery of the equity, safety and inclusivity aspects of our Education Strategy. Some recommendations have already been completed, most notably the development of the special educational needs co-ordinator role within all our schools and settings. Officers are now working on other recommendations, which will see the quality of practice, and in turn the experience and outcomes of our SEND learners, improve.

90 Sir, external inspection is integral to ensuring that the community has clarity about the quality of our schools and settings and is core to the Education Strategy. Although we saw the need to defer the commencement of Ofsted's formal inspections as a consequence of the pandemic, we have been desperate for the inspection cycle to begin so that we have a truly independent assessment of how our settings are performing.

95 Where our schools are performing well, we need to celebrate that and learn from them. Where schools are at an earlier stage of their improvement journey, we need to support them on that journey by sharing best practice as we strive for a consistently high standard across all the States-maintained schools.

100 I am very happy to report that Ofsted's first external inspection took place just prior to Easter, at Vale Primary. Ofsted's report, published yesterday, evaluates Vale Primary as 'good' in all five focus areas, that is: good quality of education; good behaviour and attitudes; good personal development and welfare; good leadership and management; and good early years provision. This is a solid and secure evidence-based foundation from which the school can build towards excellence. I am so pleased that Ofsted has recognised the tremendous work of the head teacher and his staff team and their ambitious approach to learning, which is even more pleasing when we consider the extent of the disruptions to normal life and routines the last two years have brought.

110 Sir, although we are all now learning to live with COVID, it is widely acknowledged that education settings have faced significant and sustained challenges as a result of the pandemic. Staff in our schools and in the Guernsey Institute have coped valiantly with two lockdowns, but the last three months or so have been some of the most difficult due to significant staff and student absence.

115 Our focus throughout, with our senior education staff working closely with Public Health colleagues, has been to put in place proportionate enhanced measures aimed at keeping settings open for our students. This is because we know that face-to-face learning and social interaction with peers is so important for all young people, both educationally and for their mental health and well-being. And I cannot talk about COVID without also mentioning the staff at Beau Séjour who have facilitated the effective operation of the Community Vaccination Centre.

120 So in closing, sir, I would like to place on record the Committee's grateful thanks to staff in all our teaching and learning settings, at Beau Séjour, and in our heritage sites, for their calm and pragmatic approach over what, by any measure, has been a very challenging time. I would also like to extend the Committee's thanks to all of our students for the resilience they have shown, to the parents and carers who have supported them through these very strange times, and to those within

125 our sporting community who were displaced by the CVC for such a long time but who are now back home at Beau Séjour.

Thank you.

The Bailiff: Members of the States, there is now a period during which any Member can ask questions on any matter within the mandate of the Committee *for* Education, Sport & Culture.

Deputy Queripel.

Deputy Queripel: Sir, thank you.

135 The President referred to the forthcoming Plan for Sport in her update. Then she said she did not want to steal the thunder from its impending launch, but I would have liked to have heard some more detail about it. So my question is: is the President able to give me an assurance that the Plan will not be just a list of well-intended but unattainable aspirations and that everything laid out in the Plan will be funded and attainable?

Thank you.

140 **The Bailiff:** Deputy Dudley-Owen to reply, please.

Deputy Dudley-Owen: Thank you, sir. Thank you to Deputy Queripel for his question.

145 The Active-8 Plan for Sport was approved at the end of last term and was funded at that time and the aspirations there were listed within the policy letter. The Plan has been place for some year, which is why the progress report will be on the first year of Active-8. So it will be detailing what has been achieved already and what is planned for the next year and we look forward to Deputy Queripel's feedback.

Thank you.

150 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you for the update from Education, Sport & Culture.

155 Would the President agree that the downturn in the catering offer at the College of FE might mean that savings could be made if the Institute considered a private sector offering, given that the market has changed so substantially and some of the private sector are currently providing cookery courses and the like?

The Bailiff: Deputy Dudley-Owen.

160 **Deputy Dudley-Owen:** I thank the President of Economic Development for his question.

165 It is quite pertinent because, actually, this is a trend that we see across sectors now, where private companies are starting to offer their own in-house training and it is something that we, as the public sector, the States, need to be mindful of in our provision of education and our partnership with the private sector and how we deliver that.

170 So whilst I cannot give any real detail on the catering section, which I know Deputy Inder has personal experience of – having been trained in that area as a youngster – it is an important area for us in Guernsey. It is something that we excel at. I think that these ideas need to be embraced and certainly I know that this Committee and wider in the States, there is more of a desire to work with the private sector than there ever has been before and that that is the way forward.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

175 The President indicated, sir, that Les Ozouets traffic impact assessment had no issues, but the public believe that there will be and the public voice is extremely important. Will the result of the traffic impact assessment be published for all people to see?

A Member: Hear, hear.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you to Deputy de Lisle for his question.

We have not received any overwhelming indication that the public does think that there are problems with the traffic impact around the campus. We have been working with residents and neighbours in that area. In actual fact, we sent out hundreds of letters to residents in that area, for which I received quite a lot of thanks for including residents in our thoughts, prior to anybody else, because of course we are very mindful of the traffic in the neighbourhood, but not just in the immediate vicinity, in the wider vicinity as well.

So I am not sure whether it is general practice, actually, to publish traffic impact assessments and, if it is, then I have no problem with that being published. Recommendations are within that and those need to be built upon in partnership with Environment & Infrastructure at College base, campus level, and we welcome working with the Committee *for the* Environment & Infrastructure in order to put in place those traffic plans for the actual campus.

But in terms of the actual impact assessment work that has been done, that goes to Planning for consideration and I am afraid I am not really sure of the technicalities as to whether it is available for public consumption. But if it is, I have no problem in publishing it.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir. Thank you to the President for her update.

Can the President explain the modelling, based on the populations of schools and catchments; and how large-scale housing developments impact, affect them, in a cumulative matter; and that modelling does take into account these large developments and any subsequent schools capacity, both in the primary and secondary sector?

Thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I am afraid that the two minutes that I have to explain the modelling of how we devised catchment for our school is insufficient and also it is a really technical area. But the basis of this is that we have a catchment system for our primary schools. So based on where families live and children live and then those primary schools feed into designated senior schools.

This has always been a real technical area for modelling for our officers in Education. Taking into account large-scale housing developments is absolutely something that is on our radar because we are not appraised in Education, Sport & Culture by individual developers of where they are going to be siting their developments. And it may be entirely inappropriate in terms of school catchments, with very little thought going into what the demographic and the target market is for those developments.

Deputy Gabriel – I am really pleased that he has pointed this out – it is something that nods to the more collaborative approach that we need to take through our Committee work with other Departments and certainly is on the radar for certain developments that have been earmarked down in the north of the Island. So I want to reassure Members and especially Deputy Gabriel that that has crossed the Committee thought process and is something that we are going to be looking at.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

230 The States of Guernsey's internal audit function is planning to undertake a number of audits in relation to the States of Guernsey's response during the pandemic and we will be discussing some of that later in the COVID policy. Does the Committee plan to undertake an audit in relation to the Committee's response with the provision of distance learning and digitally enabled education? And if it is not planning to undertake an audit, what has the Committee done in terms of taking those
235 lessons and learning from them, and taking them forward to be more ready and more prepared in the future to enable distance learning, if we need to?

Thank you.

The Bailiff: Deputy Dudley-Owen.

240

Deputy Dudley-Owen: Thank you to Deputy Kazantseva-Miller for her question.

With all things that we do, we are very keen to do wash-ups and to look at where we can do better and the COVID response is no different. I suspect that Health is the same but certainly, amongst the Committees, I suspect that our operationally centred Committee has been the most
245 affected by the COVID pandemic and we have a handbook, which goes to hundreds, if not a thousand pages now on operational guidance and how to do things, which is very organic and has to change and be agile and adaptable for varying situations.

Digital learning and distance learning is one of those areas that we looked at. We have policies around it. We looked back at those policies to see whether they are fit for purpose. We had two
250 lockdowns. We then had a period of a surge where we went back into semi-restrictive measures and now we have enhanced measures in place and those policies are being looked at constantly, as to whether they are fit for purpose.

We have had audits of those and we are constantly learning from them and are live to the fact that we need to improve, given that digitisation of process of education does not stand still and nor
255 will we.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

260 The President recently released a letter introducing Education, Sport & Culture's overarching Strategy, which I am afraid I found rather lacking in detail on implementation and a little inward-looking. For example, it did not seem to address the divide, which seems to be a big divide in Guernsey, between state and private education; seems to be a big feature of Guernsey's education.

So I wondered, as the Strategy has equity as one of its first principles, does ESC plan to address
265 that divide or does that fall outside of the field which Education views as being its responsibility?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you to Deputy Matthews for his question.

270 A lot of these questions, sir, really highlight the need for better engagement with us as Education, Sport & Culture and when I put the hand out to invite Members to come along and be enthusiastic about our webinar series, so that we can talk about matters like this, at length, in a deep-dive environment, so Members can speak to officers, it would be really helpful.

The Education Strategy has a total, at the moment, of 55 action points that are actively being
275 worked on. So I cannot cover all of those in the Education Strategy letter that I published. And I do apologise for the jargon-ese for Members. Maybe I have been spending a little bit too much time in this particular area. Please be reassured that there is so much work going on inside our schools every day.

In terms of the split between public- and private-funded schooling, do remember that our grant-aided colleges are grant-aided by the States. It is a thorny and contentious issue. The grant comes up for renewal or renegotiation in, I think, 2025 and obviously we will be working on that in the meantime.

But this is an area that States' Members will have to get their heads around in order to understand. A lot of money is put into the private colleges and they produce very good results with that. We have a very good relationship with them –

The Bailiff: Deputy Dudley-Owen, although you referred to two minutes to answer, previously, it is only 90 seconds, so your time is up.

Deputy Oliver.

Deputy Oliver: Thank you, sir.

Would the President agree with me in regards to Les Ozouets traffic impact assessment report, it will be published in the normal way, along with the planning application for people to comment on it and if there is an environmental impact assessment report they will be able to comment on that as well? Also, that any large developments ... we normally write to Education, Sport & Culture to see if there are any problems with the primary schools or secondary schools?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: I am very grateful to the President of the DPA for her comments and yes, I agree entirely, with her better knowledge over mine of the process. So thank you for that confirmation.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

Deputy Dudley-Owen, when describing the Education Strategy, described it as a framework, when I understood strategies to be about plans of action. But she has then said there are 55 actions under the Strategy, but does not have the time to go into the detail.

Given that other strategies, such as the Arts Strategy and the Plan for Sport Active-8, have been previously scrutinised, debated and approved by this Assembly, and given that there is an absence of detail available, other than to the Committee, is there any intention by the Committee to have the Education Strategy laid, scrutinised, debated and approved by this Assembly?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you to Deputy St Pier for his questions.

Sir, I will remind Members again that Members were involved in the creation of the Education Strategy when we requested their input in December 2020, which I think most of the Members of this Chamber attended at the St Peter Port School, the presentation there and the consultation process. So Members have already had a hand in creating the Strategy.

I stood here, in this Chamber, 18 months ago, and put myself forward as the President of the Committee, unopposed and unanimously elected. (**Several Members:** Hear, hear.) I set out my vision then. I set out what I felt was the outline of what the Strategy would be and Members fed into that in December. The outline of it is here in my hand. The action plans are also here in my hand. A strategy, for me, is exactly a framework under which action plans lie. On top of that is a purpose or a vision or an aim.

That is how I see it. I like to be organised. I have no intention of bringing that to the Assembly because what will happen is, having had a say in the actual Strategy, the Strategy will then stop, so will all the action plans and a lot of the benefits that our children are benefiting from, are receiving

today in schools. And building on those benefits, so that they are even better, will be stopped, right in their course of action, where they are reaping the most rewards for our children.

The Bailiff: Deputy Dudley-Owen, I am afraid your time is up once again.
Deputy Gollop.

Deputy Gollop: Whilst supporting Deputy Dudley-Owen and the Committee and agreeing that they have rightly thanked the teaching and other professionals for working through very difficult times, at the moment, how is the Committee able to meet with teachers, head teachers, and union representatives to discuss alleged morale issues, that may be related to extra work or conditions, or teacher shortages or supply teachers, or even pay, which I appreciate is not a matter that Education directly controls? Is there a programme to meet people who have been giving media statements recently?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you to Deputy Gollop for his question.

I was not aware that individual teachers had gone to the media recently to state about mental health issues and if that is the case it would be helpful to have those forwarded to me. I do apologise if I have missed that. Of course, we have a Director of Education and a very capable professional team who are operationally employed so that their role is to support and also to challenge and to ensure that the proper administration of our education system happens.

The Committee meeting with individual teachers to hear their concerns undermines not only the head teacher of that school, who is the line manager, effectively, of his or her team, but also that central Education Office, who work hand in hand with the head teachers and principals.

Of course, it is really important for us to be aware and alive to any stresses and strains. And I referred in my speech to the cultural values survey that was carried out, which had a really very high response rate, which showed that, in the main, there was a really positive feeling within our state schools at this time, which was extremely pleasing, considering all the extra work that staff have had to endure and the strains of the pandemic over the last two years.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I thank the President for her update. In it, she gave us some detail about the progression of Les Ozouets Campus, as I think we are supposed to pronounce it – but Deputy Le Tocq is not here, so I might get away with doing it wrong. I wondered if she was able to give us an update on any of the academic and learning modelling and specifically whether any revenue savings have been identified; and, if so, to what extent, compared to the current model?

Thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you to Deputy de Sausmarez, sir, for her question.

I did mention also in the statement that actually that information was going to be coming soon in terms of consulting with staff and then that will come to Committee as a result of that. That is not far down the tracks, but we will be able to give updates on that, as and when those arise.

Thank you.

The Bailiff: Deputy Fairclough.

Deputy Fairclough: Thank you, sir, and I thank the President for her update.

385 Could she give a reassurance that all that can be done is being done to facilitate sports teams, particularly representative sides, to be able to travel between the Islands to compete with and hopefully beat their Jersey counterparts?

The Bailiff: Deputy Dudley-Owen.

390 **Deputy Dudley-Owen:** Thank you; and thank you to Deputy Fairclough for that question. It is very interesting, we all had an email this week, which I responded to, bringing my attention to the fact that the Guernsey Netball Association had not been able to go over to our sister island to play an inter-island game, a Muratti game, which is really very disappointing. I had no idea about that. We had not had any notification as a Committee that that was the case and I have asked officers, yesterday, in our Committee meeting, to reach out to that particular association to see if there is anything that we can do.

395 It does raise a bigger question about our state-run airline and their ability to be able to carry our sports teams and it should be on our radar, as and when these types of things happen. Obviously, that is a matter for the States' Trading Supervisory Board, who acts on behalf of the shareholder. But the response from there might be, 'No, we're hands off, we leave the management team to get on with it.' But there is a bit of a *quid pro quo* here because the airline is funded by Islanders, mostly, travelling on and off, and in large part by taxpayers' money as well, for those Islanders that do not take the airline.

405 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

410 In the interest of transparency, would the President agree to publish the 55 action plans that sit under the overarching Strategy, so that all stakeholders and in particular parents, who are the most important stakeholders, can see the work that is going on to translate the four overarching principles into action?

The Bailiff: Deputy Dudley-Owen.

415 **Deputy Dudley-Owen:** I think that it would be a very good idea to have a presentation on this. I will be inviting States' Members yet again to one of our webinars or a face-to-face presentation, Deputy Roffey, so that we can get as many people in the room as possible, with the windows open and socially distanced of course, and to be able to give Members a really good idea of what is going on in our schools, that it is not just fluff and jargon-ese, which I am afraid it does rather come across as sometimes.

420 I think it is really difficult to convey the huge amount of work that is going on in our schools at the moment and, yes, I think that that is a brilliant idea and thank you for starting off the process of having a presentation on this very matter and a release afterwards, so that we can share that with members of the public.

425 **The Bailiff:** I am going to extend the period of questioning for a little bit, but not for a long time. Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

430 The President referenced the Ofsted report for Vale Primary School, which I think is overall 'good'. I do not know where that stands within the whole grading system. I assume it is above fair and below excellent. The one area of concern, there are a few subject curriculums, it says:

that are not as well developed. Teachers' subject knowledge is not as secure in these subjects. ... In these subjects, some pupils are less able to make connections or secure new knowledge. For example, some pupils cannot use efficient

calculation methods in mathematics as they do not have a secure knowledge of basic number facts.

I would like to ask the President whether this is reflected in numeracy levels at Vale Primary?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you to Deputy Soulsby for her question.

These are the areas that we are really very interested in continuing to support our schools, in terms of the progress that needs to be made towards that 'excellent' mark. Certainly, in terms of numeracy and literacy, we are very aware that these areas are absolutely key to the success of all of our students, especially in the early years. So these areas are subject to extra support from education development officers and quite a lot of scrutiny from the Committee, and also Education Centre, in terms of progress against those measures that we put out.

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, sir.

Can the President think of a time when the previous two Assemblies did not manage to make an education issue substantially worse? And if she cannot, would she agree with me that the sooner she removes matters of education policy away from the Assembly and stops presenting every five minutes to Members of the Assembly, the educationalists, the professionals can actually get on and deliver the job of education?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you to Deputy Inder for his question.

I have only been in the Assembly for one term before this. However, I feel that the States of Guernsey has become complacent over education over many years. Everything was okay, kids were able to walk out of the school with surety that they would get a job and that led to complacency in terms of ensuring that education policy was as up to date and forward-looking as possible.

We have also been to blame with prevarication over big ticket items, such as selection and the model of education, etc. Absolutely, I feel that we do need, as politicians, to step away very much from the operational side of education, leave our educationalists and educators to get on with the job that we pay them to do and trust them to do.

This is part of the Committee's feeling, where we have a Director – an extremely capable and able Director – of Education in play, with a very capable team around him who work very closely with the head teachers and principals and their senior leadership teams in schools and we are getting good results from that way of doing things. Previous results from Committees, where political interference has been a daily practice, have not been so good.

The Bailiff: Deputy Falla.

Deputy Falla: Thank you, sir.

I was wondering if the President would appreciate an additional 90 seconds to continue explaining to us the relationship of ESC with the grant-aided colleges?

Thank you.

The Bailiff: Well, that begs the answer yes or no, rather than to actually say anything, but I know what you are trying to do, Deputy Falla.

Deputy Dudley-Owen.

Deputy Dudley-Owen: Well, my instinct is to say no, but I would not be so mean!

The relationship that we have is a positive relationship. We work well with the grant-aided colleges but it must be appreciated that the relationship is also twofold, insofar as it goes beyond the good relationship that we have and goes into a financial relationship.

485 That financial grant aiding is split into two. One which is a general grant and the other is in respect of scholars who came through the 11-plus system. The scholars are diminishing in the schools, as you would expect, because 11-plus was removed some years ago, and what remains is a general grant and that is what will be up for negotiation in the next couple of years.

490 We are in straitened times, so grants like that need to be looked at very carefully. We know that the private colleges operate very successfully, but we also know that the grant-aided colleges cater for a specific demographic of our population, therefore questions like Deputy Matthews asked before, which I think are really saying how can our state schools be equal to, in exam results, so to speak, the private colleges – and he is nodding there. Well, we deal with all children, from all walks of life, from one end of the economic spectrum and vulnerability right to the other. The grant-aided
495 colleges do not –

The Bailiff: Deputy Dudley-Owen, despite an extra 90 seconds, you still have not completed –

Deputy Dudley-Owen: It's a big subject!

500

The Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you.

505 Could I thank the President for her excellent report and the splendid progress so far at Education, Sport & Culture. Could I ask her to pass on my gratitude to all the Committee, the officers and indeed the teachers, for all that hard work, through very difficult and challenging times.

Thank you.

The Bailiff: Deputy Dudley-Owen.

510

Deputy Dudley-Owen: Thank you to Deputy Vermeulen.

I absolutely will and I know that that will be absolutely greatly received, that Members of the Chamber are expressing their individual gratitude to not just the Committee Members, but also to staff within the operational settings.

515

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

520 The President, in her update, made some mention to the culture aspect of the mandate and touched on our national day, Liberation Day, and I am pleased to hear that there is a budget and funding available for parishes to hold their own celebrations. Can the President explain or comment on any disparity per head of population in the Liberation Day funding? St Peter Port gets about 13 pence per parishioner, whereas Torteval gets about £2.40. *(Interjections)* And perhaps elaborate or perhaps just some comment on the disappointing news that St Peter Port and St Sampson's are
525 not able to offer a parishioners' event?

Thank you.

The Bailiff: Deputy Dudley-Owen.

530 **Deputy Dudley-Owen:** I thank Deputy Gabriel for his question.

The basic principle is that we are treating all parishes equally. Some have been more proactive than others and the size of their population has not been a deciding factor in how big their events are. We know that some of the smaller parishes are putting on large-scale events and, as a

535 Committee and subcommittee, we saw no reason to add to the complexity by looking at the overall grant based on the parish population size, because it did not necessarily feed into a bigger celebration that was more encompassing and all-inclusive of all of the parishioners. The money would have been decided to have been used by the parishes in certain ways and that would not have necessarily benefited all of the parishioners. So we felt that the simplest way was to give an equal sum to each parish.

540 **The Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

545 The Beau Séjour playground, located next to the skate park – and I believe this will fall under the Committee’s jurisdiction, so hence the question – I believe is the only publicly available playground in St Peter Port, which covers about 30% of our population. We frequent Beau Séjour, like many Islanders, and try to go to the playground, but in my opinion it has seen better days and actually parts of it are quite dangerous. I have seen accidents happen. Quite a bit of rubbish often gets accumulated, especially in the bottom part.

550 My question is whether I could have a commitment from the President to potentially look into this issue; and also share with us what is the strategy in terms of upgrading or maintaining playgrounds such as the Beau Séjour playground; and whether the Committee could look into this issue?

Thank you.

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

Deputy Dudley-Owen: Thank you to Deputy Kazantseva-Miller for question.

560 In terms of a commitment to look into this matter, absolutely, and I am pleased that we do have a designated Deputy, Committee Member Deputy Haskins, who sits on the Beau Séjour management board, so these items can have some political oversight.

565 Myself, when my children were very small, used to use that particular playground on a regular basis and it is disappointing to hear that there is a lot of rubbish around there. In terms of the upkeep and the maintenance, that does fall underneath Beau Séjour. I am not sure about the particular status at the moment but I do see parents using it on the occasions that I am down there.

In terms of an overall strategy and policy for the upkeep of playgrounds, I have to be very honest, I am not entirely sure what that is. But obviously there is health and safety and legal requirements for us to meet the standards in order that the public can use these facilities and be safe, and we do adhere to those.

570 In terms of maintenance and upkeep, I have not heard of any that are closing. So whilst this particular playground might look a little bit rough around the edges, we have not heard that there is an intention for that to be managed into decline and subsequently closed. But I will undertake to look into the matter for the Deputy.

575 **The Bailiff:** I am going to take two more questions only. Deputy Matthews first.

Deputy Matthews: Thank you, sir.

580 Really, following on from the question that I had previously, in terms of results that we get from our state system, does the President have any concerns? Obviously, this year will be affected by COVID and how the effects of children having to have worked from home ... But does the President have any concerns about GCSE pass rate in our state secondary schools? Will that be expected to be lower? I know some parents in some state secondary schools have been told to expect lower results as a result. Does the President have any concerns about this and what sort of results are we expecting?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you to Deputy Matthews for his question.

590 I have not heard that any schools have communicated to any parents for them to expect lower
grades for their children as a result of the pandemic this year. The exams are going forward as
planned, for the first time in a couple of years, and without any interruption the schools will, as they
always do, pull out all the stops to support their Year 11 students in any way that they can and
I hope that parents and carers are also supporting their youngsters to get their heads down and
really pull out the stops in these last, final weeks, to ensure that they are in the best place possible
595 to sit those exams.

I have no indication at all, and nor should I, of how our children are going to do. That is not the
sort of information that we receive at a Committee level, any forward forecasting of what our
students in Year 11 are going to achieve in their GCSEs. Obviously we are very interested in what
they do achieve, which will be announced in the summer, in the normal way, in August. But until
600 that time we leave these matters to our very capable schools and educators to deal with.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

605 Following the adoption of the Arts Strategy, has the restructuring of the Guernsey Arts
Commission, which was about, I think, improving governance, now taken place?

The Bailiff: Deputy Dudley-Owen.

610 **Deputy Dudley-Owen:** Thank you to Deputy St Pier for his question.

I am looking slightly confused because I am wondering what Arts Strategy he is talking about
being adopted. The Arts Strategy, as far as I am aware, is under construction and the reformation
of the Guernsey Arts Commission has taken place, which has been quite radical since I was actually
sat there last term. So yes, that is under way, underneath the able and capable leadership of
615 Steven Ainsworth. But the actual Arts Strategy, as far as I am aware, has not been completed.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

General update –

Statement by the Committee *for the Environment & Infrastructure*

The Bailiff: I think that is potentially enough on the topic of Education, Sport & Culture for now.
But because the amount of business for this Meeting gives us a bit of latitude, that is why there
might be an extension, depending on how many people want to ask questions to the President of
the Committee *for the Environment & Infrastructure*, who will now deliver that Committee's general
620 update Statement. So Deputy de Sausmarez, please.

Deputy de Sausmarez: Thank you, sir.

This is quite an E&I-heavy States' Meeting, with our policy letters on L'Ancrese and al fresco
zones comprising half the ordinary business of the meeting. So in the hope that my voice lasts the
625 distance I will focus on the other work that we have also been progressing.

Since my last update, world events and global markets have exacerbated the squeeze on the
cost of living and underscored the importance of the energy transition, while the IPCC's latest report
has set out in the starkest terms why decision makers everywhere should support policies,
infrastructure, technology and lifestyle choices that will secure a liveable future.

630 Our main energy-related focus is currently the development of the Electricity Strategy, through which the States will make the decisions necessary to achieve the Energy Policy's objectives: decarbonisation; security and resilience of supply; greater energy independence; consumer value and choice; equity and fairness; and a vibrant economy.

635 Our Electricity Strategy will look at different factors relating to demand, supply and the market and we are delighted that Deputy Le Tocq and Deputy Moakes have joined the steering group to provide valuable input from the perspectives of P&R, Economic Development and the STSB. We have held useful meetings too with other colleagues, members of the community and Jersey, and we are also drawing on relevant expertise from both the local energy sector and beyond to explore opportunities and test the viability of different scenarios.

640 The Committee has reviewed and revised its climate change work plan to accelerate three interdependent areas of policy: climate change mitigation and adaptation; electricity and renewables; and the blue and green economy. A key part of this work is the development of a Pathway to Zero plan, which will look at what measures we as an Island need to put in place to meet, and ideally beat, our net-zero carbon emissions targets. It will consider how we can most effectively reduce emissions from our biggest sources – transport, energy and waste – using policies, fiscal levers, and other mechanisms as appropriate for our ambition and our size and scale. The Pathway to Zero plan, which we intend to be completed this year, will also inform what expertise will be most relevant for the independent advisory panel.

650 Constructive dialogue continues with the UK government on the extension of the Paris Agreement to Guernsey, following the agreement in principle at COP26 last November – a process we hope can be completed within the next couple of months. Work on our blue and green economy support plans is also taking shape.

It is worth elaborating on what 'blue economy' and 'green economy' mean in the context of Guernsey and our Government Work Plan. Both relate to the use, preservation and regeneration of our natural environment – blue with respect to marine and green with respect to terrestrial.

655 Essentially, there is a range of different – sometimes competing or even conflicting – potential uses of our natural environment, so our Blue and Green Economy Support Plans will help us prioritise what uses are most beneficial where. It is about maximising the economic, social and ecological opportunities of our natural environment, avoiding spatial conflict and taking a sustainable approach with respect to our natural resources. Underpinning all of this is a good understanding of the value of our natural environment so that we can make the most sustainable and efficient use of it as an asset.

660 This is important from an economic perspective in several respects. First of all, it helps us deliver against existing or new commitments attached to trade agreements, making us 'trade ready'. It also helps to create a framework that facilitates private investment in the natural environment, and it also reduces the significant economic risk – on top of the ecological risk – of environmental damage, from invasive non-native species, for example.

As agreed in the GWP, we are prioritising work on the blue economy, although where it makes sense to do so we are bringing parts of the green economy work plan forward to exploit economies of scale. This work supports, enables and helps to link work taking place under several different strategies and workstreams: climate change; the Strategy for Nature; electricity; tourism; and the Future of the Harbours.

675 Data collected will be used to update the Guernsey Marine Atlas and will inform the development of a marine spatial plan, exploring new potential uses for our marine environment, such as renewable energy generation or seagrass beds for their habitat and carbon sequestration value for example, and identifying the best places for them. This expedites and derisks their planning and implementation, making opportunities for investment in them more attractive and viable.

680 Speaking of optimising investment in our natural environment, the Committee has also worked with the Guernsey Community Foundation to establish a Nature Commission, which will support a community partnership approach to the Strategy for Nature. Progressing well ahead of schedule, this is an opportunity to establish formal collaboration with the many volunteers and experts in our

Island to deliver the Strategy for Nature, and to ensure that government has the right role, but not the only role.

Investment in the Island's infrastructure is of course an ongoing priority. On top of the Committee's standard average weekly expenditure of £75,000 proactively maintaining road and coastal infrastructure, various remedial projects are in progress.

At the Bathing Pools, work on the Ladies' Pool was completed on schedule in time for Easter, and work has now begun on the Children's Pool which should be ready ahead of the school summer holiday. The Gents' Pool is also having some repointing done, which – as is often the case with coastal masonry work – is a frustratingly prolonged process as it can only be progressed on certain tides.

The Cow's Horn, or Clarence Battery steps, is another project that is progressing. Officers, States' engineers, specialist geotechnical engineers and Vive La Vallette have each played a role in identifying the best viable option, and we are hopeful that this iconic part of our coastal path network can be completed in time for the summer season. The same applies to the Petit Port steps, which we would love to reopen in time for people to enjoy the beach over the summer, but there is a complex set of logistical, engineering and environmental considerations that need to be more fully examined before we can confirm whether or not that timeline is a realistic aspiration.

The Committee also agreed a way forward with respect to the Fermain cliff and Napoleonic wall last year, but the project has not progressed since then. This is quite simply down to lack of human resource, a familiar problem in E&I that is exemplified here, with one particular officer stretched across not only coastal infrastructure, which is a big enough job in its own right, but also key roles in our energy policy and Electricity Strategy, plus aspects of the climate change policy work as well.

We have been assured by the senior leadership team that a resolution for this particular staffing situation is in hand, but the cumulative impacts of Brexit, COVID and internal HR policies have really taken their toll across the board, so this is an issue we feel we need to address more broadly.

Turning to housing now, and the planning application for more than 320 new units of accommodation at Leale's Yard has injected more optimism into the general housing market outlook.

Pressures on housing availability stem not just from a mismatch between supply and demand in terms of numbers of units, but more pertinently because of a mismatch between the types of accommodation needed and their availability. We are pleased, therefore, to confirm that we will be bringing a policy letter to the States in the next few months on a tool known as the States Strategic Housing Indicator, which we have developed in-house for the first time.

This gives us not only more accurate insights as to different housing type requirements, but also enables us to keep that information much more up to date to better inform planning policies. Previously this was a piece of work that was outsourced around every five years and given how much can change over that period of time, this change will help us be more agile and responsive to housing need from now on. It will also help inform the work exploring potential market interventions and the Population and Immigration Policy Review.

While most Guernsey people acknowledge the pressing need for more housing, reality tends to bite and objections arise at planning application stage, with flashpoints caused by transport issues in particular. It has long been a personal frustration of mine – and I know it is one shared by my Committee – that the planning application process does not provide any opportunity to meaningfully improve the transport network across the wider area. As a result, cumulative impacts of developments have tended to compound existing problems and reduce the efficiency, safety, convenience and amenity of a neighbourhood.

That is why we are taking a different approach to the area in the north of the Island that features multiple housing allocation sites. Especially given the issues residents already experience, we intend to work with the community, the various developers and people with specific expertise in mobility planning to improve connectivity, safety and choice.

Whereas traffic impact assessments generally aim to limit the negative impacts of a development compared to the existing baseline, this approach aims to improve that baseline for everyone.

735 Transport concerns are probably the issue with the strongest chokehold on housing, so we need to look at it differently and make meaningful improvements if we are serious about meeting the housing needs of the community.

A very important aspect of our transport system is our scheduled bus service, and Members will be aware that it is under some considerable strain at the moment. Although a combination of factors, including Brexit and COVID, have conspired to create a perfect storm, most issues boil down to driver numbers. There are perhaps only half as many as there optimally would be, and this is generally what is leading to service reductions.

740 As a Committee, we understand the importance of a reliable, regular service for the travelling public, so we have explored with CT Plus a number of options and are making concerted efforts to improve the situation, including measures to increase the rates of pay, reduce the age limit to bring it into line with the UK, and amend a Population Management policy that is proving to be a barrier.

The Bailiff: Deputy de Sausmarez, I am afraid you have exceed your 10 minutes at this point, so that will be now an opportunity for Members to ask questions on any matter within the mandate of the Committee *for the* Environment & Infrastructure.

750 Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir, and thank you for the update from the President of E&I.

755 Could I ask, you constantly make reference to your department being under-resourced, yet my observation is it seems to be one of the better-resourced departments within the States. So I do not think one should hide behind that. But I just wonder, does it really take three summers to go without the steps at the Aquarium and does it really take eight years to repair a broken wall at Fermain? Is it a lack of resources, as you say, or is it a lack of appetite?

Deputy Bury: Point of order, sir.

760 **The Bailiff:** You cannot have any points of order or points of correction during Question Time. (**Deputy Vermeulen:** Nice try.) Did you get the end of the question, Deputy de Sausmarez?

Deputy de Sausmarez: I think it was, yes it was –

765 **Deputy Vermeulen:** I can go over it again.

The Bailiff: It is really the key part at the end of the question, where there was an interruption, so Deputy Vermeulen.

770 **Deputy Vermeulen:** Yes, there was a bit of an ... Sorry about that.

I think my key question is are the reasons for this inaction simply down to a lack of resources or is it a lack of appetite to address these? Action this day.

775 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

780 There is quite a lot to unpack. I think the point of order that Deputy Bury was probably referring to is Rule 17(1), where it was quite personalised, that. So I would ask Deputy Vermeulen to bear that in mind. Deputy Vermeulen likes to characterise this as inaction, but actually there is a huge amount of proactive maintenance. We spend an average of £15,000 a week on coastal defences, just on proactively maintaining infrastructure.

785 The answer to his question really lies partly, as I explained, in lack of resources. His impression is utterly wrong. It has been verified by the Chief – oh gosh, I am going to get his title wrong now – Operating Officer, I think, when he did a review of our internal Civil Service resource that actually

we were particularly under-resourced compared with other Departments. So that has been factually verified. I can talk at great length about some of the factors pertaining to that. So yes we are definitively under-resourced, and I gave an example of one particular officer, who is just stretched across so many different workstreams and it is to him that many of these issues fall.

790 However, that is not the only reason. The reason that things like the Cow's Horn and Fermain take so long is partly for two main reasons. First of all they are very complex. They are structural engineering. They are very serious issues. You cannot muck around with structural engineering issues of this –

795 **The Bailiff:** Deputy de Sausmarez, you have had 90 seconds, I am afraid. (**Deputy de Sausmarez:** Okay.) Deputy St Pier.

Deputy St Pier: Thank you, sir.

800 Deputy de Sausmarez, in her Statement, referred to some of the challenges with housing developments in the north of the Island. Does she agree with me that perhaps one of the contributory factors that makes this such a challenge is the absence of an Island infrastructure plan, which has been on the agenda for many years and has simply never appeared; that we have a holistic view of the Island's infrastructure needs?

805 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Yes. I think the important thing to remember about infrastructure is that it is not there for its own right, it is there to meet purposes. What frustrates me is the level at which it is addressed and this was something I was alluding to in the update. The planning application at the moment makes us react to certain things and we do not really have hooks through that process to be as proactive as we would like.

810 So that is what we are actively trying to change. We do not want to just react to a set of circumstances that is unfolding and make it as less bad as we can, least bad as we can. We want to be much more proactive about actually looking at what improvements we can make across a broader area, for example.

815 So I think that is it; and I am just going to be really cheeky and address the second point to Deputy Vermeulen's question, which was about prioritisation. The reason that we have to prioritise other work, for example the eastern seaboard and some of the west coast, actual coastal defences, over and above coastal features like Cow's Horn and Fermain, which are not actual sea defences – they are culturally important but they do not defend infrastructure – is because if we did not do that we would have very serious issues if we prioritised coastal features over coastal defences. We would have very serious issues to address.

820 So there is a prioritisation process. We have to allocate our resources responsibly –

825 **The Bailiff:** Deputy de Sausmarez that is the 90 seconds. Can you please try and keep an eye on the clock, Deputy de Sausmarez? There may be a lot to say, but the Rules give a defined time limit for an answer and that is why we have a clock there.

 Deputy Oliver.

830 **Deputy Oliver:** Thank you, sir.

 I have been hearing about the problems with under-resourcing within E&I, probably since we were elected. Have you been to P&R and actually requested new jobs; and, if not, can you go? But if you have, have they actually been met?

835 **The Bailiff:** Well, Deputy de Sausmarez, that is not a question within the mandate of the Committee *for the Environment & Infrastructure*. It is not just a general opportunity to ask questions

of a President as if these were questions without notice, if we had a ministerial system, where everything is fair game. It has got to be within the mandate of the Committee, please, Members.

Deputy Taylor.

840

Deputy Taylor: Thank you, sir.

Given the acknowledged lack of resources within Government and the combined experience of structural engineers, civil engineers, quantity surveyors and architects within Vive La Vallette, with a proven ability to fund and imminently deliver a large-scale project in an exposed marine environment, would the President agree with me that the best option for the Cow's Horn's steps would be to let them – brackets, Vive La Vallette – just get on with it?

845

A Member: Hear, hear.

850

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Deputy Taylor will be reassured to hear that they have been very involved. But also I would say, I am super supportive of the work that Vive La Vallette are doing. We have worked with them really constructively, I think they are doing an awesome job. But let's not forget that that has also been supported by significant States' resource.

855

So we work with them. We have given them, I think, I am a little bit nervous about quoting this figure, but maybe somewhere in the region of £¼ million of investment in terms of the infrastructure and plenty of things, like engineering, resource and our coastal management resource as well.

860

So it very much is a working partnership and they are achieving wonderful things with us and *vice versa*. We have involved them very closely with the works at the Cow's Horn. Actually, it was Vive La Vallette who suggested one of the options that we went back to investigate. We did further site investigations on the back of that recommendation because we thought that was really worth looking into. So it is a really constructive relationship, it is working well, but it very much is a joint effort between Government and the third or private sector, however you characterise them.

865

Thank you.

The Bailiff: Deputy Gollop.

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Deputy Gollop: Sir, I know you and other Presiding Officers disapprove of us reading the papers, but the front page of the *Press* is 'No action on bus contract breach' – a bit of a distortion. But my question here is in two elements. My first is, I am glad to see the night bus is back, but will the Committee work with Home Affairs and security to ensure the Bridge-Northern-St Sampson's-Vale route returns as soon as possible?

875

My second question related to that is, if the contract continues to be breached in terms of cancellations, have the States got in mind an emergency plan of nationalising the bus service and transferring the staff to public sector pay and conditions?

The Bailiff: Deputy de Sausmarez to tackle Deputy Gollop's two questions.

880

Deputy de Sausmarez: Thank you, sir.

I am actually really grateful. The bit that I did not manage to get into my original 10 minutes was going to be on the night bus service and I hope Deputy Gollop ... First of all, I agree with him – I think the headline was yet again rather distorting of the meat of the article – but yes, hopefully he will be reassured. I think that all night bus services will be back up and running on from this Friday.

885

As a Committee, we were really keen to get that service back up and running as soon as possible, because we think it is a really important option for people who have enjoyed a night out in Town to get home safely and conveniently and in an accessible way.

890 His second part of his question dealt with nationalising the bus service. I really do not see that
that would fix any of the issues that we are currently dealing with. We are working very closely with
CT Plus, as I outlined in my update. The issue is so many of the factors influencing and shaping the
situation are beyond the control of CT Plus, and many are beyond the direct influence of
Government as well. But we are working really closely with them, we have explored every option
from every angle and we are doing everything we can to restore the service back up to its usual,
895 fantastic levels.

The Bailiff: Deputy Dudley-Owen.

900 **Deputy Dudley-Owen:** Thank you; and thank you to the President of the Committee for her
update Statement. It was very useful.

It is getting to that time of year again, and it is a little bit early but I am seeing strimmers out in
force in my area, in the west of the Island, and it is really disappointing me that people are out so
early, strimming their hedges, given that all the beautiful undergrowth that is being destroyed, as
well as the threat to our nature.

905 I think this conflicts very heavily with the Strategy for biodiversity that is under the Environment
& Infrastructure Committee and I wonder whether the Committee have had an opportunity, or
officers have had an opportunity, to review all contracts that fall within their mandate in order to
ensure that the work being undertaken by those contracted parties does not conflict directly with
the Strategy for Nature, which it seems to do at the moment, when I see the States Works
910 Department out doing a very good job of strimming, but actually it is a very bad job for our
environment.

Thank you.

The Bailiff: Deputy de Sausmarez.

915 **Deputy de Sausmarez:** Yes, I think Deputy Dudley-Owen knows those contracts are something
we are very keen to scrutinise in considerable detail, because we have similar concerns. We have
got lots of contracts, lots of SLAs and we have just, I think in February, finally – this answers the
question I could not answer that Deputy Oliver raised – managed to fill a senior position. We were
920 allowed to recruit the role of Director of Natural Environment, which is such a key role.

So that person has been in place now for a couple of months and is doing a fantastic job and
that person is really driving a lot of this work as well, reviewing all the operational things. What
Deputy Dudley-Owen touches on actually goes into a lot of other areas as well, in terms of contract
management. It is something that Deputy Haskins is particularly hot on but as a Committee we talk
925 about it and we have got a plan to deal with all of that.

But I will also say on the subject of hedges and similar things, we are keen to work with the
parishes as well, in terms of domestic hedge cutting, because we think there are opportunities there
to do things in a way which, with a few little tweaks, which does not require heavy handed regulation
or anything like that, could actually produce much better outcomes.

930 **The Bailiff:** Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

935 The general public are bitterly disappointed with the increasing unreliability of the bus service
to the extent of taking up other means of getting about. Lack of drivers has been cited as a reason
for a failing service. Can I ask why haven't young local drivers been trained up and brought in to
address this issue?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Well, I would say, to answer the second part of the question first, about 50% of our driver workforce is local, I believe. The age profile is indeed something that is perhaps a little ... there is a range of ages. We do have bus drivers in their 20s and, actually, one of the decisions the Committee has just made is to bring the age limit in line with the UK, which is a reduction from our previous age limit. So we are looking to do that, which we think will really help build that local pipeline of talent. Certainly, the operator makes a compelling case for how that will make a positive difference.

But I would also say that I did spend as much time as I was able in my update going into some of the factors. But this is not a Guernsey-only factor, the problem that we are facing. Really, I think the main catalyst was Brexit. It has caused issues, certainly across the UK and, we understand, across Europe as well. It has just created much more competition for a smaller pool of expertise and so that is why we are looking at various different ways to address those problems, one of them being driver age limits with appropriate mitigations and reassuring restrictions, I suppose.

Thank you.

The Bailiff: Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

The President noted the Strategic Housing Indicator that is going to come before the States at some point, hopefully shortly, either for approval or otherwise. I am sure when it does E&I will be placing great store in its contents, whatever it says. So could the President of E&I just update the Assembly on, given the importance of it, how much input into that housing indicator has been received from the Guernsey building industry?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: I have met with developers and I know the DPA have met with developers and of course this is quite a cross-departmental issue; and of course Deputy Mahoney's own data analysis team have been hugely instrumental in that. We have not drafted the policy letter yet and I forget the exact name, if it was an organisation, but obviously those are an important group of stakeholders and they will be consulted in the development of the policy letter of course.

But we do have to recognise that there is a distinction to be made between States' strategic objectives and developers' objectives, which may align to some degree and they may diverge in some degree as well, because obviously there are different motivations and drivers in play and they are all legitimate. We just need to recognise those.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

The President mentioned the Strategic Housing Indicator and Deputy Mahoney also mentioned it. I understand that that will be placed, I think the President has just submitted, every five years, on an outsourced assessment of strategic housing needs. I was reminded of the issues. I saw a social media post for an advert for a fairly modest family home for rent, for £3,000 a month, which is of course just out of reach for many Islanders; and this is just one example.

Would the President agree with me that housing assessment has been too slow to keep up with the needs of a changing world and that we now have an urgent need to address a really quite acute housing shortage in the Island that has come about, most especially in recent months?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes, I do agree with Deputy Matthews' assessment and I said as much in my update Statement – and we have been saying this all political term. But I think actually it is

quite useful. If we go back five years, the situation was very different. We were in a period of net outward migration, so our population was declining. Since then we have seen a well above average net inward migration, which is one of the factors which has really put so much pressure on our housing market. There are others, obviously.

But it is not just a mismatch between that headline figure, and this is why the States Strategic Housing Indicator is such valuable information, it really is a mismatch between the type of accommodation that is needed. It is quite possible that there are enough beds for everyone in the Island, it is just about distribution. And actually, another piece of work the Committee will be working on, which I did not have a chance to put into my update, because it was just too much, is to look at potential market interventions and whether they have a useful role to play as well.

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The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

Just on the back of what Deputy Dudley-Owen mentioned, there are concerns about the use of pesticides locally and weedkillers, etc. Could the Committee just consider publishing a list of alternatives for farmers and households? I think I have heard of things like boiling water, vinegar, obviously manual extraction, natural mulches. I know Guernsey Water put out their concerns, but it would be helpful to have the other side of the coin – what we could do instead – which would help householders.

Thank you very much.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Absolutely, we are working with the Pollinator Project and Guernsey Water on exactly that and Deputy Brouard has just saved my voice a little bit because he has listed some really great alternatives, all the ones that I would have used. Of course, we are walking the walk in that respect as well. States' Works have barely used any glyphosate, certainly, since 2020.

There are occasions where there really are not workable alternatives, or not pragmatic ones, for example, in the control of noxious weeds such as Japanese Knotweed. And actually, the treatment of Asian hornets as well, is another area where we have to use chemicals so obviously that is very carefully controlled. But yes, we have taken various steps internally but we are working with the Pollinator Project in particular and a big part of that includes the communications plan, which we are working with them hand in hand on to get those very important – I completely agree with Deputy Brouard – messages out into the public domain.

It is not just about alternative products, it is also about alternative management techniques. So just recategorising weeds into wildflowers is my favourite method as well. Where that can be done, it is a reasonable approach.

The Bailiff: Similarly, I am going to extend the period of questioning for a short time.
Deputy Ferbrache.

Deputy Ferbrache: Sir, the President will recall – and it follows up from Deputy Mahoney's question – that in a presentation given on behalf of E&I to Policy & Resources, I asked a question of the officer who was one of the presenters; if the building industry, developers, had been consulted in preparing the housing needs policy. The response from the officer was no, because they had a conflict of interest. Does the President recall that; and does she share that view?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: No. That is not how I recall it. My recollection was that it was no, but of course we will consult with them. I said that I have spoken with them – I have, on a personal level. So I have been involved in meetings with developers where we have touched on exactly that. So my recollection is different from Deputy Ferbrache's.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.
Within the update, the President said that most of the infrastructure within planning applications is reactive rather than proactive. Would the President actually agree with me that we have changed that and the President is starting to come to some of the larger site meetings to get involved earlier?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes, I agree. I really welcome and am grateful to the DPA for their change of approach as well. But I think there is still work that can be done even earlier. I completely agree, the DPA has been very generous with its inclusion policy in that respect, and it does give us more opportunity. But again, my personal opinion is the States needs to be even more proactive about making sure that we can maximise on those opportunities in really good time.

I would say as well that the planning process is the planning process for a set of very good reasons, but by its very nature it really has to consider each and every planning application on a site-by-site basis. There is only so far the Planning Law can extend in terms of what it can put on individual developers with respect to the wider area.

It also has this approach, I think one of the areas for improvement actually is that, when the planning process is in full swing and Planning write to traffic and highway services about the TIA and then traffic and highway services do their job and they put in some traffic engineering advice and it is at a very granular level that does not necessarily maximise those opportunities because we are not necessarily, we do not have the hooks at that mid-policy level to come in and say ... and actually Les Ozouets campus is a really good example of this, we do not have an opportunity to say, hang on, instead of just trying to deal –

The Bailiff: Deputy de Sausmarez, your 90 seconds is up once again.
Deputy Haskins.

Deputy Haskins: Thank you, sir.
Would the President agree with me that the engagement as just mentioned would be very helpful if it was full Committee, not just the President?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes, I know, absolutely, and this is something Deputy Haskins and I are working on. I was just saying, he and I share a frustration – I suspect it is a frustration that is shared between both Committees – that when it comes to projects like Les Ozouets Campus, the communication is very much at officer level and we do not get a chance to look for mid-level policy opportunities to improve things. It is so frustrating, but I believe that the Education, Sport & Culture Committee is just as keen as the Committee for the Environment & Infrastructure to really make the most of those opportunities, for example, surrounding Les Ozouets Campus and we have not had those opportunities, despite trying.

So that is something which I think the process can really be improved upon. I think there is so much more opportunity for Committees to be involved; yes. At the moment the planning process is what it is, I can understand the reasons for that, but I just think we need to add a policy layer and involve all the Committees at the right time, at the right level.

1095 **The Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

I actually wanted to congratulate the President and the Committee Members for what has been an excellent update; it shows just the breadth and extent of the issues the Committee has to deal with, both at a highly strategic level and down to the weeds, literally – pun intended.

1100 But what I have noticed is that it feels like the President especially is continuously exposed to actually what is nothing short of personal attacks, including in this Assembly and this actually distracts the Committee from going on and dealing with their mandate. Would the Committee agree that a more collegiate, positive approach will actually help the States further advance the agenda of the Committee?

A Member: Hear, hear.

The Bailiff: Deputy de Sausmarez, I am not entirely convinced that that is a question within the mandate of the Committee, but if you want to respond very briefly, I will let you.

Deputy de Sausmarez: Well, the very brief response, in that case, is I am always very supportive of a collegiate and joined-up approach and I just think there is no place for personalised attacks. Thank you.

1115 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Thank you, sir.

Deputy de Sausmarez has referenced Asian hornets. I have an interest to declare in the question, as a beekeeper. Is she satisfied that her office has the resources and the right strategy to tackle the threat to native bee populations, particularly compared to other jurisdictions around us?

The Bailiff: Deputy de Sausmarez.

1125 **Deputy de Sausmarez:** Thank you, sir.

I think what started off as our Asian Hornet Strategy, and which has now expanded into our invasive non-native species strategy, is actually an amazing success story. There was an article that someone shared with me, in the national press, which really frustratingly lumped us together with Jersey in respect of Asian hornets, which is fundamentally wrong.

1130 We have taken a very different approach. We were very proactive about not letting Asian hornets establish here in Guernsey. Jersey did not take the same approach and I think there was a price associated with that, both in terms of the ecology and economic cost as well.

So yes, our Asian Hornet Strategy is actually held up as an example of best practice. We share it in such forums as the British-Irish Council and other interjurisdictional forums and it is widely acknowledged as a really good example of preventative measures, which basically with any invasive non-native species, you should put something like 80% of your resources in preventing those threats from establishing in the first place because once they have become established, they are far more difficult, you are typically far less successful and they are typically far more expensive to deal with as well, if you allow them to become established. So I think our Asian Hornet Strategy is a really good example of a success.

The Bailiff: Deputy de Sausmarez, 90 seconds once again. We will take two more questions. Deputy Dudley-Owen.

1145 **Deputy Dudley-Owen:** Thank you, sir.

This morning, we heard the news that Gazprom had pulled out of supplying or bribing the countries Poland and Bulgaria with their energy supplies through the Russian action in Ukraine and Poland and Bulgaria being deemed as friendly countries towards Ukraine. This raises questions for me and concerns about our energy autonomy. Whilst in peace and being in a position of great complacency, which we have been for decades now – really since World War II – that complacency needs to fall away, in my opinion. We need to be far more on our toes and looking at our energy resilience.

Can the President confirm that this is a matter that is being considered within the development of their policy area for energy and potentially could change the direction of the Energy Policy, as previously agreed from the last term, to what is presented now, given that these threats are on our doorstep now?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Well, Deputy Dudley-Owen will know that one of the three core pillars of our energy policy is security. Alongside affordability and environmental impact, security is something that historically we have put enormous weight on. But that comes with a health warning that that security comes at a cost. So there are tensions between these different priorities and that is exactly what our Electricity Strategy is going to give this States the opportunity to make some really important decisions on.

Deputy Dudley-Owen also talked about autonomy and I think that is an important point. The first thing I need to stress is that we were obviously very alive to these issues as they were unfolding and before. There is no imminent threat to our security of supply, that is an important thing, message, to get out. But when it comes to autonomy, realistically, we can never achieve pure autonomy.

What we do recognise in the Energy Policy, and again it features strongly in the development of our Electricity Strategy, is that energy security and energy interdependence, or greater energy independence, are not always aligned but they are both very important. So those are the kinds of considerations that we are going to have to give very careful thought to through the development of the Electricity Strategy, absolutely; that is what it is all about.

The Bailiff: And Deputy Mahoney, I think, we will take.

Deputy Mahoney: Thank you, sir. It is just very quick.

It is just a point of clarity. I wonder if the President would just commit to clarifying the seeming difference that we have in opinions. I have the minutes of the P&R meeting in front of me on 29th March and they clearly state that in answer to a question from Deputy Ferbrache:

... the principal forward planning officer confirmed that no builders or developers had been consulted.

So would she just commit to actually going back and actually clarifying it for us, please?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Sir, there is absolutely no conflict. My response was what Deputy Mahoney has just said. I completely acknowledged that the response was that there had been no consultation with developers up to that point. I said that there would be in the development of the policy letter. There is absolutely no conflict there. It is a moot point.

Questions for Oral Answer

POLICY & RESOURCES COMMITTEE

Civil Service Pensions and public sector pay and conditions – Proposed strategic changes and performance-related pay

The Bailiff: As it has now just gone 11 o'clock, Members of the States, I think we will move into Question Time proper. The first set of questions is to be put by Deputy Gollop to the President of the Policy & Resources Committee.

1195 So your first question to Deputy Ferbrache, please, Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

My first question is will the Policy & Resources Committee be bringing soon to the States policies regarding Civil Service pensions and working conditions with any proposed strategic changes?

1200

The Bailiff: Deputy Ferbrache to reply, please.

Deputy Ferbrache: Thank you, sir.

1205 Bearing in mind the time allowed to answer the question, my answer is there are no current plans to bring such policies to the Assembly.

The Bailiff: Is this going to be a supplementary, Deputy Gollop? (**Deputy Gollop:** Yes.) Well, good luck. Let's see what you have got to ask.

1210 **Deputy Gollop:** Well, I appreciate the answer that there are no current plans, but various opinions have been raised suggesting that both for reasons of staff satisfaction and our long-term financial satisfaction, we need actually a further look at these matters as part of the Government Work Plan. Does the President agree?

1215 **The Bailiff:** I do not think that is a supplementary question arising out of the answer, so you cannot ask it.

Second question, Deputy Gollop.

Deputy St Pier: Sir, may I attempt a supplementary?

1220

The Bailiff: You can try a supplementary question, Deputy St Pier.

1225 **Deputy St Pier:** If there is no intention to bring any plans to the States, which I think was the substantive response from Deputy Ferbrache, can he advise whether there are plans which are otherwise being worked on that will not be brought to the States?

1230 **The Bailiff:** I do not think that is a valid supplementary. It is effectively a 'no' answer and you will not get a supplementary out of a 'no' answer. There is always the opportunity to develop the answers that have been given through other mediums, of asking a Rule 14 question or coming back on another occasion.

Your second question, please, Deputy Gollop.

Deputy Gollop: Yes, thanking you, Mr President.

1235 My second question goes a little way to Deputy St Pier. My second and final question is what plans for performance-related pay have been advanced for public sector employees?

The Bailiff: Deputy Ferbrache to reply, please.

1240 **Deputy Ferbrache:** Sir, the concept of performance-related pay has not been advanced for States of Guernsey employees. Any such initiative would require significant consideration, consultation and costing.

The Bailiff: Supplementary, Deputy Gollop.

1245 **Deputy Gollop:** My supplementary would be, regardless of whether it is the intention to bring it back to the States for debate or not, is the Committee minded, as soon as possible, to look at those matters, both in order to satisfy professional aspirations of our valuable staff and the needs of the taxpayer, both short and long term?

1250 **The Bailiff:** All right, I will let Deputy Ferbrache attempt to answer that if he wishes to.

Deputy Ferbrache: Sir, I think it has already been answered in the first sentence of the answer, which is the concept of performance-related pay has not been advanced for States of Guernsey employment.

1255 **The Bailiff:** Okay.

STATES' TRADING SUPERVISORY BOARD

Aurigny air services – Easter cancellations; effect on Alderney; consultation and review

The Bailiff: The second set of questions are to be put to the President of the States' Trading Supervisory Board by Alderney Representative Snowdon. So your first question to the President, please.

1260 **Alderney Representative Snowdon:** Thank you, sir.

Following cancellations of Aurigny air services with Dornier aircraft for Alderney over the Easter weekend, could the President explain what led to the situation?

Thank you.

1265 **The Bailiff:** Deputy Roffey, the President, to reply, please.

1270 **Deputy Roffey:** Under its States' contract, Aurigny is required to provide two Dornier aircraft, dedicated to the Alderney services. One has been undergoing its mandatory annual maintenance, which was scheduled for completion by the end of March. However, the maintenance identified a small number of parts that needed replacement. The manufacturer, General Atomics, did not have those parts in stock and is having to manufacture them. Aurigny is still awaiting delivery of those parts and expects the return of that aircraft to service by the end of the month.

1275 The second Dornier developed technical problems with its essential avionics systems just before Easter. This was the first failure of the part concerned in five years of operation. Given the \$50,000 cost of the component and its history of good reliability, it was not held in stock by Aurigny and a

replacement had to be ordered. It was shipped by courier from the United States, but I am afraid shipping was delayed by the holiday weekend.

After consultation with General Atomics, Aurigny was able to switch this part from the first Dornier to the second as a temporary fix. However, that required software changes to make it compatible, followed by test flights. That took time and the result was that an aircraft was not available for service for extended periods, with the consequential and highly regrettable inconvenience for Aurigny's passengers. I know that Aurigny recognises that its services fell well short and has repeatedly apologised for this.

The Bailiff: Supplementary question, Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.

Would the President agree that the two-plane model is broken and too fragile for Alderney services?

Thank you.

The Bailiff: Deputy Roffey.

Deputy Roffey: The two-plane model is something that is embedded in the PSO, which the STSB has deliberately stood back from. It was basically negotiated by Policy & Resources. Of course, as I will refer to in a future answer, there could be extra resilience brought in by having more than two planes but there would be a cost consequence for the States in terms of the PSO.

The STSB believes that there are alternative ways of providing better resilience in a cost-effective way for Alderney, but they go slightly beyond the scope of this particular issue.

The Bailiff: Supplementary, Deputy Inder.

Deputy Inder: Sir, in response to question one, I think Deputy Roffey said that scheduled maintenance for aircraft one was due at the end of March. He then went on to explain that there was a problem with parts. Would he agree with me, then, that there is something desperately wrong with a firm that thinks it can just maintain an aircraft, not think that there might be some parts to be ordered, not recognising the fact that there are issues across the board on getting parts? And would it not be wiser for them to have aimed at possibly the end of February, so they did not miss the March and the Easter weekend? Where is the real problem, sir? And is an apology from Aurigny good enough? I do not think it is.

The Bailiff: I think we will take that as two questions, there. So Deputy Roffey.

Deputy Roffey: That means I get three minutes, does it, sir? (**The Bailiff:** No.) (*Laughter*)

Firstly, I think there is always a balance. Of course any airline will keep a stock of parts in place. In this particular case it was a part that has never had a history of failing and would cost \$50,000 to actually keep in stock. Therefore, yes, in hindsight, of course they would have wished to have had one, but there has to be a balanced decision taken.

As we are going to come on to in the next question, the timing was absolutely scheduled to avoid busy periods and it was only that absolute perfect storm of events; because of the fact that actually the part had to be manufactured and is still being manufactured – not the part that failed in the second one, but the parts that kept that reserve one still in maintenance. But I will expand upon that in the next question.

The Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

1330 Would the President have considered it appropriate for Aurigny, having booked the annual check-up for the aircraft, to seek an alternative aircraft or an alternative aircraft to fill in for that? Could that not have been pre-booked months in advance? Was that considered?

The Bailiff: Deputy Roffey, this is going to come up in due course, isn't it?

1335 **Deputy Roffey:** One of the difficulties is I am trying to answer the questions as put and question one was 'how did this situation come about?' and therefore I have not put a lot of the other elements that come later. What I would say on that is that there is a standing arrangement between Aurigny and another airline to try and provide resilience between them. Really unfortunately, that other airline also had a technical issue over the same period of time and therefore was not willing to release one of their aircraft during a busy period.

1340

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

1345 Would the President agree with me that the two Dornier operation failure is an inherited one from the last, previous board? Can the President assure me, or assure Alderney, that the STSB will liaise with getting a contingency aircraft to cover and support this summer, something currently unavailable to us and leaving us fragile to this very day?

1350 **The Bailiff:** Deputy Roffey.

Deputy Roffey: I am in a really difficult position, because there is a contract, a PSO, between P&R and Aurigny, which spells out the degree of cover. The STSB, because it will have a cost implication of actually changing that and putting in greater resilience, is not in a position to do that. That would have to be negotiated with P&R under the PSO.

1355

However, as I have said, we do believe, which is inside our mandate, that there is, through lateral thinking, a far more cost-effective way of overcoming the fragility that exists inside the system at the moment.

1360 **The Bailiff:** Your second question ... Second supplementary, Deputy Inder?

Deputy Inder: I think so, sir, but I am sure I will be told if it is not.

It is essentially probably a question which I do not think Deputy Roffey actually answered. Could he just confirm with me, are the same operating board in place that bought the Dorniers, then asked the States to fund the three ATRs and then delivered a massive amount of debt, which this Assembly has had to pay for? Could he just confirm that all the same people are in the same place over that same period of time?

1365

The Bailiff: Deputy Roffey.

1370 **Deputy Roffey:** No, that is not the case. In fact, the board is being driven by a new Chairman, who I think has been an absolute breath of fresh air to the business, together with the new Chief Executive, and I think the important thing at the moment is to look forward. I cannot comment; all of the decisions were taken before I was on STSB. I may have views on some of them but my focus is on actually trying to improve the situation as it stands at the moment.

1375

The Bailiff: Second supplementary, Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

1380 Would the President agree with me that extending Alderney's runway to allow ATR aircraft to land in the Island is the obvious way to improve the resilience of the service, improving the losses, not only in Alderney, but spanning the whole network, by using one type?

The Bailiff: I am not persuaded that that is a question that arises out of the answer to the principal question, Alderney Representative Roberts, because it was about explaining what led to the situation.

Second question to the President, please, Alderney Representative Snowdon.

Alderney Representative Roberts: Thank you, sir.

1390 Does the President agree with me that taking one of the Dorniers out for annual maintenance during the Easter holidays resulted in Alderney being in a very vulnerable position with the remaining Dornier going technical?

Thank you.

1395 **The Bailiff:** Deputy Roffey to reply, please.

Deputy Roffey: I do indeed agree, but I do want to reiterate that Aurigny did not plan for the aircraft to be out of service through the Easter holidays. The maintenance programme was scheduled for completion two weeks prior to Easter and has been delayed by General Atomics's inability to supply the replacement parts as being required during the maintenance programme.

1400 The problems for Aurigny and its passengers were compounded by the very limited availability of alternative air or boat options, despite extensive searches both before and over the weekend. There are – and this comes perhaps to Alderney Representative Roberts' point – limited passenger aircraft that are able to operate from Alderney's runway. While Aurigny has previously been able to lease-in such aircraft to provide temporary cover, these were not available from the usual source, as one of that operator's own aircraft was also experiencing technical issues.

1405 Aurigny did also contact two ferry operators, but the ferries that they might have been able to deploy were in dry dock. I actually think it is to the credit of Aurigny's operations team that they were able to organise 27 extra sailings in either direction, as well as using the Salty Blonde's scheduled sailings over the course of Easter weekend, and also operating additional flights between Southampton and Guernsey. That ensured that over 90% of booked passengers were eventually able to get to their destinations, although some elected not to take up the sea option.

I would like to take this opportunity to thank sincerely all the boat operators concerned for their help, while accepting that this was far from an optimum solution.

1415 **The Bailiff:** Supplementary question, Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.

1420 Would the President also agree that we should be thanking the Aurigny staff in Alderney, who helped organise little boats as well; and, going back to the point already raised, that we should explore alternative back-up plans in case this happens again in the near future? I think that is quite vital, whatever they may be.

Thank you.

1425 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Yes, I do thank the operational staff, both in Guernsey and Alderney. I know that it was all hands to the deck they were scrambling and what came out may have been far from ideal, but compared with some other airlines, I think their desire to actually serve the customer was laudable.

Obviously the questions, we are reviewing and making sure this does not happen again ... is absolutely key and the STSB, we believe, that certainly in the medium term, the best option is to make sure there is a wider range of aircraft that are able to land in Alderney. That is the best way to actually get resilience into the system.

1435

The Bailiff: Supplementary, Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

1440

Following on from the President's answer there, the best way is to make sure that there are other aircraft that can indeed land in Alderney. Can you confirm whether Air Alderney was approached to see if they could perhaps cover those flights with their Islander aircraft, or perhaps were Skybus consulted, or indeed Loganair?

The Bailiff: Deputy Roffey.

1445

Deputy Roffey: I think just about every option was explored. As far as Air Alderney is concerned, unfortunately the CAA insist that before you subcontract part of your operation, you have to do a full audit of that particular airline to satisfy yourself that they are the appropriate operator to do that. That audit is now going on. It had not happened. Certainly Aurigny were open to doing exactly that but they were not allowed to do it under CAA rules.

1450

The Bailiff: Deputy Gollop, supplementary.

1455

Deputy Gollop: Sir, as most, if not all of you know, I am President of the Transport Licensing Authority and we have no direct say or read-through of the contractual relationship between Aurigny for the service obligation. But my question is, with the two-model route, is it not inevitable that the two-plane solution means from time to time one of the planes is bound to be out of action and so the STSB, in running Alderney and Guernsey airports, have to accept that as an occupational hazard?

1460

The Bailiff: Deputy Roffey.

1465

Deputy Roffey: The STSB run the airports. That is very different to the air service. The air service that is being specified under the PSO relies on one aircraft delivering the service, the other aircraft being available for backup and for medevac.

But it was fully accepted, as I understand it, when the PSO ... and it was pressure of price points as well. The more resilience we put in, the more expensive the PSO becomes. It accepted the fact that there would be periods of maintenance where there would not be in-house backup to the one aircraft that is delivering the service should there be a technical problem and that we would have to look to try and buy that from outside. That is absolutely embedded in the PSO.

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If the States want more resilience before any possible runway extension, which I think is the right way to go, then it will however impact on the cost of the PSO. It will be a material variation to the contract.

1475

The Bailiff: Supplementary, Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

Would the President agree that the added problem ... twice in the last week the runway was closed due to the surface breaking up? Is that unacceptable and urgent; and leaves us open to closure?

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The Bailiff: Deputy Roffey.

1485 **Deputy Roffey:** There is no doubt that Alderney runway needs to be rebuilt and rebuilt fairly rapidly. It has beyond its 20-year life from when it was last done. The intention is to go out to tender in the very near future. Hopefully, if P&R agree – and I have no reason to believe they will not – it will include in the option for an extension so that we can see exactly what the additional cost would be and calculate whether the savings that we project would actually be there when the firm numbers come back.

1490 **The Bailiff:** Your third question to the President, please, Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.
Will the President be consulting Aurigny following the lack of flights over the Easter period, seeking a review from Aurigny on how they will ensure a repeat of these events is avoided in the future?
1495 Thank you.

The Bailiff: Deputy Roffey to reply, please.

1500 **Deputy Roffey:** Yes. I know that Aurigny has already started its own review to see what can be learnt from this sorry experience and how the risks of reoccurrence can be reduced or avoided. This will include working with General Atomics to see what improvements can be made to stock inventories and the interchangeability of parts between the two aircraft.

Aurigny will also be providing the STSB with an update on this work at our regular shareholder meetings. I am conscious that Aurigny's services are operated under the terms of the PSO contract, through the Policy & Resources Committee and, as I have said, that contract provides for two aircraft to be made available for the services, with only one at any one time scheduled for operations and the second held for medevac and back-up purposes, except during periods of planned maintenance. So while greater resilience can be provided – of course it can always be provided – options for so doing would inevitably involve greater cost to the States.
1505
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With this in mind, and acknowledging that it will be little comfort to those passengers caught up in the disruption over Easter, it is worth bearing in mind that between the start of the PSO in January last year and the end of last month, on-time performance has been 86% and less than 1% of flights have been cancelled as a result of technical problems. To put that in context, it equates to 25 of the 4,500 planned sectors operated under that period. Obviously the numbers for this month have been disastrous and compare very poorly, with 50 sectors cancelled in that month. But it is not, I repeat not, indicative of a long-term trend in the service to Alderney.
1515

The Bailiff: Supplementary question, Alderney Representative Snowdon.
1520

Alderney Representative Snowdon: Thank you, sir.
Is there a timeline for the outcome of the Aurigny review?
Thank you.

1525 **The Bailiff:** Deputy Roffey to reply.

Deputy Roffey: Our next scheduled meeting with Aurigny is for around about the middle of next month and I will be expecting and demanding a full response to the situation and what they have planned to do to minimise the chances of it happening in the future.
1530

The Bailiff: Supplementary, Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

1535 Can the President tell me, part of this review, I am not quite sure whether, with the failure of the air connectivity over Easter to the Island of Alderney, accommodation providers on the Island were offered financial compensation?

1540 **The Bailiff:** I do not think that that arises out of the answer that was given to the question that was posted by Alderney Representative Snowdon and it is completely outwith the mandate of that Board.

Deputy Dudley-Owen, supplementary.

1545 **Deputy Dudley-Owen:** I am going to be opportunistic here. Given that there is a meeting coming up and a review of the situation that has just happened with Alderney, may I chance that the President of the States' Trading Supervisory Board might also raise the issue of travel for sports teams coming from Guernsey and why the Guernsey national Netball Association was not able to fly to their Muratti fixture in Jersey.

1550 **The Bailiff:** Again, that does not arise out of the answer given to the question, but Deputy Roffey.

Deputy Roffey: It does not, but I think it is important, given that this was stated earlier.

1555 I fully accept criticism on behalf of Aurigny for the failure of their service between Guernsey and Alderney. They do not operate between Guernsey and Jersey. There is another operator that does that and therefore I think it is rather harsh to blame Aurigny for a lack of capacity between Guernsey and Jersey when it is not on their route network.

The Bailiff: Deputy Gollop, supplementary question.

1560 **Deputy Gollop:** Yes. The questioner asked a number of questions of Deputy Roffey at STSB, which he has well answered. But surely a review of the service crisis that occurred at Easter and further progress should best be made not just through the States of Alderney and the STSB but also Economic Development and Policy & Resources for the PSO?

1565 **A Member:** Hear, hear.

The Bailiff: Deputy Roffey.

1570 **Deputy Roffey:** There are two aspects to this. STSB will review how, within the terms of the PSO and what that specifies, which is the two-Dornier availability, we can increase reliability and make sure this does not happen again. If it goes beyond that, if we are talking about doing something beyond that two-plane model, it is, I am afraid, outside our hands, because that is what the contract is between another arm of the States of Guernsey and Aurigny, for providing the Alderney services.

1575 I would just reiterate that I believe that the no-brainer to overcome this is to actually ... Aurigny has a fleet of aircraft, which if all of them – not the jet – could get into Alderney would really overcome a lot of the weaknesses and the fragility of the system. At the moment the indications are that we could extend Alderney's runway and save money over a reasonable period of time for both the Guernsey and Alderney taxpayer. If that is what the tender process shows, that I think is the most sensible way to actually address this issue.

1580

The Bailiff: Supplementary, Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

1585 When the review takes place, can consideration on the air medical flights be included, which have delayed flights these last two evenings; longer airport opening hours costing the taxpayer in

Guernsey and Alderney money? When the aircraft is actually off on an air medical, it delays all the schedules by two hours. The other day there were two air medicals. Would he not agree that consideration should be looked at this to see if they are overstretched?

1590 **The Bailiff:** Deputy Roffey, I will let you answer that one.

Deputy Roffey: Yes. I do not want to keep coming back to runway extensions, because that is a debate for another day, but at the moment Aurigny have always been delighted over the years to provide the medevac service. They do not have aircraft that are tailor-made for that. It is a needs-must because they are doing it.

1595 If the specialist aircraft that other Islands use were able to get into Alderney I think it would be an enormous help all around and in particular in the type of situation where one of the planes has gone tech or is in for scheduled maintenance, because it is that reserve plane that is supposed to be providing the medivac service.

1600

The Bailiff: Your fourth and final question then, Alderney Representative Snowdon, to the President, please.

Alderney Representative Snowdon: Thank you, sir.

1605 Will the President assure this Assembly, when any review takes place, the States' Trading Supervisory body will work with the States of Alderney?

Thank you.

The Bailiff: Deputy Roffey to reply, please.

1610

Deputy Roffey: Absolutely. As a vital stakeholder I am happy to give that assurance to the States of Alderney. I know that the team at Aurigny are also absolutely committed to doing so. Indeed, I understand that the airline's Chairman visited Alderney last Thursday so that he could discuss and review the Easter disruption with States' Members in Alderney. I understand the States of Alderney are also represented on the contract management meetings with Aurigny that have been established by P&R as part of the PSO arrangements and that that forum provides an opportunity to discuss matters related to contingency and to resilience.

1615

The Bailiff: Supplementary question, Alderney Representative Snowdon.

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Alderney Representative Snowdon: Thank you, sir.

Would the President be able to give reassurance that when the review has completed and been undertaken that the public of Alderney will have some sort of engagement and presentation of the outcomes of the review?

1625

Thank you.

The Bailiff: Deputy Roffey.

Deputy Roffey: Yes. Obviously, it is an internal review at the moment being done by Aurigny, but I think that there is some public interest in; this was a fairly catastrophic failure and I certainly think the headlines need to be shared and I will be saying that to Aurigny, that they need to be shared, and I am sure I will be pushing at an open door.

1630

The Bailiff: Supplementary, Deputy Vermeulen.

1635

Deputy Vermeulen: Thank you, sir.

Can I ask the President, as well as the States of Alderney and the people of Alderney, will he also be consulting with the States of Guernsey and the people of Guernsey?

1640 **The Bailiff:** Deputy Roffey.

Deputy Roffey: 'On what?', is my question here, really.

Certainly if people have got ideas of how to do resilience within the price envelope of the current PSO that they think we may not be thinking of, then people are welcome to make those suggestions. But I think the question was about the review that is going on and would Alderney be informed and be able to input. Yes, of course. I have undertaken that the main findings would be made public so that would allow anybody in Guernsey, including States' Members, to engage with it.

1645

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

1650

Deputy Le Tocq: *Merci*, Monsieur Le Bailli.

The Bailiff: Do you wish to ask a question; that was the reason for it? I was conscious that you had arrived but I was in the flow. We will mark Deputy Le Tocq as present, please.

COMMITTEE FOR HOME AFFAIRS

Support for Ukraine refugees – Update on visas; 'options' under consideration; UK scheme and development of a workable Island scheme

1655 **The Bailiff:** I do not see anyone else rising to ask any further supplementary questions there, so we turn to the final set of questions, which are being posed to the President of the Committee for Home Affairs by Deputy St Pier.

We will take them as four questions, as you will have seen, Deputy St Pier. So split the third one into a 3(a) and a 3(b) please. But your first question.

1660

Deputy St Pier: Thank you, sir – as was intended, yes.

Following the Committee's media release of 14th April in relation to Ukraine visas, having formally agreed the rules to the Family Scheme and the Extension Scheme, could you please provide a general update and status report – including, for example, the number of known applicants, etc. – under that scheme?

1665

The Bailiff: Deputy Prow, the President, to reply, please.

Deputy Prow: Thank you, sir, and I thank Deputy St Pier for his question.

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As has been communicated previously, on Monday, 11th April, the Committee, with the concurrence of His Excellency the Lieutenant-Governor, formally adopted both the Family Scheme and the Extension Scheme, and amended the immigration rules to underpin them in Bailiwick-wide legislation.

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The Bailiwick had already welcomed a number of new arrivals, under the Family Scheme prior to the legislation being introduced under a concessionary basis, as agreed between the United Kingdom and the Crown Dependencies. Sir, we currently have eight Family Scheme scenarios, involving 15 Ukraine nationals. Two individuals are already safely in the UK and are due to arrive here soon. The remaining 13 are already here. After their arrival, an engagement team arranged

visits to identify what support they may require, such as education for children. In detail, a breakdown is 11 adults and four children.

Thank you, sir.

The Bailiff: Your second question to the President, please, Deputy St Pier.

Deputy St Pier: Thank you, sir.

The President was quoted as saying, 'The Committee will now look at a number of options, based on the work that has been achieved in recent days and weeks.' Could you please briefly outline the options under consideration?

The Bailiff: Deputy Prow to reply.

Deputy Prow: Thank you, sir, and I again thank Deputy St Pier for his question.

So the Committee, in consultation with the Policy & Resources Committee, has identified three scenarios or options. First, continue with the Family and the Extension Schemes only, in order to allow time to monitor the take-up and evaluate the impact and support required, specialist or otherwise, in order to determine where there is local capacity for the introduction of a sponsorship scheme.

The second option: to continue with the Family and Extension Schemes and introduce a tailored sponsorship scheme with specific criteria that seeks to acknowledge the Bailiwick's circumstances.

This could be introduced incrementally to ensure our local capacity is not overwhelmed.

Third option: continue with the Family and Extension Schemes and seek for the Bailiwick to align with the UK Homes for Ukraine Scheme. Extending support beyond the existing Family Scheme and Extension Scheme has the potential to result in far-reaching, cross-Committee implications. The Committee has approached Principal Committees that will be impacted and Alderney and Sark, and requested feedback on the potential impact of pursuing any one of these scenarios.

It is imperative to ensure that proper consultation is undertaken with all impacted parties to enable feedback, which would then advise the Committee and His Excellency the Lieutenant-Governor to assist in their concurrent decision making on extensions beyond the Family Scheme.

Thank you, sir.

The Bailiff: Supplementary question, Deputy St Pier.

Deputy St Pier: Yes, sir, I have two, and I assure you this first one does arise out of the answer.

In response to the next question, the Committee notes that Jersey have announced that they will not proceed with a Homes for Ukraine visa sponsorship scheme. Does Deputy Prow regard that as a fourth option for Guernsey that is not referred to in the answer that he has just given?

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

In response to Deputy St Pier's supplementary, the position is quite clear, as we have outlined it to the Principal Committees and in consultation with P&R. Any decision – and we hope to make that decision as quickly as possible – is a cross-governmental decision, and we are considering those options and we will take forward our proposals once we have replies from those Principal Committees.

Thank you, sir.

The Bailiff: Second supplementary, Deputy St Pier.

Deputy St Pier: Yes, sir.

Deputy Prow I think has implied this in response to my previous question, but again arising out of the original response, in reaching a conclusion as to which option the Committee will pursue, does Deputy Prow agree with me that time really is of the essence, given the humanitarian crisis being experienced by so many as a result of the war?

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The Bailiff: Deputy Prow to reply, please.

Deputy Prow: Thank you, sir.

1740

Yes, I certainly do agree and I do understand the urgency and indeed the frustration of those people who have put themselves forward and have shown an interest in the sponsorship scheme. But any response has to be a cross-governmental response. We need to be able to make sure that where we match visa applications and granting visas that we can support those refugees in the manner that they need to be supported.

Thank you, sir.

1745

The Bailiff: Supplementary, Deputy Gollop.

Deputy Gollop: Thank you.

1750

I do appreciate the diligence and caution of Deputy Prow's Committee and Border team and other members of staff on these issues. But nevertheless, would it not be possible that, once applicants have passed the necessary counterterrorism, surveillance, criminal checks and issues, that these individuals who have gone through the United Kingdom gateway, a selection of them – say, 50 at least – can be allocated to individuals in Guernsey who pass the test for sponsorship and that some of the other nuances can be settled in a few weeks' time, once they have arrived?

1755

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir, and I thank Deputy Gollop for his supplementary question.

1760

The question of visa issuance under a sponsorship scheme, which I assume that is what he is referring to: in fact, one factor we have to make absolutely clear is that the sponsorship only lasts for six months, but the visas last for 36 months. So I go back to the answers in response to Deputy St Pier's question, that we have to make absolutely sure that we match any visa application with the ability for this Bailiwick, with its limited resources, to be able to support the numbers of those Ukrainian nationals.

1765

It would be irresponsible for the Committee *for* Home Affairs to agree, along with the UK, who actually issue the visa, to allow people to come to the Bailiwick that we cannot properly support. The Committee *for* Home Affairs is absolutely committed to do this as quickly as we can and we await the responses from Committees, so we can quantify and see what support we are able to properly give to those Ukrainian nationals, where visas can be issued.

1770

Thank you, sir.

The Bailiff: Supplementary, Deputy Blin.

Deputy Blin: Thank you, sir.

1775

Could I ask the President of Home Affairs that the key question that many of the people of Guernsey are asking, and within here, is the timing. We understand, or I understand, from your responses, that you are interested, that you are trying to get through the right processes and procedures to get there. But is it also not acceptable that there are a lot of other people who wish to help? We have 200 local families who have shown interest. We have had a lot of business and individuals offering their homes separately to that, with other services. Doctors offering to do certain things or help people for free – dentists, counsellors, linguists. We also know that there are situations to continue education online. We do not necessarily need all our Committees.

1780

So is it not something to consider, taking all that into account, we can still get on, getting some individuals into Guernsey –?

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The Bailiff: Deputy Blin, your 60 seconds is up. What you were potentially asking would not have arisen out of the answer given to the question anyway.

Deputy Burford, supplementary.

1790

Deputy Burford: Thank you, sir.

Does the President consider that there is a risk of setting the bar so high that the inevitable outcome is going to be that we do not actually take any refugees through a sponsorship scheme?

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The Bailiff: With the greatest of respect to people who are asking questions, this is not a debate about Ukraine. This is a set of questions that has been put and there are answers, and the process is that you can ask supplementary questions arising out of the answer to the question given by the President.

If you want a debate on Ukraine – another debate on Ukraine – then of course you can have one, but it requires a Proposition to be put. So it does not arise from the answer that was given, which was asking: 'What are the options?' The options were given and a little bit of extra material was provided, but that is not the toehold that gives you the opportunity, Members, to ask any question relating to the schemes.

1800

Deputy Le Tocq.

1805

Deputy Le Tocq: Thank you; and I thank, sir, the President for Home Affairs for giving a clear understanding of what the options are.

Would he give consideration, or is his Committee giving consideration, to the fact that amongst the options that he mentioned, including the use of the services of third sector agencies here in Guernsey could help alleviate some of the obstacles that might otherwise be there?

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The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir. I thank Deputy Le Tocq for his helpful question.

1815

The question around the immigration requirements is clearly a matter for the Committee *for* Home Affairs. In our desire to cascade this to the Principal Committees, I would hope – and I think his supplementary question actually teases this out – that the Principal Committees, when considering what support they are able to give, Deputy Le Tocq does highlight the third sector and volunteers are a resource that are both willing to be utilised and can assist with this.

Thank you, sir.

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The Bailiff: Supplementary, Deputy Inder.

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Deputy Inder: Sir, in Deputy Prow's response, he made reference to option two, which included the words 'tailored sponsorship scheme' and he also spoke about some of the challenges, talking of the Committee. Is there a danger therefore, sir, that the Home Department could set the bar so high that we get to the point where, effectively, we end up doing nothing or, if not, very little?

The Bailiff: Deputy Prow.

1830

Deputy Prow: Thank you, sir, and I thank Deputy Inder for his question.

I think the concept of setting a bar too high is not particularly helpful. As has been teased out from the questions, there is a humanitarian crisis in Ukraine and what the Committee *for* Home Affairs, together with P&R and the Principal Committees, is assessing very quickly and scoping what support is sustainable and in the best interests of those people who get visas issued to them.

1835 I want to dispel any idea that there is a willingness to set a bar. This is about assessing across Government what support we can do, under a tailored scheme – this is option two – that would best support those Ukrainian refugees.

We are a very small Island, 62,000 people, one hospital, limited education. As I said, the UK visas run for 36 months. All these considerations need to be taken into account and to perhaps give Deputy Prow some reassurance this is not about setting a bar.

The Bailiff: Your 90 seconds are up.

Deputy Prow: Thank you, sir.

The Bailiff: Your third question to the President, please, Deputy St Pier.

Deputy St Pier: Thank you, sir.

Having concluded that the UK's Homes for Ukraine scheme does not provide a workable blueprint that can be replicated within the Bailiwick readily, could you please outline why the Committee has concluded the UK scheme does not provide a workable blueprint within the Bailiwick?

The Bailiff: Deputy Prow to reply, please.

Deputy Prow: Thank you, sir, and I thank Deputy St Pier for his question.

Sir, it is important to note that we are seeking to introduce a second humanitarian corridor, the Family Scheme being the first. When considering the atrocities in the Ukraine, we should expect that some specialist support may well be required for some individuals. We are a small jurisdiction and we need to ensure that we are properly equipped to offer the sanctuary and support that may be required. The Committee is therefore very mindful of the limitations of the Bailiwick's infrastructure and existing pressures on service provision in Health & Social Care; supporting additional and complex needs within education; and the provision of housing, particularly emergency housing, in the current climate locally.

Any additional scheme introduced would generally need to align with the principles of any UK scheme. However, the local immigration rules can be prepared and will underpin the schemes, whilst being tailored to our jurisdiction. Therefore, any sponsorship scheme introduced could consider the fact that it may be beneficial to enable the States of Guernsey to manage most aspects locally, while utilising the UK Homes for Ukraine application process to secure the necessary visas.

Linking into the UK Homes for Ukraine scheme beyond the visa application process would impact the States of Guernsey's ability to effectively manage the scheme and would not enable a cap to be applied. It is further noted that Jersey –

The Bailiff: I am afraid, Deputy Prow, your time is up. You cannot have answers that go on for too long.

Deputy Prow: Thank you, sir.

The Bailiff: Any supplementary questions?
Deputy St Pier.

Deputy St Pier: Yes, thank you, sir.

Does Deputy Prow agree that Guernsey is not unique, as every nation in Europe is subject to limitations on infrastructure and existing pressures from their own communities on service provision?

The Bailiff: Deputy Prow to reply.

Deputy Prow: Thank you, sir.

1890 Yes, I agree that resources are a matter of concern across the whole of the European Union and the United Kingdom. However, we are a small Island jurisdiction and our infrastructure is designed to support the population of the Bailiwick of Guernsey and our limitations must be considered proportionately, compared to the vast resources and resilience across the whole of the European Union and the United Kingdom.

1895 Thank you, sir.

The Bailiff: Deputy Inder.

1900 **Deputy Inder:** Sir, in the list of those Guernsey families who have put their hand out to offer homes for Ukrainians, I understand the most recent figure was 280. When you reanalyse, some of them will have dropped off, there may be even more. But will the President accept, or at least give great consideration to the realisation, that when the placements do happen they will not all work?

He used the word 'emergency housing'. That is not the job of the scheme. Would he agree with me, sir, the scheme itself should be a basic closed loop of those good people of Guernsey who have put their hand out to ensure that the transfer of Ukrainians, if unfortunately they ever happen, do maintain within the families who have already offered spaces to house them.

Thank you.

The Bailiff: Deputy Prow.

1910

Deputy Prow: Yes, I thank Deputy Inder for his supplementary question.

The point I think I must stress again is that the UK sponsorship only requires a sponsor to house a Ukrainian for six months, whilst they issue visas for three years. So in my response I was considering the wider aspect of this. That is what it is responsible for us to do: to make sure that we can match what the Island can offer.

1915

Just one point: we understand that there are something like 280 expressions of interest and that could equate to approximately 700 arrivals in the Bailiwick. This is why it needs to be properly scoped across the Principal Committees, in consultation with Policy & Resources.

Thank you, sir.

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The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

1925 The President referenced the fact that we are a small Island and indeed that marks us out as different from, say, the UK. But at the same time it does not mean that we cannot take any refugees under sponsorship at all. So I would like to know from the President to what extent the work that has been undergone has been looking at the specific numbers that we could take in, right now, without any major impact on the Island?

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The Bailiff: Deputy Prow.

Deputy Prow: Thank you. I thank Deputy Soulsby for her question, which is particularly helpful.

On the first point, in one of the options – I will not read it again – where we talk about a tailored sponsorship scheme, I think this partly will come in the feedback from Principal Committees, in that the question is, looking at the services that those Committees deliver, what are they able to support? I think that is a matter for them to get together with P&R and this is what the Committee *for* Home Affairs will be dealing with. I hope that answers Deputy Soulsby's question.

1935

Thank you, sir.

The Bailiff: Supplementary, Deputy Blin.

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Deputy Blin: Thank you, sir.

Would the President consider that understanding he stated that we are in a small jurisdiction of limited resources, it is sounding like we are so on the limit that one person can tip us over? So could the President clarify, and in line with Deputy Soulsby's question, what numbers could we do? There is the support we can give right now, we have got enough resilience and we have got private groups willing to help. There must be a number, does he concede, that we could actually deal with currently?

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The Bailiff: Deputy Prow.

1950

Deputy Prow: Thank you, sir.

I thought I had answered the question. It is difficult for me, leading up the Committee *for* Home Affairs, to put up specific numbers. I totally disagree, and I think it is unhelpful to say, that there seems to be some sort of tipping point. This is not an exercise around that. It is an exercise to see what we across Government, together with P&R – the Principal Committees – can support, and that is the bottom line. That process is well under way. It was started at officer level, it was started across Government, through the strategic leadership team and the officers overall responsible for operations. This scoping exercise has already started. It is formalised through letters to the Principal Committees and we await those. Once we have all that information we will seek to adopt the scheme that suits both the Ukrainian refugees and this Bailiwick.

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1960

Thank you, sir.

The Bailiff: Deputy Burford.

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Deputy Burford: Thank you, sir.

Was any kind of cross-governmental scoping scheme undertaken before the family visa arrangements were put in place?

The Bailiff: Deputy Prow.

1970

Deputy Prow: Thank you, sir. I thank Deputy Burford for her question.

Certainly, there was a great deal of consultation at officer level and we moved extremely quickly to introduce the Family Scheme. And one of the reasons we were able to do that is because we could quantify and we could much better assess the scheme around supporting those Ukrainian nationals that could become part of the Family Scheme.

1975

So it was a very different scenario to a much wider assessment of the UK sponsorship scheme and we outlined it in media releases, exactly what we are doing, and we thought it was important to get on with it, get the legislation in place and I am very happy to say that numbers of Ukrainian nationals are already in the Island and a few more are set to come.

1980

Thank you, sir.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

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Could I ask Deputy Prow if, in considering the sponsorship scheme, it can be set up in such a way that it is limited to the specific people sponsored and does not expand beyond those numbers, so that there is a certainty in terms of how many people we are bringing in and the family add-ons do not come as a surprise to us? Is that possible?

1990

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

The model that we have before us is the UK sponsorship scheme and, as I have already pointed out, the visas that are issued – and they are issued through the United Kingdom Home Office – are for 36 months. The commitment to sponsor is only six months. So I think the best answer I could give to Deputy Dyke is we have to look in the round to see what support is viable, sustainable and in the best interests of UK refugees and the Bailiwick in the light of that.

Thank you, sir.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I agree with the President that the work that his officers and Committee did with respect to the Family Scheme was very quick. But following on from Deputy Burford's question, can he please explain why we cannot use the same information and processes to achieve a similarly quick result in this next bit?

The Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy de Sausmarez for her question.

I hoped I had already explained the reason for that. It is quite simply that this is a cross-governmental decision that has to be made. The Principal Committees are the ones that need to be able to satisfy us across Government that we can cope with the numbers. We are already aware that there are 280 expressions of interest and this would involve up to 700 Ukrainian nationals. That in itself is the question that we are putting to Principal Committees and we are scoping with what we believe the Island can deliver for those to whom we can issue a visa to.

Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, I think it might have been on the TV interview last night or possibly in some release. Deputy Prow said he was expecting responses from these Committees by Friday of this week, I believe. We have got a timeline, we have got responses from the Committees and there is quite clearly a desire amongst States' Members and the community out there to move this on a bit beyond this conversation. It is Friday, all the Committee responses are back, could he commit, effectively, that by the end of the Friday of next week, we will get something that looks like a policy for Ukrainian homes and inviting those refugees into our Island, along with the numbers?

The Bailiff: Deputy Prow, as you will realise, this is probably a question arising out of the answer that you are going to give to the next question, but if you want to give it now, do.

Deputy Prow: Yes, thank you, sir.

The bottom line is that the Committee for Home Affairs itself, in consultation with P&R, in consultation with the officers that are working on this, realise that it is very important that we discharge our responsibilities to those that are prepared to do sponsorship and those Ukrainian refugees that come here.

We will have to look and analyse those Committees, the Principal Committees that come back to us; we will need to analyse their responses and, depending on those responses, that will help us consider, together with Policy & Resources, what the best option is. The bottom line, I think, of Deputy Inder's question is can you get on with this quickly? There is an absolute commitment to do that. It is in nobody's interests to drag our feet and I want to assure everybody that is not the case. This is about being responsible and having a responsible response.

Thank you, sir.

The Bailiff: Deputy Gollop.

2045 **Deputy Gollop:** I appreciate we do not have the infrastructure for, necessarily, a UK Homes for
Ukraine scheme, but in the last decade the Island has actually had a higher proportion of residents
from Eastern Europe than many parts of the UK, if you look at it proportionately. My question,
therefore, is couldn't Home Affairs look at a more limited scheme whereby the 280 sponsors are
2050 able to provide accommodation and other guarantees for potential residents within their own
properties or establishments so there is not any particular drain on Guernsey's limited housing
resources, for example?

The Bailiff: Deputy Prow.

2055 **Deputy Prow:** Thank you, sir.
I think option two gives us the possibility to consider what Deputy Gollop has just outlined.
Thank you, sir.

The Bailiff: Deputy Burford, second supplementary.

2060 **Deputy Burford:** Thank you, sir.
Deputy Prow has mentioned three figures repeatedly in his answers, namely 280 offers,
700 refugees and 36 months. Obviously these are of concern to him and I understand that. But
clearly, in resolving that, we do not need to use all 280 offers and indeed it makes much sense,
2065 I would think, to possibly look at a figure – maybe even half that, or possibly even a third to start
with – as it is generous offers from members of our community. That would surely not only have
less impact but also cover the issue particularly of the 36 months and where perhaps relationships
may break down, that there would be other people willing to step in. So would Deputy Prow agree
with me that that would be, also, a reasonable approach to take?

2070 **The Bailiff:** Deputy Prow.

Deputy Prow: I thank Deputy Burford for her question.

2075 Where I do agree with her is, as she has very well outlined, these are considerations that we need
to put before us and those are the considerations that the Principal Committees will also need to
consider for the reasons I have already outlined.
Thank you, sir.

The Bailiff: Alderney Representative Roberts.

2080 **Alderney Representative Roberts:** Thank you, sir.
I would just like to thank Deputy Prow for all his work on this. Can he tell me if Alderney is being
included in the applications at all, please? I am sure Alderney would be pleased to help.

2085 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir, and I thank Representative Roberts for his question.

2090 Absolutely, Alderney has been consulted, both at officer level and actually the same request to
the Principal Committees has also been put to Alderney and Sark and we will work absolutely with
the island of Alderney. This is about a governmental, corporate response to an absolutely terrible
situation that is happening in the Ukraine. Please be assured that the Committee for Home Affairs
is absolutely committed to come up with a solution, but it has to be across Government.

Thank you, sir.

2095 **The Bailiff:** Second supplementary, Deputy Blin.

Deputy Blin: Thank you, sir.

2100 The President mentioned two situations and we had to differentiate between a six-month visa or 36 months, depending. I am aware that from the situation of an individual who helped, who has been looking after some refugees, organising safety in Luxembourg, the first question they were asked was has your house been destroyed and family, etc., or is it a situation where you are moving out and moving away? So that would simplify; if you are going to look at the 36-month one, it would be for the people who need longer-term care and education and support, and for the shorter ones who are here not as economic refugees, but just to come through. Would that be a help to defining and separating the two types of visa lengths?

2105

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

2110 What Deputy Blin is describing is the UK sponsorship scheme. His understanding of what that UK sponsorship scheme is and my understanding of what the UK sponsorship scheme is different. Thank you, sir.

The Bailiff: Your final question to the President, please, Deputy St Pier.

2115

Deputy St Pier: Thank you, sir. Fourth and final question.

Sir, in listening to the previous supplementaries, I realised that I should have declared an interest in these questions before I began asking them. My wife and I are one of the 280 that have registered interest and I apologise to you, sir, as Presiding Officer, and to the Assembly for failing to declare that interest before asking those questions.

2120

The Bailiff: Thank you.

Deputy St Pier: Having concluded that the UK's Homes for Ukraine scheme does not provide a workable blueprint that can be replicated within the Bailiwick readily, could you please: provide an update on progress to developing a workable scheme?

2125

The Bailiff: Deputy Prow to reply, please.

2130 **Deputy Prow:** Thank you, sir, and I again thank Deputy St Pier for all his questions.

With regard to an update on progress to developing a workable scheme, I have already touched on this. Sir, following initial briefings provided to both the Committee in its lead role on immigration and the Policy & Resources Committee in its senior co-ordinating role, the Committee has formally engaged with other Principal Committees, and Alderney and Sark, regarding next steps.

2135 Feedback has been requested by Friday, 29th April. Whilst the Committee has the power to make rules under the UK Immigration Acts as extended to the Bailiwick, it is recognised that extending support beyond the existing Family Scheme and the Extension Scheme has the potential to result in far-reaching, cross-Committee impacts in the short, medium and long term.

Thank you, sir.

2140

The Bailiff: Supplementary question, Deputy St Pier.

Deputy St Pier: Yes, sir. Given the previous questions, I only have one supplementary, which is does Deputy Prow agree that as Government works through the far-reaching cross-Committee impacts to which he refers, that there is a risk that perfection becomes the enemy of the good, with the result that we end up doing nothing or we do too little, too late?

2145

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

2150 I certainly agree with the first part of his question. I think that applies to so much of what the States ... This is not about seeking perfection. This is about doing the best that Guernsey can do with the limited resources it has, compared with the whole of the European Union, the whole of the United Kingdom and doing that in consultation with Principal Committees. This is not an exercise about limiting our response, it is about giving a sustainable, proper response that is in the best
2155 interests of everybody who is involved.

Thank you, sir.

The Bailiff: Supplementary, Deputy Gollop.

2160 **Deputy Gollop:** I appreciate that for one reason or another Jersey have not been able to pursue some of the ideas I think Guernsey is still looking at. But in getting to developing a workable scheme as quickly as possible, have you liaised with the Isle of Man, who appear to have adopted a hybrid model but are progressing it, as far as I am aware?

2165 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

I think there are two parts to Deputy Gollop's question. I quote from the release the Jersey Government gave:

It is further noted that Jersey Government have announced a decision to continue with the Ukraine Family Scheme and not to adopt the UK's Homes for Ukraine scheme at this time. The Council of Ministers have agreed to keep this under review. This is due to the complexity of the ongoing situation, which requires further consideration.

2170 So, I think that deals with the Jersey response. Perhaps, some Members might reflect on that.

The second point was with the Isle of Man. Absolutely they have a scheme, officers at officer level ... there has been much discussion actually, both with Jersey and the Isle of Man. Informally, along with the Chief Minister, I had an opportunity to speak to their Minister of Home Affairs quite recently. So it is an emphatic yes.

2175 Thank you, sir.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

2180 I appreciate the President's concern for the Island's resources but, as I am sure he will appreciate, and as I mentioned, it is a situation where there is a war on and that people are escaping the war. In other circumstances, jurisdictions might look at other countries, look to allow people to arrive in the area and then sort the issues out afterwards.

2185 I have done a bit of helping with a family that is fleeing Ukraine and actually has gone to the Republic of Ireland as an alternate destination, partly because the UK's visa applications have been so difficult and complicated to work through and the Republic of Ireland does not have any of those sorts or very much fewer issues around that.

I am sure that many Islanders will find that, in Guernsey, the situation is that people's generosity is not matched by the ability of the Island to be able to cope with –

2190

The Bailiff: Deputy Matthews, your 60 seconds has expired without a question.

Deputy Matthews: Sorry, sir.

2195

The Bailiff: I do not see anyone else rising, so that will conclude Question Time.

APPENDIX REPORT

PRESIDING OFFICER

**Committee for Health & Social Care
Responsible Officer for the Bailiwick of Guernsey 2021 Annual Report –
Motion to Debate –
Debate commenced**

The States are asked to decide:-

To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix Report to Billet d'État No. VIII 2022 entitled 'Responsible Officer for the Bailiwick of Guernsey – 2021 Annual Report.'

The Bailiff: The next item of business is something that is becoming a trend, which is a motion to debate an Appendix Report that is being proposed by Deputy St Pier, seconded by Deputy Bury. Do you wish to move that motion, Deputy St Pier?

2200

Deputy St Pier: Yes I do, sir.

The Bailiff: Thank you very much.

2205

Deputy St Pier: Sir, I can and I shall be relatively brief in speaking to this motion to debate. However, before I do so, having regard to Rule 17(15), I must disclose that my wife and I have a direct or special interest in this matter and, pursuant to Rule 17(16), I wish to declare the extent of that interest. To do so requires a very brief chronology of events, from which I will then explain the interest in this motion and, through that, why the Annual Report needs to be debated.

2210

The Bailiff: Is it really an interest in the motion or is it an interest in the debate if the motion carries, Deputy St Pier?

2215

Deputy St Pier: Sir, first of all I wish to declare the extent of my interest in the matter under Rule 17(16).

The Bailiff: I understand exactly what you have just said and I am grateful to you for reciting the Rules, but this is a motion that something should be debated. It is really just a case of why should it be debated. Do you really have to say anything further than why it should be debated?

2220

Deputy St Pier: Yes, I do. In order to explain my explanation for a very short report, as to why it should be debated, I have to link that to an explanation of what is in the Report. Obviously, the detailed content of what is in the Report will be the subject of the debate if indeed the motion is successful.

2225

The Bailiff: Well, let us see where we get to, Deputy St Pier. But you have got the impression, I hope, from me, that this is simply why something should be debated, not distending into anything that is on the face of the Report, if it is to be debated.

2230 **Deputy St Pier:** I absolutely accept and understand that and I have given that considerable thought, which is why I have sought to explain, sir, that in explaining the interest in the motion, it is through that that I can best explain why the Annual Report does need to be debated.

2235 **The Bailiff:** As I said, I will allow you, at the moment, to do what you want to do, but I might interrupt, if I think you are straying away from what needs to be said ... so that the President of the Committee, who has risen to his feet and I am not quite sure why at the moment, but it is important that this stage is simply to test whether Members want to debate the Report with a Proposition to note it.

Deputy Brouard, you have risen. Is there any particular reason?

2240 **Deputy Brouard:** It was just to express concern, sir, that the Responsible Officer's Report is a very narrow Report and I am just concerned that Deputy St Pier is going to open up into a different area, which is completely outside of the Responsible Officer's Report and it may well put other clinicians in difficult positions, sir.

2245 **The Bailiff:** We will wait and see what gets said, bearing in mind that you will have the opportunity, as the only other person who can speak on this motion, to address any of those concerns in due course, Deputy Brouard.

Deputy St Pier.

2250 **Deputy St Pier:** Thank you, sir.

As I said, it is a brief chronology of events, but I think it does best explain the interest in the motion and, through that, why the Annual Report does need to be debated and what is referenced in the Annual Report, which would obviously be the subject of the debate.

2255 In April 2015, seven years ago tomorrow, our youngest daughter became profoundly ill and the local specialist paediatric service, to whom she was referred, concluded nothing needed to be done. But we sought a second specialist opinion from a paediatric endocrinologist at Great Ormond Street Hospital for Children, who immediately diagnosed a serious but rare condition and prescribed treatment. Untreated, she would have eventually gone into organ failure.

2260 A few months later, we wrote to the Medical Specialist Group, as we felt that clear lessons could be learnt in relation to our daughter's misdiagnosis that might assist other children with medical conditions rarely seen by the local paediatric service. Much to our surprise, this triggered a bizarre and Kafkaesque safeguarding investigation, which our GP described at the time as the 'weaponisation' of the safeguarding service.

2265 **Deputy Brouard:** Point of order, sir.

The Bailiff: Point of order, Deputy Brouard. What Rule?

2270 **Deputy Brouard:** I am so sorry, and this really puts me in a very difficult position, but I think this is completely outside of the Responsible Officer's Report to the States, which is merely a high-level Report noting what has happened. There are other avenues available to Deputy St Pier and I do not think the floor of the Assembly is correct for this. I appreciate he is using it as a declaration of interest but I think that is inappropriate. I am so sorry.

2275 **The Bailiff:** My difficulty is going to be, Deputy Brouard, what Rule are you saying that Deputy St Pier is breaking, to raise a point of order?

2280 **Deputy Brouard:** Under Rule 17, sir, because what Deputy St Pier is referring to is not in the Responsible Officer's Report. I think what Deputy St Pier is referring to is the three lines or four lines on page 9 and I do not think where he is going is in that. That is nothing ... There are two separate

horses running here, sir, and I think Deputy St Pier is talking about one of them and the Responsible Officer is talking about another. We should stick with what is in the Billet and what is on the thing, sir.

The Bailiff: Well, in relation to whether or not that is a valid point of order, I am not persuaded at this stage that there is a breach of any Rule of Procedure in what Deputy St Pier has said, thus far. The – (*Interjection*) I beg your pardon, Deputy Inder?

What I am going to impress upon Deputy St Pier, though, once again, having already raised this, is that there is, at paragraph (6) of Rule 17 ... that provides that debate must be relevant to the matter before a Meeting. The way that it is being approached, as I understand what Deputy St Pier is doing, is to say, speaking on this motion to debate that he is proposing, he needs to declare his interest in accordance with Rule 17(15), which he has done.

He is now seeking to declare the extent of the interest in accordance with Rule 17(16), but the extent of the interest in relation to that has probably already been covered and does not need to be dealt with any further because, normally, the extent of an interest will be a financial interest or the level of personal interest. You have already said, Deputy St Pier, what the level of personal interest is in having the Report debated so that there can be a Proposition for it to be noted.

I do not think we need to hear anything further about what the issues were relating to your daughter and I take it your daughter is well now, by comparison.

Deputy St Pier: I understand, sir, and I will seek to edit as a result of that ruling. In fact, the next comment, therefore, which I think is pertinent to make, is that the Responsible Officer of the day, which is not the present Responsible Officer, actually did commission a full investigation, which of course would have been part of a previous annual report.

That actually resulted in a three-page letter of apology, and I am going to quote from that letter of apology, which again directly ties in, I think, sir, to the motion. The extract from the apology was:

You have asked for an unequivocal apology and we agree that it is entirely appropriate for us to do so. We sincerely apologise for the shortcomings that were set out in this letter and the shortcomings identified in the ICPC Report. We can assure you we have learned from them ...

– and this is the bit that is pertinent to the motion –

... and that we will continue to improve our communication, both internally and externally, to ensure that families do not suffer distress that you have clearly been through.

What I wish to explain, sir, through this opening speech to the motion to debate, is why it is so important that the Annual Report is debated in order to give further clarity as to the issues that were raised at that time.

We also received a letter from the present Responsible Officer, hence another link to the motion, after he had just returned to the Island in 2016, which concluded:

For my part, I will continue to work to drive up standards of governance and to work with medical practitioners on the Island to develop a reflective culture aligned with good medical practice.

That is relevant, sir, because of course the Ordinance under which this Annual Report is presented is one of the few medical regulatory levers we have.

So although we regarded the matter as closed, again editing as I go, sir, a year ago we were approached by three families who have profoundly sick children with complex conditions and needs and who had either sought second opinions or complained about local clinical care. They found themselves in exactly the same Kafkaesque nightmare of having to deal with safeguarding inquiries, whilst also caring for their sick children. We joined with those families to meet with the Medical Director, acting as the Responsible Officer under the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, and he instigated the formal investigation, which is referred to in this Annual Report.

So for this investigation, an off-Island safeguarding expert was appointed, as the authorised person under the Ordinance, to undertake –

2325 **The Bailiff:** Deputy St Pier, I am going to interrupt you at that point, because you have set the scene quite properly. What you are now doing is referring to something that is on the face of the Report, which you do not need to in the context of moving the motion. You have already set the scene sufficiently, so can you move on to why the Report should be debated under this motion to debate, please?

2330 **Deputy St Pier:** Yes, sir. I think, as you have said, I have explained our direct and special interest in this motion and that is clearly, as I think you have now understood, sir, that we are connected with the informal investigation that is referred to on the face of the Report.

2335 So why then, sir, should this Annual Report be debated? This brief, formal, technocratic, rather dry and anodyne Annual Report masks the presence of failings, which I know now, sadly from personal experience, have existed since at least 2015.

As you have said, sir, I cannot and I am not going to go into the detail as that is a matter for the debate, if the motion succeeds. But I think suffice to say that when the Responsible Officer wrote to families, he did say that there is much to learn:

... and I was genuinely sad to hear of the experiences you described and I believe in terms of services we offer to families such as yours that we can, must and need to do better in future.

2340 It is those lessons, which the Assembly needs to understand for a debate on the Annual Report. The Authorised Person referred to in the Report concluded in their investigation:

Undoubtedly the families involved in the review have experienced trauma, exacerbated sometimes by the constraints of the system. We must learn from this.

2345 And, sir, again, it is those lessons which the Assembly needs to understand and debate. The Authorised Person found that there was potential bias towards families whose children had complex conditions and parents who were inclined to seek second opinions and it is those lessons, sir, which the Assembly needs to understand and debate.

Finally, the Authorised Person wrote the recommendations from the investigation should form part of a wider framework to build an integrated safeguarding model:

... with a robust and resourced safeguarding component, to create an environment which is trauma-informed and aware with children at the heart, understanding that our work is about relationships.

2350 It is those recommendations which the Assembly needs to understand and debate. It is only by debating this Annual Report that this Assembly can actually provide the considerable support the Responsible Officer and Health & Social Care will need in order to deliver the systemic and cultural changes so clearly identified as being essential.

2355 It is only by debating this Annual Report that this Assembly can begin the process of holding the Responsible Officer at Health & Social Care and the Medical Specialist Group, through their publicly funded contract, and the specialist paediatric team and the safeguarding lead and the doctor in question, Sandie Bohin, to account, to implement these recommendations –

Deputy Brouard: Excuse me, sir. Point of order. I think this is exactly why I tried to avoid this position. I think having named doctors in this Assembly, it puts us in an extremely difficult position.

2360 **The Bailiff:** Well, Deputy Brouard, you know, however high emotions will run, that if you raise a point of order, you wait to be called, rather than launching into it directly, and Deputy St Pier will know that he should have resumed his seat at that point as well. So just some procedural things.

It is not a point of order, with great respect to you, Deputy Brouard, for somebody to use the privilege that is available to them in this Assembly. Whether or not there is an issue about abuse of privilege is another matter, but that is not a breach of the Rules and the abuse of privilege under the Code of Conduct is something that will have to be borne in mind by those.

It is not hugely desirable, within the context of this Assembly, for any Member to take advantage of the privilege that is there, but it is something that is conferred by primary legislation and therefore we are all subject to what is on the face of the Reform Law.

Is there anything further you need to say and move in the motion, Deputy St Pier?

Deputy St Pier: Yes, sir, very briefly.

It was making the point that it is the implementation of these recommendations that this Assembly needs to hold to account so that in another six years further groups of families are not suffering the same state failings. This Annual Report is one of the few tools, one of the very few tools, that we have in our local health regulatory toolbox that the community has to ensure that clinical care and the governance and the culture of our healthcare system is as it should be.

We know, from the work commissioned by the Responsible Officer that is referred to in this Annual Report, that there have been egregious failings in our safeguarding culture and processes and their weaponisation has not only wasted precious and limited resources, it has also prevented children and families from being kept safe, but worse –

The Bailiff: Deputy St Pier, as far as I am concerned, you are now straying into debating what is on the face of the Report, rather than moving the motion, so is there anything further you want to say or move in the motion?

Deputy St Pier: I will just conclude with this, sir, which is that these are the issues which should concern the Assembly, and warrant a debate on the work referred to by the Responsible Officer in his Annual Report and that is why the Assembly should, and I hope will, support the motion to debate.

The Bailiff: Thank you very much.

Deputy Bury, do you formally second the motion to debate?

Deputy Bury: Yes I do, sir.

The Bailiff: Are you going to be very long, Deputy Brouard, or would you ...?

Deputy Brouard: Two pages, sir.

The Bailiff: I think we will adjourn until 2.30 then.

*The Assembly adjourned at 12.30 p.m.
and resumed at 2.30 p.m.*

Committee for Health & Social Care
Responsible Officer for the Bailiwick of Guernsey 2021 Annual Report –
Motion to Debate –
Debate continued –
Proposition not carried

The Bailiff: Members, we will resume debate on the motion to debate proposed by Deputy St Pier and seconded by Deputy Bury and I will simply call Deputy Brouard, as the President of the Committee concerned, to speak to the motion.

Deputy Brouard: Thank you, sir.

I think I need to explain a little. If you are not connected with this issue, I would think you would be quite confused as to what is going on. In fact, there are three reports. There is the first report, the Responsible Officer's Annual Report, which Deputy St Pier wants us to open up for debate. That is the Report that you have got in front of you. It is 11 or 12 pages. And he wants to do so, so that we can discuss a particular issue in that document, which in his declaration of interest he has explained. However, that particular item is not in the Report.

In the Responsible Officer's Report, there is reference to a report commissioned by the Responsible Officer into the conduct of a doctor. Let's be clear: there was no finding and quite simply the threshold was not reached. And I would like to set very clearly to Members that the investigation referenced in the Responsible Officer's Report concluded that there was no impairment to that doctor's medical practice. Deputy St Pier's assertion in the local media and in this Chamber today that the doctor's actions – and I quote from the article – 'did not quite reach the threshold for regulatory action' is misleading and damaging to the individual involved.

There is a third report, and that is addressed to HSC, about learnings of the families' experiences and we at HSC want to take those learnings forward. That report is not referenced in the Responsible Officer's Report that you have in front of you today and, therefore, is outside of debate today. But it is from where Deputy St Pier's opening is where he wants to have debate on.

The recommendations that Deputy St Pier refers to are included in a report addressed to Health & Social Care and relate to services as a whole. They are not recommendations in relation to an individual doctor. This report is not mentioned in the Responsible Officer's Report because it is a matter which does not relate to the discharge of the regulatory functions, so it is not relevant. The report was addressed specifically to HSC and the Committee considered it yesterday as part of their function and will continue to progress its recommendations.

It is the role of the Responsible Officer (RO) to oversee the regulation of doctors who practise locally. According to the revalidation standards set out by their professional regulators – the GMC – the RO is a statutory office appointed under the Regulations of Health Professions. Sorry, my reading is not too good, I have just bought a pair of glasses because I could not see properly but I have not quite got used to them yet.

Yes, through the Committee for Health & Social Care, the Responsible Officer is required to submit a written report to the States as to the general discharge of the Responsible Officer functions during the calendar year and its Annual Report, or his Annual Report, for 2021 is that is subject to the motion which you have in front of you, and the Report you have in front of you today.

It is a factual, high-level Report, which sets out amongst other things the high level of revalidation standards achieved locally; 98.6% of local practitioners completed appraisals during 2021, which compares favourably with the most recent published UK rates of 91.5%. For the avoidance of doubt, the Responsible Officer is required to take part in the same revalidation process that he oversees, via an independent Responsible Officer in the UK. His appraised position is fully up to date.

There are, of course, occasions when a concern will be raised about a practitioner and the Report provides a high-level overview at Appendix A. Of the number of concerns that have been raised about doctors in relation to their capacity, conduct or health, concerns can be raised in many ways,

in addition to the powers given to the Responsible Officer under the aforementioned Ordinance, local policies based upon maintaining high professional standards are in place for both primary and secondary care to follow when a concern is raised. HSC and the Medical Specialist Group have a dedicated customer care team to progress complaints and support individuals with this process.

An investigation led to two reports, one referred to in the Responsible Officer's Report and a second report of learnings for the Committee, which is not from the Responsible Officer as such, so that we can make improvements. And this is key. The Responsible Officer's Report, which is the one in front of you, provides no further information relating to the nature of concerns for very good reason. To do so could inadvertently breach the confidentiality of those service users and practitioners involved, thus seriously undermining and damaging public confidence in the medical practice of that doctor and that of services provided by primary care, Health & Social Care and/or the Medical Specialist Group.

The system of medical regulation used in Guernsey and Alderney, and across Great Britain, is highly stringent and independent. The Responsible Officer regime is set out in statute as a requirement for all doctors in Guernsey and Alderney to be registered with and hold a licence to practise in the GMC. The Medical Act 1983 established the GMC as the body corporate whose overarching objective is protection of the public.

I know that Deputy St Pier has been involved with these very difficult, complex and challenging issues, not only for the families, who I can fully understand their frustration and pain, but also for the clinicians and our Committee. However, it is still not appropriate that these issues, however well meaning, are played out on the floor of this Assembly. They are not contained in the Responsible Officer's Report. There are other avenues open to Deputy St Pier, especially in his position as a States' Member, and we are very happy to support him in that. The Committee also would be happy, where possible, without breaching confidentiality of any of the families affected, to discuss the recommendations made to it, if Deputy St Pier or any other Deputy wishes to contact the Committee through the usual channels.

In a democracy we do have and are allowed different opinions, so it will not escape your notice that my Vice-President is supporting the motion. I can understand that and I am grateful that I have Members who are prepared to challenge and bring a different view to our table. I therefore ask Members on this occasion, as this issue Deputy St Pier is trying to bring to the floor of this Assembly for debate is not in the Responsible Officer's Report, it would not be appropriate to open or – to use the Bailiff's expression this morning – to use it as a toehold to open that Report in order to debate something that is not in the Report and is already being covered elsewhere. I would ask Members, please do not support this motion and vote Contre.

Thank you, sir.

The Bailiff: Members of the States, we go to the vote –

Deputy St Pier: Recorded vote, please.

The Bailiff: There is a request from Deputy St Pier for a recorded vote and the motion is simply whether you are minded to resolve that the Appendix Report of the Responsible Officer for the Bailiwick of Guernsey Annual Report 2021 be debated. It is proposed by Deputy St Pier, seconded by Deputy Bury.

Greffier, we will have a recorded vote, please.

There was a recorded vote.

Not carried – Pour 10, Contre 28, Ne vote pas 0, Absent 1

POUR

Deputy Burford
Deputy Bury

CONTRE

Deputy Aldwell
Deputy Blin

NE VOTE PAS

None

ABSENT

Deputy Leadbeater

Deputy Fairclough
Deputy Falla
Deputy Gabriel
Deputy Gollop
Deputy McKenna
Deputy Parkinson
Deputy Queripel
Deputy St Pier

Deputy Brouard
Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Ferbrache
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kazantseva-Miller
Deputy Le Tocq
Deputy Mahoney
Deputy Matthews
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Prow
Alderney Rep. Roberts
Deputy Roffey
Alderney Rep. Snowdon
Deputy Soulsby
Deputy Taylor
Deputy Trott
Deputy Vermeulen

2495 **The Bailiff:** Members of the States, the voting on the motion to debate that Appendix Report of the Responsible Officer was as follows. There voted Pour, 10 Members; Contre, 28 Members; 1 Member is absent and therefore I declare the motion lost.

Billet d'État VIII

ITEM DEFERRED FROM STATES' MEETING ON 30TH MARCH

DEVELOPMENT & PLANNING AUTHORITY

1. Island Development Plan – Annual Monitoring Report – Proposition carried

Article 1.

Pursuant to Rule 20(5) of the Rules of Procedure of the States of Deliberation and their Committees, the States are asked to decide:-

Whether, after consideration of 'Island Development Plan - Annual Monitoring Report 2020', they are of opinion:-

1. To take note of the Report.

2500 **The Bailiff:** The next Item of Business, Members of the States, is what was deferred from the last Meeting and that is the Proposition on a successful motion to debate an Appendix Report, to note the Report of the 'Island Development Plan - Annual Monitoring Report 2020', and so I will invite the President of the Authority, Deputy Oliver, to open debate. *(Interjection by Deputy Oliver)*

No, it is the President of whichever Committee it is. When you look at Rule 20(5), because that was carried the President of the Committee here, the Development & Planning Authority, opens the

debate and has the opportunity, should she so wish, to reply to the debate. The proposer and seconded of the motion simply to get to speak in general debate and there is no ability to *sursis* the debate or amend the Proposition.

So the Proposition is take note of the Report; and it is down to you, Deputy Oliver, if you want to forego your opening, of course you can.

Deputy Oliver: No, no, no! (*Laughter*) This was unexpected but if I just go through the pertinent points, I think that is probably the best thing.

So this is a historic report. It is 2019 and 2020 and it is combined. The reason why we did that is because we are in the midst of COVID and there were things that we could not actually get out. So we decided, once COVID had settled a bit, we would just do a joint Report.

Within a few months, we will be getting the AMR for the 2021, which is much more recent. I think the AMR is split into really useful summary points at the beginning, but I will just bring up ... which a few topics will be spoken about.

The first of it is the agricultural areas, which are in the domestic curtilage. For the farming industry, we need 8,378 *vergées* of land – sorry, we have available 8,378 and farming only needs 8,000. During 2019 we lost 13 *vergées* to domestic curtilage and in 2020 we lost 10 *vergées* to domestic curtilage. Since the loss of land, the DPA have actually put in a thing where, when you make your application, rather than just putting your application in and that will be that, we have changed it to say that when you put in your application, you need to express what biodiversity net-gain will be there within that application. And we have actually seen applications for domestic curtilage drop quite a lot.

So I think it is of benefit and the applications that are coming forward, some of them are really going into a lot of detail of how the biodiversity net gain is. So I think that is a real positive, actually, that has come out from the committee.

The other thing is I would say glasshouses ... that seems to be a hot topic within the States at the moment. So far, you do not actually need planning permission to remove a greenhouse but if you want to put something in its place, OC7 will kick in, and in 2019-20 we only had one come forward; in 2018 we had four; and in 2017 we only had one. So we are not seeing a lot of people wanting to remove these greenhouses to put in other places and I know that you were interested in that.

I think that is all I am going to say, to be honest. The other thing I will say is last year we had 3,081 applications, 331 were refused and the rest were approved. That is a 4.3% in applications that we have had and we have also increased the speed at which we get them out compared to 2019 and 2020.

That is all I am saying, so I will be happy to hear what you have to say.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you.

I was one of the sponsors of the successful David de Lisle amendment to discuss it, partly because I think it is more than just a history lesson. It actually informs where we are going in many ways. Deputy St Pier, I remember in an earlier debate, perhaps it was on the waterfront, made the observation that when the new system of Government came in 2016, they perhaps underestimated the importance of the DPA and its significance in policy, and also shaping the pace of the Island.

The Annual Monitoring Report has a lot of areas that need to be brought up. First of all I would say, I attended very late, but I looked back at the tape of the fascinating and very well-conducted Scrutiny review of yesterday. It was the first one I think the Development & Planning Authority (DPA), have ever done and it had more revelations than perhaps one of the Prime Minister's parties. Because there were quite a few issues that came out that I must admit had slipped by my antennae.

One of them was that I had put an ill-judged amendment, perhaps, last month to the waterfront, which was about reviewing the Strategic Land Use Plan and other plans, particularly with emphasis

2555 on the east coast, of economic development and tourism and so on. But what I did not know at the time – and it had not perhaps come out as clearly as it did yesterday – was not just the impact of COVID and staff shortages on forward planning, but the fact that the new committee, for various reasons, perhaps have decided to review slightly early the whole Island Development Plan within a nine- or 10-year framework, but the five-year review process is not happening any more.

2560 We also heard, perhaps, that the controversial GP11, of affordable housing mixed in with new developments, as shaped by the aborted Deputy Queripel amendment and the successful Deputy Roffey amendment, again might not be looked at directly, despite what, perhaps, Deputy Dyke had said earlier.

2565 Those are part of the bigger picture and yet again the issue of open planning meetings came up. I think Deputy de Lisle's major motivation – but he will speak more clearly for himself – was to question the loss of potentially green and also sound agricultural land in the Island and the tendency for such land to become linked to the boundaries and the sides of existing dwellings and households, and to become aggregated into the enclosure of households. That is a great concern, whether the issue is extending gardens or occasionally car ports or horticulture, I do not know, but that is clearly something that we need to flag up.

2570 Another area that is very significant has been perhaps the failure to use some of this land for food production and the growing interests in Guernsey produce. And again we need to somehow find a way, with Environment & Infrastructure, Economic Development and other political stakeholders, to encourage the use of some of the supposedly surplus agricultural land in that way.

2575 Deputy Oliver in her opening speech referred to redundant glasshouse sites. I of course was on the committee – indeed, I was President – when we started the process of planning permissions for redundant glasshouse sites to be converted, maybe to light industrial use. But it has not perhaps been the most successful of our policies, because in reality relative few sites have come forward, as the Report makes clear, and those that have were mostly in the north of the Island and some were turned down for reasons of traffic management or incongruity or whatever. So that is an area we need to look at.

2580 Clearly, too, the retention and enhancement of the visitor economy whilst allowing some redundant properties to change their use is another area. When you look at the housing, 162 dwellings were approved in 2020, that is clear in the Report, but they were all for the private market and zero in that particular year for affordable housing. Yet we wonder why we have a housing crisis. There were total planning permissions for 540 dwellings but I think that is a composite figure of the areas that have not in fact been fully developed. Only 355 were under construction.

2585 In fact, since we adopted the Island Development Plan, a day I remember well, I think you, sir, the Presiding Officer, chaired a six-day debate, and Deputy Inder arrived in the States for the first time after a successful by-election. But since that era, which is now five-and-a-half years ago, only 440 dwellings have been completed. I think compared to the boom years of the 1970s, that is a relatively small amount. Again, the amount of offices has been relatively slow, compared to the golden era of a few years ago, despite Admiral Park, and 15 permissions were granted for a gain in floorspace, and 23 permissions to a loss in floorspace. Clearly that is concerning.

2595 I mentioned visitor accommodation earlier. It still upsets me that the hospitality sector is losing prime sites like Les Verges or L'Eree Bay Hotel or other areas, even though we are gaining areas as well, of course, like the Premier Inn. But look at the difference. When I was still at Planning, we had 165 establishments, I think, in the visitor accommodation field. Despite the best efforts of Deputy Vermeulen, Deputy Inder and Deputy Falla and so on, we are now seeing 150. One hundred and fifty might be doing better but that is a 10% decline and at that rate of decline, by 2040, we might not have many left.

I will give way to Deputy Inder.

2605 **Deputy Inder:** I do not have the figures in front of me but we ... well, I would not say we, but a company has invested heavily in Guernsey in the form of Premier Inn and has added 110 bedrooms.

It is not the amount of establishments it is the amount of bedrooms and the facilities that they provide. And might I suggest, through you, sir, Deputy Gollop is not quite reading some of these figures correctly.

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Deputy Gollop: Again, I look forward to a bigger strategic debate on tourism and accommodation, because he is right, Deputy Inder is correct, it does require broadening.

Looking at agriculture and horticulture, we have seen a change in the use of land within Agricultural Priority Areas and these figures sound strange but the land that gained approval to change use to domestic gardens was approximately 20,000 metres in 2019. That is a lot.

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And redundant greenhouses, still over 75 acres. Hectares, pardon me – 80.6 hectares in 2017. But we have, on a more positive level, seen renewable energy. We clearly have seen very slow progress until perhaps the last few months in people actively seeking permission on many of the sites that were in fact zoned within the Island Development Plan in 2016 and we have also seen a greater realisation, not only of the housing crisis, which is in really three areas: affordable housing; aspirational housing, for both younger people and older people; and key worker housing ... I recall, strangely enough, when the Island Development Plan was launched, the mood music from the States and the Douzaines and the public was we were allocating too much land for housing. Three or four years is a long time.

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But the other area where we have seen I think significant increase of interest and understanding has been partly due to Deputy de Sausmarez, but also private sector groups, is the whole, wider question of climate change and ecological habitat, biodiversity, and I do not think the protection that we allow for biodiversity is strong enough in the current Island Development Plan. We should be looking at not only greater incentives for ecological activity but also maybe more natural and national parks. That is why I do hope that this Committee will, as quickly as possible, work with Environment & Infrastructure, and the new Nature Commission, on strengthening and improving that. On an area like Pointues Rocques, for example, yes, I know from the start of the Island Development Plan process, I was on the DPA, that the area ...

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I give way to Deputy Oliver.

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Deputy Oliver: Sir, Pointues Rocques is a current live application, so can we not speak about the live applications because it could ... ?

Deputy Gollop: I will speak more generally.

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But on applications for areas, it could be other parts of the area near the Bridge, it could be any part of the Island. I think it is important, where permission and principle and the development framework has already given structures of road usage, potential for new construction, new housing, whether modular or conventional, I do hope those areas take in mind not only sustainable lifestyle, sustainable energies, sustainable transport, but particularly mix appropriate densities with green areas, green lungs and ecological habitat. That is what I would like to see for sites, named or unnamed, and a greater emphasis placed upon that. Hopefully, it will not mean another planning inquiry or whatever but I think that we should be mindful that any review of the past should also influence the current committee and the future.

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The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

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My interest in placing the motion to debate the IDP Appendix Report, Annual Monitoring for 2019 and 2020, was in relation to the loss of good agricultural land in the Island to other uses. I have to state an interest, of course, in agriculture, in housing, in terms of my property at the location of the heritage agricultural show, which will again be present this year, the last day of July and the first day of August, if I may say so! *(Laughter)*

But since the adoption of the IDP, sir, in 2016, a total of 44 *vergées* of land with the APAs – in other words, the Agricultural Priority Areas – gained approval to change to domestic garden and 263 *vergées* of land outside those APAs had been given approval to change use from agricultural land to domestic gardens. Now this adds over 300 *vergées* lost to agricultural use by this means alone.

The other issue that sparked my attention was that, whilst the APA policy for agricultural priority, designated priority to agricultural use, outside the Agricultural Priority Areas there is no such policy protection, the intention being to allow other legitimate uses. And the applicant is not required to demonstrate that the land is unsuitable to agricultural use. Sir, there is also a call generally across the Island for housing development to be on brownfield sites, rather than on greenfield sites, and that is another issue that I would like to bring to the fore of the public and the States here today.

I asked questions in September 2021 to the DPA, the President, under Rule 11 questions, about the total loss of agricultural land to all other uses, and the answer was that 297 *vergées* outside the APAs and 58 *vergées* within the APAs, a total of over 350 *vergées*, were lost to agriculture since the DPA brought in the IDP. That means six times the loss in land outside the Agricultural Priority Areas compared with that inside. Of course, as you know, many farmers rely on the land outside the APAs, a field here, a field there and so on, for continuing their agricultural industry.

The conclusions of the Annual Monitoring Report in 2020 find that the IDP policies are generally performing as intended and contributing towards the delivery of the Strategic Land Use Plan 2011 and no evidence of their need to amend the Strategic Land Use Plan. Well, surely this is the evidence? Surely it was not intended that green fields and green spaces throughout this Island should be lost in ever-increasing amounts? This is where the IDP is failing in terms of the preservation of good agricultural land and green fields.

The green fields outside the Agricultural Priority Areas are most vulnerable to development and for other uses. Whilst the APA designation prioritises agricultural use, outside the APAs, there is no such protection, the intention being to allow other land uses. The application, as I said, is not required to demonstrate the land is unsuitable to commercial agricultural use.

I would wish to amend actually IDP 2016 in two ways, first to ask the States to direct the DPA to take such steps as may be necessary to enable the States to amend the policies OC5A and OC5B of the IDP, in relation to an application for development relating to agricultural use outside the APAs. The application would need to demonstrate that the land is unsuitable for commercial agricultural use.

I would like people to just look at page 66 in the Report because, at the top of page 66, it states this:

Whilst the APA policy designation prioritises agricultural use, outside the APAs there is no such policy protection, the intention being to allow other legitimate land uses. As such, the applicant is not required to demonstrate that the land is unsuitable for commercial agricultural use and land that is actively farmed can gain permission for other uses where the criteria set out in IDP policy are met ...

The point being that surely to goodness it would not be much just to strike that out and have, for all agricultural land, the necessity to actually show that it is not useful for agricultural production. I do not see why it is only the small part that we are using within the APAs that should have to be labelled in this way, that the land has to be shown to be unsuitable to agricultural use. It should be all the land; all the green land, all the agricultural land. All that land should be under the same mandate.

So I would see quite simply that that committee, if I was in charge of it, could just wipe that away and just see that that policy not only applies to land within the APAs but also to agricultural land that is outside. That way, we would save a lot more agricultural land than is being saved at the current time.

Second, I would ask the States to direct the DPA to take such steps as may be necessary to enable the States to amend policy GP15. GP15 is the creation and extension of curtilage. It is encouraging people to come forward and extend their curtilage. What for? For future development,

2705 perhaps? I do not know. But a change, perhaps, in the policy of the States, so that change of use would not be permitted. I would ask for that.

But third of all, that all new housing is developed on brownfield sites. I think it is important just to note here, another page. I think it is page 27 – yes, indeed it is – and I note for example that under section 3, ‘Housing’, figure 7, and figure 7 is on page 27, it assesses where new residential development has been permitted in terms of greenfield and brownfield sites. It states very clearly at the top of page 27, figure 7 there, that 77% of dwellings in 2019 and 2020 were on brownfield sites. That means that 23% were on greenfield sites and that 66 of the total of 293 were on greenfield sites. What I am suggesting is that should be changed because the Department are allowing too much land to be taken on greenfield sites for housing development.

2715 I want to also just make another point and that is that the Strategic Land Use Plan is in urgent need of review and I am a little disappointed to hear that we are not going to get that review within the five-year period that we were promised earlier. It is now going to be we are going to have to wait for 10 years.

2720 That has major implications, because the policy SLUP 28 is an example, a case in point: the view that the general consolidation of farming activities will result in parts of the countryside no longer required for farming purposes in the immediate future and the change of small, isolated land parcels to other open land uses, such as curtilage extensions, as being acceptable. All this does not fit in with the pressure on agriculture at the current time from the growing transfer of land to non-agricultural use.

2725 Bound up with this is the need for a revised figure of land required by the commercial agricultural industry to support the industry long term, taking account of the limitations of previous estimates. Particularly with changing circumstances, such as the cost of supplies and feed and other inputs, and the need to look more at self-sufficiency in food production, with the Russian war in Ukraine affecting supplies and the need to ensure that sufficient land is available for agricultural industry in the future.

2730 The DPA has noted that. It has noted that the figures that they gave earlier with regard to the land in agricultural production and whether 8,000 of the 8,378 ... The fact is that if we are going for self-sufficiency, it is not just dairy farming, which is mainly on the 8,000 acres, *vergées* of land, I should say. it is going to need quite a plough-up – like we had during the Second World War if you remember – to get to self-sufficiency in terms of vegetables and that type of agricultural development.

2740 So we are going to need more land, in other words, and this I was hoping we could get at with this five-year review. But no, we are going to have to wait for 10 years. That, in my estimation, is too long. Also, my report here is quite short and I am sure others will have another kick at the cat, which I want, so I will finish without interruption.

2745 I would hope that the DPA could take my comments on board and make amends to the policy internally, without further ado. And to have the contribution or the potential contribution of agricultural land outside the Agricultural Priority Areas, to commercial agriculture and industry, undertaken as part of the determination of a planning application. And applications for the change of use from agricultural land, but not necessarily actively farmed land, to domestic garden or other use, still account for the overall majority of relevant applications within this area.

So can I ask the committee, please, and the committee Members, perhaps, to comment on this – those that serve the DPA – to comment on these questions, please, sir; and to, within the DPA, resolve some of these problems that I have brought up today?

2750 Thank you, sir.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, Mr Bailiff.

2755 Sir, the Assembly is probably aware of my dislike of some of *The Guernsey Press* regular opinion pages, in particular those penned by certain Members of the States, and one particular ex-elected

Member. However, I congratulate the *Press* on commissioning the articles written by Mr Trevor Cooper – and I have sought his permission to mention his name.

2760 Unlike those privileged States' Members, he writes authoritatively on matters where he is an expert in his field, which is housing and property. Sir, one such article appeared on the Tuesday before the last States' Meeting, when we were due to debate the DPA's Annual Monitoring Report, which we are now doing. Whilst it is now probably chip paper, I recommend that Members try and find it, as it was, in my humble view, excellent. For me, it hit the nail on the head. It is headlined: 'That was then, this is now.' His conclusion is fundamental and he explains why he thinks we need
2765 a new Development Plan.

Sir, under the theme of 'that was then', he expertly analyses the Monitoring Report and puts it into context. He rightly, in my view, praises the current President of the DPA, Deputy Oliver, and I completely agree with him. In fact, he heaps quite high praise. Also the current Authority and I use his words, 'who have done a very good job with the tools at their disposal.' Sir, in my view, and in
2770 my words, they have worked far more collegiately, introduced needed flexibility, have expanded exemptions and indeed much more. But it is clear to all that the Island Development Plan is not really fit for purpose and that the DPA is working with flawed machinery. Mr Cooper says:

Finish the job. Give the DPA better tools and they will make a better job.

Sir, never has this been more important. Under the theme 'this is now' with have a 'housing and land use crisis'. We need more homes, but we need to balance protecting our environment and
2775 open green spaces, a matter that Deputy de Lisle has just very eloquently referred to.

Sir, the pages of the *Press* are filled with planning controversy. Greenfields, brownfields, GP11, what people call ludicrous rules, and ambiguities. We need clear red lines around those planning considerations, which quickly enable the development we need but prevent the Island from becoming one big housing estate.

2780 Having rightly praised our current DPA, I cannot agree with the conclusion on page 94, which says:

... there is no immediate requirement to amend the IDP and there is no evidence of a need to amend the Strategic Land Use Plan.

I agree with the comments of Deputy de Lisle. My firm conclusion is that the contrary is true. The sooner this States grasps this property nettle and orders a complete review, the better.

Sir, I close my remarks by thanking Deputy de Lisle for bringing the motion to debate the IDP.
2785 Thank you, sir.

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you.

2790 Anyone who is interested in planning here in the Island knows my history. They will know I resigned from the DPA in the previous Assembly. I felt they needed to be a lot more proactive and because I was outvoted four-one on so many issues, I did not see any point in carrying on.

They did eventually become a lot more proactive and produced an action plan, which addressed a lot of the issues I thought needed to be addressed. So I put myself forward as a candidate in the
2795 election and got back on the committee. I say that to state the obvious. This AMR in front of us has very little to do with the current committee and everything to do with the previous committee, and some of the history is laid out in the Appendix attached to this Report. What we are not told in that Appendix is how contentious that committee was and the amount of resignations that there were along the way, aside from my resigning.

2800 This AMR, as we all know, reports on how the policies of the Island Development Plan performed up until the end of 2020 and this debate gives us the opportunity to comment on what we are told

in the Report, in the hope that the DPA take our comments on board. As Deputy de Lisle said when he spoke, we hope the DPA take our comments on board.

As we all know, policy GP11 has caused quite a bit of controversy since it was introduced in 2016. It is perfectly understandable, seeing as it has not produced a single unit of affordable housing since it was introduced, five-and-a-half years ago now. Of course I realise we are told in the graph on page 31 that 149 units of affordable housing were provided between 2017 and 2020, but they were provided by the GHA under their remit, not under the policy GP11.

Recently, sir, in the media, Deputy Ferbrache said he thought we had failed the good people of Guernsey. Here is a prime example of where we have failed them. If the threshold had been set at five, as originally proposed, approximately 26 units of affordable housing would have been provided by 2020. If the threshold had been set at 10, via an amendment I laid, which was debated but never voted on, 13 units of affordable housing would have been provided under GP11. But the majority of the States voted in favour of the amendment laid by Deputy Roffey – who is not in the Chamber at the moment, unfortunately – to increase the threshold to 20 units and not a single unit of affordable housing has been provided under that threshold. If that is not proof the threshold needs to be amended, I do not know what is.

I have heard it said by some of my colleagues that Deputies should not talk about policy GP11, because it only makes matters worse. That does not make any sense. Members of the community are talking about the lack of affordable housing every day. Our not talking about the policy will only make the problem worse because the public will think we are not concerned about it; and it is a problem that needs to be resolved, not ignored. So I wish Deputies who do not want to talk about it would stop trying to muzzle those of us who see the value in talking about it. Now

In response to a Rule 14 question I recently posed to the DPA, I was told Deputy Dyke was looking into the possibility of amending the policy. He has been tasked with it exclusively but we have heard nothing. All we have heard is that is coming forward soon. I have got the replies on my desk here. The sooner we hear the result of that piece of work, the better. I am hoping, like Deputy de Lisle, that someone is going to comment on that. Perhaps Deputy Oliver can comment on that when she responds. How much work has been done? What stage is he at with that piece of work and when are we going to see the result of that piece of work? (**A Member:** Hear, hear.)

Let me focus for a few moments on the issue of flexibility. We are told on several occasions in this Report that the policies of the IDP are flexible. But in my view, something needs to be done to address that flexibility because it is far too extreme. It lurches from one extreme to the other.

A prime example of the sort of extreme I am talking about now sits on top of Fort Richmond. A state-of-the-art, modern-day glass dome should never have been allowed to have been placed on the top of a medieval iconic fort. It looks totally out of place, utterly ridiculous and I ask the DPA to please review the policies that allow such carbuncles to be created.

Moving to what we were told about redundant glasshouse sites in this Report, we are told, three times, actually, on pages 72, 75 and 77, policy OC7 provides some opportunity to incentivise the removal of redundant glasshouses by allowing a change of use. It goes on to say:

However, it is recognised that this is limited and that a comprehensive solution across the States and with landowners is required.

But it does not say how or who is going to do that piece of work. It would have been extremely informative if the Report told us how and who is going to undertake that piece of work that is going to result in a comprehensive result that is referred to on three separate occasions. Perhaps a Member of the DPA could provide me with that information when they speak. I hope they are not all going to leave it to Deputy Oliver to respond. There are five on them on that committee, they have all got a view, surely?

Staying on page 72, we are told in the last paragraph:

The Authority has produced Supplementary Planning Guidance ... to clarify the definition of a redundant glasshouse site, a copy of this guidance can be found [here](#).

The irony is it is not here. It is not there in the paper copy. So anyone who has requested a paper copy like me, because they work much better working on paper – or they have a hidden disability, like I have – is then expected to go online to see what that definition is. But I am assuming that is what it means when the word 'here' is underlined. But it makes no sense at all, because you have asked for a paper copy, for ease, and yet you are told to go online. It makes no sense at all.

We are told on page 73:

A comprehensive overview of the methodology for the redundant glass baseline can be found ... [here](#).

Again 'here' underlined. So that is two separate occasions when someone who has asked for a paper copy has been told to go online. That does not make any sense at all. It should be included in the copy for ease of reference.

So I ask the committee to please ensure that sort of information is included in paper copies in the future. Surely that is not too much to ask? It means a lot to someone who needs to see things on paper.

Staying on page 73, we are also told on that page the Committee *for* Economic Development:

has confirmed that it will no longer be in a position to carry out the horticultural census in the future.

But we are not told why and we are not told who is going to do that work in the future. Again, I am wondering why we have not been given that information. Why is that not in this Report?

Like my colleagues, sir, I only saw this Report a few weeks ago and I was really disappointed to see those sorts of things have not been picked up on because, when I was a Member of the DPA, as well as doing all the other things we needed to do, I consistently picked up on those sorts of things. Unfortunately, my colleagues at that time did not see the value in what I was saying, hence my resigning at one stage. But we have now got a new committee in place with a new energy and a new focus. (**A Member:** Hear, hear.) So I am hopeful they will take on board what I saying here because the buck stops with them. It does not stop with the officers, it stops with the committee.

So the message is make things as easy and simple as possible for the reader if you want to take them with you on the journey. It is such a simple message. Make things as easy and as simple as possible for the reader if you want to take them with you on the journey. If you had done all that, I would not need to say what I am saying now.

I think it is important I say at this stage, sir, that I have nothing but the utmost respect for my colleagues who did serve on the DPA with me in the previous Assembly. We did a lot of good work, much of which, of course, is reflected in this Report in front of us. Despite what some members of our community might think and say, there is some good stuff in this Report and the good stuff I want to focus on is found on page 30, in the windfall allowance section. Because we are told in that section:

Since the adoption of the IDP 584 dwellings have been permitted on windfall sites. Of these 584 dwellings, 293 dwellings were permitted on smaller sites (1-4 dwellings). [And that] The number of dwellings delivered through windfall to date has therefore exceeded expectations.

That is really good news, as far as I can see, for the community,

Moving towards a close, sir, I also want to put on record my respect and admiration for the staff who work in the Planning Office, because despite the fact I have had several disagreements with them over the years, and will probably continue to do so for some time in the future, those disagreements have always been on a professional basis.

It really annoys me when some members of our community blame our planning officers for decisions that are made. All the planning officers are doing is what we asked them to do, what we told them to do. We put the policies in place and their job is to administer, ensure the administration of the policies, which they do to the best of their ability and I have nothing but respect and admiration for them.

2890 So members of our community who criticise our planning officers need to do their homework. The reality is, as I said earlier, the buck stops with us, the politicians. We are the ones who have the power to amend policies of the IDP. Planning officers do not have that power. Deputy Gollop said so just now, we do not have the power to amend policies of the IDP. That confuses me quite considerably.

2895 I give way to Deputy Gollop.

Deputy Gollop: Apologies if I interjected. It is quite a complicated procedure because, although I would be the first to congratulate Deputy Oliver and her committee with many of the initiatives and ideas that they have been having, some of which perhaps have not reached fruition yet and we do not want delay, the problems are that in reality, compared to certain other planning authorities in the past, we delegate under delegated powers at least 95% of planning applications to officers.

2900 Although it is true, and Deputy Queripel is spot on that politicians have both responsibility, we do not have a ministerial role. We have a curious, *quasi*-judicial role. But you cannot instantly change Island Development policies.

2905 Let's say we know some Members of the Assembly would like to have a moratorium on greenfield housing development and focus entirely on rebuilds and brownfield. But I think, I could be corrected here, but if we had a requête to change the Island Development policy – the Law Officers are not here but it is an intriguing issue – to change a policy as laid down in the IDP, we could not do it unless we had satisfied the conditions of a planning inquiry to test the States, or in some cases to change the Law itself, or the Ordinance.

2910 So our abilities to have legislative or executive power are indeed constrained by both the Island Development Plan, the planning legislation and the Strategic Land Use Plan and that is why I think the whole issue of planning and also the role of the open planning meeting, which can be overthrown later by a legitimate tribunal decision, needs to be reassessed because we do not necessarily have the power as the public expect. And indeed, as was said yesterday at the Scrutiny hearing, you can, unfortunately, raise public expectations of executive decisions when we do not have the judicial standing to do so.

Deputy Queripel: Sir, I have the utmost respect for Deputy Gollop but he is completely wrong. We make policy, hence the name 'politician'. Planning officers do not make policy. We make policy.

2920 I was not going to talk about the review, but I will now because he has fired me up. Yesterday at the Scrutiny Management hearing, where they asked questions of the DPA, I was shocked and surprised to hear we are going to have what has become now, as Deputy de Lisle referred to it, a 10-year review. It will actually be an eight-year review because this DPA committee, as I was led to believe at that hearing, will undertake that review and they will bring it to this Assembly in this term.

2925 So we will have a review of the Plan, but I wish we had been told that prior to the hearing. There was certainly a lack of communication there, which I think the DPA could improve and need to improve, because when you hear things like that for the first time out in public, someone says to you, 'Hey, I hear the States have done this, that and the other.' Well, I have not heard of it before. That brings the States into disrepute. So the message is up the game, please, when it comes to communication.

2930 As I was trying to say before, the reality is the buck stops with us, the politicians. We are the ones who have the power to amend policies in the IDP if we think they need to be amended. Even though my conscience is reasonably clear, because I voted against increasing the threshold of affordable housing to 20, and I laid an amendment, which I felt was a compromise between two extremes, and even though I recently submitted two sets of Rule 14 questions and some Rule 11 questions to the DPA seeking clarity on several issues relating to the IDP, and even though I did my very best when I was a Member of the DPA, I have to accept that none of that was good enough. None of it was good enough. It could not have been, because we are in a mess. So I hold my hands up to that.

2935 I apologise for the mess we are in with the IDP, some of the policies in the IDP, because I was one of the Deputies that voted in favour of them.

2940

So I am going to have to up my game when it comes to planning issues in the future and make a lot more effort and I would ask my colleagues that they do the same. Because we all have that power, despite what Deputy Gollop said, to improve things for the benefit of the community. I know it is only to note, sir, but I would like a recorded vote when we go to the vote, please.

Thank you.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

It is actually Deputy Prow who brings me to my feet. I do not know if Deputy Prow has had the opportunity to watch the recording of the Scrutiny hearing livestream yesterday, but I think he would find a lot of answers in it and find it interesting. I also think, carrying on with Deputy Prow's speech, that it is fair to say that Mr Cooper, whose articles I have read, as a correspondent for the *Press* on planning policy, is hardly a disinterested party.

But I am also going to say something which perhaps I should not, now, that I have been biting my tongue about for some time. In choosing to praise Mr Cooper, as is Deputy Prow's right, why oh why is it necessary to have a pop at other Members of this Assembly or ex-Members of this Assembly's contributions? Do not read them if you do not like them. Write your own if you have an opinion to put forward. But I am just hoping that we can stop the petty partisan sniping in debate. (*Interjection*)

Back to the matter in hand, and perhaps not too soon, and why Deputy Prow got me to my feet. He says the IDP is unfit. I fundamentally disagree and I think he should be careful what he wishes for and, indeed, this was a theme explored at the hearing yesterday. The IDP balances finely many competing interests on this tiny little Island. It was the result of the most comprehensive and far-reaching public consultation that this Island has ever embarked upon. Yes, it will need periodic review and that is built in. I accept the delay to the five-year review was occasioned by COVID and I think bringing the 10-year review slightly forward into this term by the DPA is a pragmatic solution from this point in time.

Deputy Queripel says the IDP is a mess and I really think we are talking this down and setting an expectation in the public which does not actually accord –

Deputy Queripel: Point of correction, sir.

The Bailiff: Point of correction, Deputy Queripel.

Deputy Queripel: Sir, I said some policies in the IDP were a mess. I did not say the IDP per se is a mess.

The Bailiff: Deputy Burford to continue, please.

Deputy Burford: Thank you, sir.

Deputy Queripel, to be fair, did then isolate as an example GP11 or, more importantly, the Roffey amendment to it. Yes, I would agree, I think the Roffey amendment was a complete mistake, and again this was something that was explored at the hearing yesterday. But overall I think it is as good a policy as we can expect, given all the competing interests.

I would like to see more about the environment in it. I would like to see other things. But that is where we are coming from. We are each coming from our little, perhaps pet area and you have got to bring all those together. And I think it actually does a pretty good job of that.

So on GP11, I was pleased at the hearing to have it confirmed that nothing is going to change in the near future. I think that is really important. I think it gives certainty to developers and the building trade. I would like to thank Deputy Oliver and Deputy Taylor and the officers of the DPA for their time yesterday. I think it was a very constructive review and the only thing I think I would

like to finish on is I would like, and this is maybe one of my pet areas, but I really would like to encourage the DPA to embrace the open planning meeting a little bit more.

Thank you.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

The Annual Monitoring Report describes the Government Work Plan implications for the IDP and agrees that it needs to be reviewed and taken into account in future monitoring. It also goes on to say that it should ensure that the IDP fully supports the Government priorities, but, on the other hand, while managing development proposals in the meantime.

It also says the implications for the spatial strategy of the level of housing development outside of the main centres and their outer areas needs to be kept under review, and I totally agree with that. In section 3, housing is described. The IDP's spatial policy is to concentrate the majority of new development in the main centres and the main centre outer areas. But really, is this achievable? The St Sampson's and Vale main centre and outer area is already congested with domestic, light commercial and industrial activities, including a power station, a waste transfer station, fuel storage and distribution, the largest water storage reservoir and significant residential sprawl.

Section 3.8 describes the strategic, or the really catchy name, Strategic Housing Land Availability Assessment, and it describes in 2014 that a total of 39 sites were assessed and each site had been subject to a desktop assessment. Not a real-time or a physical inspection, a desktop assessment of their:

... suitability for development for housing in relation to the physical attributes of the site and [their] location, including accessibility, provision of services, environmental constraints and risks to the development of a site. 10 sites were considered unsuitable and discounted –

– leaving 29. I doubt that that desktop survey back in 2014 accounted for the increases in our travelling habits or took into account the growing size of the vehicles we circulate in or, more importantly, the cumulative nature of these developments and the resulting strains on the existing infrastructure.

I draw Members' attention to page 33 and figure 14. If you look at that, St Sampson's and the Vale main and outer centres, and the potential yield for properties to be developed, is there. I believe there is a typographical error because it does say 'minimum versus minimum'. I am hoping that is 'minimum versus maximum' of the site characteristics. So if you look at St Sampson's/Vale main centre there are two and the outer area is 12. So that is 14 sites, totalling a total of 1,322 properties, which does include, I believe, the Francief site in Rue Queripel. And in 2019 and 2020, the period the report covers, 12 development frameworks for residential development were approved by the Authority: three in St Peter Port main centre; seven in St Sampson's/Vale main centres; and three in the local centres. I am no accountant, but in my experience there are usually three types of accountants: those that can count and those that cannot! Because that is 13.

Section 3.1 0: the policy supporting housing development of all tenures in appropriate locations. There are also a number of housing allocation sites remaining without planning permission, of which the Francief site is one. The level of housing development permitted outside of the centres is also an issue to be kept under review, as I described earlier:

... to ensure the IDP continues to deliver the SLUP spatial strategy.

So I would ask the DPA in their review to consult further and consider that the north of the Island is already severely overpopulated. Other local centres such as St Martin or St Pierre du Bois should be considered for development.

In closing, sir, I would also like to see the review focus on the Housing Target Areas (HTA) aspect of the IDP. I have mentioned it before: the Francief site at Rue Queripel, I believe, is totally unsuitable and should be removed from the HTA as now Parc Le Lacheur or Kenilworth Vinery site

3040 and Leale's Yard are looking much closer to be live determinations and potentially fill the allocation that the Francief site took.

I would also like to comment on the loss of open land. It has been covered previously in debate and while I welcome the reduction that Deputy Oliver described in the applications, reducing in the extension of domestic curtilage, and the biodiversity net-gain condition now applied, one has to ask how the biodiversity net-gain is monitored on an ongoing basis, other than the requirement to replant dead species within the five-year timeline.

Thank you.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

I had not planned to speak, but since my name has been mentioned I thought I had better stand up and say something.

Deputy Queripel and Deputy Gollop had a bit of a debate about changing the IDP. In a way, they are both right. As it now stands, the procedure for changing the IDP is set out in one of the Ordinances passed in – I cannot remember – 2016, something like that, which sets out a very long procedure of discussions, consultations and then, the difficult bit, the formal planning inquiry with the inspector, and all that palaver, which takes a very long time.

We can simplify that and the committee has approved a policy paper that is now with the Law Officers to allow that to be short-circuited to make specific changes to the IDP, which would allow us to pick up a lot of these points that have been discussed. It would still require consultation. It would require the Development & Planning Authority to recommend the change and then it would come to the States. So we would be able to do something if we can get this through and back to you. It seems to be quite challenging at the moment.

Deputy Queripel raised the subject of GP11 and made the point that we can indeed talk about it, although Deputy Roffey seems not to want to do so. As it happens, I would disagree with Deputy Queripel in terms of extending it to smaller properties. I personally am against the policy and think it should be suspended. The committee of Development & Planning has not discussed this as yet, although further to that meeting in St James', I have put together a draft discussion paper, which the committee will be looking at in due course and taking a view.

I think this is a very controversial issue. Whilst I am standing, I will say something about GP11. Since it was put in place, about five years ago, we have not yet got anything through to a development. There are two plots in the pipeline which are quite significant. I do not really want to discuss them at the moment. But the fact that two developments have come forward, which if they proceed, and if one of them even puts in planning permission, would use GP11, does not mean that that policy has been a success. It has been, to my mind, a disaster. There is a lot of discussion about giving us affordable housing.

There are two points here. First of all, the definition of affordable housing is actually social housing, is not affordable housing for our young people to go out to buy. It is social housing. So we need to clarify our terms. It also does not give us anything. If you have, say, a plot that is suitable for 100 homes, a developer comes along and wants to develop 100 homes for people to buy – I will call them affordable housing to buy – he cannot develop 100. He has to split the plot, lost 30% of it approximately for social housing. That means at most you will get 70, give or take slight restructures. You will get 70 private homes for sale, not 100.

The developer has to make all his profits out of those 70, not out of the 100 he would have been selling. So you reduce the supply of affordable housing to buy. You put up its price, because more of the cost has to be loaded onto those 70. You therefore reduced supply overall, which then has another market effect, of increasing the cost still further, because there are fewer houses on the market.

So GP11 does not give us anything. It redesigns sites and it ends up with fewer, more expensive, and probably smaller, private houses to buy. That is its huge defect and why, to my mind, it is

economic madness to continue with it. This is hugely controversial on our committee itself. As I said, we have not come to any conclusions and it will be discussed at a later date. I thought I would just make those points.

3095 Perhaps one other thing I could clarify: the question of delegation. There is possibly some misunderstanding about how will we make decisions at Development & Planning. The applications come in and most of them, by a general delegated authority, are dealt with by our officers who, to my mind, operate the IDP, which is not that badly drafted, to be honest. It has got some faults and defects that we would like to fix, but it is not that bad. Our officers operate it very well and they
3100 take most of the decisions very sensibly.

Where they find something difficult going on or something that they think is major and controversial, they would refer it up to the committee. Then, we do not actually decide. What we do is we decide whether to send it back to the officers, having had a discussion for them to decide. Or, if we are going to decide, then we have to do it at an open planning meeting. So that is how we do
3105 it and that is why we tend not to have that many open planning meetings.

For your information, the officers give us advice ahead of open planning meetings. It is advice, we do not have to follow it; and indeed, I think on one open planning meeting on the west coast we did not follow it and we refused a planning application – duly overturned by the tribunal, but anyway! So that is how that works. I thought it might be helpful to make those few comments, and
3110 since I have been asked.

Thank you.

The Bailiff: Deputy Falla.

3115 **Deputy Falla:** Sir, I am grateful to be able to pick up on one area that particularly frustrates me and that is referred to in section 8 of the Report. It has already been referred to by a couple of my colleagues and deals with redundant glasshouse sites. Derelict glasshouses are a blot on Guernsey's landscape, a pretty sad reminder of a once-thriving horticultural era, and something really does need to be done about them.

3120 We have become so familiar with these abandoned glasshouses, to the point where perhaps we hardly notice them anymore. But the impressions that these deserted husks of an industry that declined several decades ago, with their broken spines and shattered glass, the impression they must give to visitors to the Island can hardly be a positive one. Also, they are a shocking waste of space. Some of the disused glasshouse sites around the Island, which are in many cases very
3125 unsightly and probably dangerous, have been deteriorating increasingly and are unlikely ever to be used for growing again. The soil contains broken glass, chemicals, etc.

Sir, the SLUP 20-year plan, approved by the States in 2011, after the two-year long 'Guernsey Tomorrow' consultation, broadly reinforced the spatial strategy of more than 30 years standing and that is set in the policies of the Island Development Plan. As a result, there are limitations on what
3130 can be done with derelict glasshouse sites, and I understand that. But in 2019 and 2020, 46 planning permissions were granted for redundant glasshouse sites and 16 were refused. There are 75.5 hectares of redundant glasshouse sites remaining.

At the March States' Meeting, I was challenged about grandstanding on the housing crisis and I was asked to submit my ideas, suggestions and potential housing solutions to the Housing Action
3135 Group. As a general point, I maintain that if we are to treat Guernsey's housing situation as a crisis, we might need to make and break some rules in finding solutions.

The Monitoring Report states that a comprehensive solution across the States and with landowners is required in relation to incentivising the removal of redundant greenhouses. To that end, sir, I would like to see a structured review of derelict glasshouse sites, in light of the housing
3140 crisis, and for criteria to be established whereby some of this land could be released for housing. For example, some of these falling down greenhouses are smaller concerns sandwiched between two residential properties, which one could easily imagine could be replaced with an additional property – classic ribbon development. What would be needed for that to happen? Others occupy

large areas of land, with a mess of dilapidated structures and unkempt undergrowth. They are sitting there, ugly and dormant.

Guernsey's spatial strategy states that development, and housing in particular, should be focused on main centres and various identified local centres. So on the surface, that limits the glasshouse sites which might be considered for development, as many of them are outside these allowable parameters. Where redundant glasshouses are in main or local centres, there is the opportunity in principle to consider other uses. The issue is when you are outside these parameters, and a lot of glasshouse sites are. But if we are to treat the housing crisis as a real crisis, it may be necessary to make, break or suspend some rules in tackling it, and I would much rather build houses on unsightly, decrepit, redundant glasshouse sites than on a green valley off Le Vauquiedor.

The purpose of the 2018 Supplementary Planning Guidance was to clarify the definition of a redundant glasshouse site, but I think that all of us know one when we see one – and you do not have to look very far before seeing one. These eyesore glasshouse sites, while they are temporary – albeit long-term temporary – structures on agricultural land, are highly unlikely to go back to agricultural use, due to the poor condition of the soil, etc. Even where the land might be of use for agriculture, the cost of clearance versus the value of agricultural land makes this a negligible proposition for the landowner.

While policy OC7 does allow for some alternative uses of such sites, such as storage – some forms of light industry and recreation – residential development is restricted to only relatively few structures which fall within allowable conversion policies. The 16 refusals of permission for redundant glasshouse sites cited in the Monitoring Report were where, under the existing policy, the sites must be used for agriculture or areas of open space; and, of course, the latter is also important. But while they are being left to rot away, we do not have open space either.

In the normal scheme of all things political, there is a process to follow before things can change and only then if there is a real will to change them. The Strategic Housing Indicator will give us an idea of how many dwellings we will need going forward and then the IDP's job is to ensure that there is enough land in place to allow that to happen. The DPA are hoping to review the IDP in this political term, when it could be refreshed and updated in a focused way and as part of this I would like to see a review and potential further relaxation of the use of redundant glasshouse sites.

Finally, sir, there is another potential and better use of these sites than being left unused and abandoned, and that is for the generation of renewable energy. The glass could be cleared with photovoltaic panels. The success of this will be down to economic viability and that in turn may be informed by E&I's Electricity Strategy, which we are told should be debated by this Assembly by the end of next year.

Thank you, sir.

The Bailiff: Deputy Brouard and then Deputy Inder.

Deputy Brouard: Thank you, sir.

I took the opportunity to look back to 2011, because you always get caught, sometimes, in the States that, 'Ah well, actually, you cannot really amend the IDP until you amend the SLUP and you cannot amend the SLUP until you do something else.' There is a whole chain that you have to work your way through.

I tried to amend the SLUP back in 2011 with Deputy Mahy and we had an amendment, which lost of course, which said to confine development to brownfield sites, except in exceptional circumstances. Myself and Deputy de Lisle are two of the surviving Members from that day that supported it. There are three other Members in the States who were here at that time – there are five of us who have lasted in the States since 2011 – and the other three were against that idea. So I am very much keen on using brownfield sites where we can, but I think we also have to be a little bit careful. A bit like the phraseology of 'get Government out of Islanders' pockets', we also need to make sure we 'get Government off my lawn.'

3195 Because we do have to have a recognition that there are also individuals who have things that they want to do with their own property and their own land that they have bought and we have got to try and balance the overall needs of the many to the individual wants of the few. So I do not think we should be too ... What is the word I am looking for? I think we have to take a balanced view, because individual owners, the ones who are applying to have their domestic curtilage increased, have their own aspirations for their property. It does not necessarily mean that, because you are going to increase your curtilage, you are going to tarmac it. It could be that you are going to have a garden. Gardens are just as diverse as one solid mass of rye grass from hedge to hedge. My garden is far more diverse than the field next to me but my garden has got trees and plants and God knows what else. The field next to me just has one monoculture crop.

3205 So I think we have to just make sure that we are not too overzealous with regard to saying, actually, preserve every single piece of agricultural land, because, again, we have that dilemma. In theory, I think we have bought something called Kenilworth Vinery. Well Kenilworth Vinery – in theory, a vinery should, at the end of its use, be returned back to agricultural land but, oh, no, we are going to be quite happy to put houses on it.

3210 There is probably quite a bit of agricultural land in Leale's Yard. But oh no, we are quite happy to put houses on it. I see some people shaking their heads. There is grass growing in Leale's Yard. Trust me, I have seen it. (*Interjection*) We have to just make sure we balance our needs.

I take Deputy Queripel's point, we need to grow as much as we can, but we struggled in the War, with half the population we have now, to feed ourselves. My parents, my father, they were starving at the end of the War. We could not do it. We could not do it then, I think even now, with our expectation, we are not going to be able to do it now. We also are then fighting at the same time a change in our consumer habits. In the old days, 20-30 years ago, we only had milk. Milk was milk. Nowadays, people are buying almond milk, coconut milk, so there is a reduction in our habits, which are changing, and they also need to be reflected in the environment and the economy that we keep.

3220 To be fair, the environment, the DPA, are maintaining the fact that we need to keep a large usage of agricultural land, but it is the contiguous fields that are an important place. It is not the individual back of someone's garden. So I think we have got some difficult forces to ride, here. I just want to just make sure that we do not end up being holier than thou one day and then when a different issue comes up, we have got a completely different opinion because it is slightly different.

3225 I think we just need to be cognisant of the fact that we are in a state of change and things which were built as one thing may not necessarily serve as that purpose all the way through. Castle Cornet was great at keeping out the French, but now we are welcoming our tourists to come and see Castle Cornet. Land and property changes. The sea area that we had at Bulwer Avenue, that has changed now to reclamation area. It is a different use on the land that we have.

3230 I think the point I am making is, I do not know if the word hypocrisy is right, but I just want to make sure that we keep a balance between the needs and we have now, at the moment, I think Deputy Falla was referring to, we have at the moment got a need for housing and we may have to break some of those things that myself and Deputy de Lisle, probably, we are not happy with ... in 2011, we are probably not happy with now. But we need to change. We need to adapt. We are all living on houses that were probably green fields at some stage in their life so we have got to move with the times, but be respectful of the land as well and to try to find that right balance.

Thank you, sir.

The Bailiff: Deputy Inder.

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Deputy Inder: Sir, I have got some good news. These are some of the phrases I have had from my tenure at Economic Development. 'Breath of fresh air' – and that is relating to Deputy Victoria Oliver's leadership of the IDP. (**A Member:** Hear, hear.) What else have we come up with? 'Good news, confidence and activity.'

3245 My experience in this role is entirely opposite to what happened in the previous Assembly. The previous Assembly just seemed – under that leadership, I am afraid – to be a computer that always

said no. It seemed aggressive. It seemed basically following an organisation's rule. It was entirely inflexible. And I am afraid I am over the moon, and I think the business community is, as we are seeing through some of the developments that are running through, that there is real activity and confidence in the economy, as we are seeing through some of the major applications and some of the ideas that are coming through.

Importantly, I think what has happened is that, under this leadership, there has not been that desire to be the fountain of all knowledge and to control all of the information. What Deputy Victoria Oliver has done under her leadership is she has allowed those who are investing in the Island to speak directly to the planning officers themselves and possibly, under what is often made a joke of by certain opinion columnists, this 'action this day' mantra is permeating through. We may not see it in the sarcasm of the opinion columnists but in the real economy we are seeing this 'action this day' mantra actually working positively, working very well and we will see it as these planning applications come through.

So my great compliments to Deputy Victoria Oliver's leadership and those planning officers, certainly the senior ones that I have come across, have got certainly an open tent.

There is some mention made of GP11. My view is quite simple. Either get on the pot or get off it. I get bored out of my mind of seeing these round robins on the States' email, saying that GP11 is wrong, GP11 is wrong, GP11 is right, GP11 is right and this slightly Orwellian conversation where I think Deputy Queripel said that effectively he has proven that nothing has ever been built since GP11, yet on the other side we cannot change it. Why? Because nothing will ever happen. Well, nothing has ever happened. In reality I wish someone would just bring a requête to this Assembly, stop talking about it over the email, find your five, six or seven people, have the conversation and get it over and done with and just stop talking about it.

Now, moving on, finally – you will be glad to know, I have got some sympathy with Deputy Falla's bit about redundant greenhouses, because I underlined something. I have always said that if something is repeated three times in this Island it becomes truth. And in this Monitoring Report, something was actually repeated three times, except it was all on the same page. I will draw Members' attention to page 72:

The States has recognised, through adoption of the IDP, that land planning alone cannot provide a comprehensive solution to the clearance of such sites.

This relates to greenhouses. It then goes on to say:

... it is recognised that this is limited and that a comprehensive solution across the States and with landowners is required.

I think that is the same thing being said twice and there are currently a few Deputies who tend to do that in their speeches.

Then, on page 75, it says:

However, it is recognised that this is limited and that a comprehensive solution across the States and with landowners is required.

It is just a simple question for Deputy Victoria Oliver when she clears up, and it is not me particularly wanting it to happen. There seems to be an acceptance that landowners cannot do it on their own, but if they do clear these sites – and using the Deputy Falla argument, then it will go from something which is fairly cheap per *vergée* to something fairly valuable per *vergée* – I would like to know where the committee is on that particular area, which has been repeated three times in one chapter. It is not a trap, I just genuinely do not know what the committee thinking is on this and, more importantly, if the committee does have some thoughts, then could they then tell me what the advantages might be?

But I will pass comment, just before Deputy Roffey gets up and says – because I have heard him say it before – some greenhouses may be a bit ugly, it is true, but you cannot deny the fact that there is an awful lot of biodiversity in a set of brambles. It is a fact. I would take on board also what

3290 Deputy Brouard said: as ugly as brambles might be, I would rather see that than tarmac and mowed lawns around the Island.

Thank you.

The Bailiff: Deputy de Sausmarez.

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Deputy de Sausmarez: Thank you, sir.

There has been a lot of discussion about agricultural land and a debate about brownfield and greenfield and, particularly because I want to come back to some comments on biodiversity, I just want to explore that a little bit further, but very concisely, because I do not think ... We are pushing it in terms of what is relevant to this AMR report, but I do think these things, as they have been raised in debate, it is useful to address them at the time.

It is very easy to compare brownfield and greenfield sites. That is a very natural and emotional, it is a very easy way to see things. That is how we see it, isn't it? But there is another layer of consideration and that comes back to the land use and that is effectively urban and countryside, for want of a better way of putting it. They do conflict, really.

Someone earlier, I think it was Deputy de Lisle, was talking about greenfield sites within local centres or main centres, which are obviously vulnerable if they are not protected by any of the designations in the IDP. But it is important and actually in my update report earlier this morning, I referenced the IPCC's latest States' assessment report, which, if anyone has not read it, I really would urge them to do that because it is a really important document.

One of the things, even in the summary document, one of the messages it absolutely hammers home, is the importance of creating liveable, low-energy communities and one of the keys to that is having compact communities. Because the thing that gets missed out when we frame it in the way of brownfield versus greenfield, when we do not look at it through a spatial planning lens is what the flipside of that looks like. So if we do not focus our development in discrete areas and distinct areas, what have we got? We have got urban sprawl. That is what it is.

So even though I am really sympathetic to the arguments, and I have to say it does take me back to the arguments between ... former Deputies Dorey and Langlois used to have this one out about the derelict glasshouses. But if we just look at derelict glasshouses as brownfield sites, and we do not look at them in terms of where they are, we end up with unintended consequences and again we end up with development for development's sake that is in a part of the Island or in a distribution pattern that causes all kinds of negative effects.

So basically, the land use planning element is really important because it has all kinds of positive things associated with it. It does increase your affordability, basically, bring down the cost of living, make transport a lot easier, make your energy consumption, all those demand-side factors, so much better. So the land use side of it is really important and that is why I think we cannot lose sight of that. Even though I am very sympathetic to arguments about brownfield and greenfield, I do not think we can lose sight of that spatial land use element, which I think is even more fundamental and even more important.

But, towards the start of this debate, obviously, I mean the Report does start by saying, somewhere near the beginning of the Report it says, the planning policy framework continues to prioritise agricultural use within the APAs and I really hope that is true. I really hope that the planning policy does defend APAs and Deputy Oliver, when she opened, made some perfectly reasonable remarks to the effect of we have actually got slightly more land designated as APAs than is technically required. I would say that is technically true, but again, the devil is in the detail.

One of the massive problems with agriculture in Guernsey, so dairy farming on the whole, is the fragmentation of our farming industry. The fact that that land is not necessarily contiguous, the fact that farmers might be having to move their cows from field to field, down lanes and move or drive water and food around the Island. So the fragmentation of our land is really important. Again, the distribution of our agricultural land and keeping decent-sized contiguous blocks of it is really important. I would say the same goes for countryside, by the way.

So when we go back to that land use question, we need these contiguous blocks. People will have heard of the expression 'wildlife corridors'. You need those networks, in the same way that we need transport networks; in order for the biodiversity to flourish, you actually need decent areas of land, ideally together. So that is an important consideration.

Deputy Gollop, though, talked about wanting to see more protection for biodiversity and I thought it was fairer if I picked up this point rather than Deputy Oliver because it does fall into E&I's mandate and I have to say the DPA have been very good about adopting the Strategy for Nature as supplementary planning guidance and the green economy work that I referred to earlier in my update does have a workstream on natural capital accounting and the sort of planning aspect of that is biodiversity net gain and we are working on it. But we need that data to inform that layer of information and I have every confidence that once that data is there and once the guidance is properly formalised the DPA will be more than happy to implement it.

I think that was the point I wanted to address with Deputy Gollop. Also, of course, another aspect of the work that E&I is doing is reviewing our sort of international requirements for wildlife protection and the legislation that we do and do not have. So I just thought I would pick those things up because it would not be fair to expect Deputy Oliver to respond to those points when replying to debate because they really do fall into E&I's mandate but I would like to assure Deputy Gollop that they are very much live considerations in E&I.

Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I was wondering how to respond to this debate or how to respond to this item because in many ways we are looking back at monitoring over the past few years or the past couple of years, really, 2019 and 2020, and this is not really a forward-looking debate about what we are going to change. In many ways a lot of what happened with planning you find yourself feeling a little exasperated and that sort of nothing will change and these things will stay as they are.

What this debate seemed to come down to, really, was points that were expressed by Deputy Queripel that the IDP was a mess and rebutted by Deputy Burford, saying that it was not a mess, or that parts of the IDP were a mess. I think really it should not really be whether the IDP is a mess but whether the result is a mess and to me, in a lot of ways, and to a lot of Islanders, it would look like we have found ourselves in a bit of a mess.

If you look at prices of houses, you look at availability of housing, it looks like we are in a bit of a pickle. I do not think that that is the responsibility of the DPA or the President of the DPA, it is down to the various planning laws and the way that they have been set up and in a lot of ways these are set up with very long periods of time. So we talked about a five-year review and people I think in debate have spoken about some of these planning practices of going back 30 years ago that somebody might have decided that this was an area that was right for housing or this was an area that was right for agriculture.

It has stayed like that as if it is set in stone. Every time you deal with planning the impression that you get, that it will take three years to change the land use programme and that will feed in very slow to react to anything and the world is changing very quickly. If we look at how things like COVID have affected people's preferences, people are looking for different types of houses now than they were looking to before.

They are looking for places that have got more open space and where there are offices and finding that there just is not the availability of these and that we are not able to build them fast enough and that, even if we were able to build them fast enough, we needed to be thinking about this a long time ago. It is just not reacting fast enough to the way that the world is changing.

It is very difficult to see how to do things about this. Planning almost seems to have its own language sometimes because what planning calls a brownfield site and what we call a brownfield site might not be the same thing and so you can quite often find yourself saying you want to

3395 preserve greenfield sites and actually find that you are preserving, as Deputy Falla mentioned, vineries that are covered in gravel and broken glass and not what you would have thought of as greenfield at all.

Deputy de Sausmarez mentioned, actually, about green fields inside of local centres, which I think are really important. One of the things that people have been talking about a lot is the ... I will give way to Deputy Taylor.

3400 **Deputy Taylor:** Sir, I am very grateful to Deputy Matthews for giving way there.

The point has almost been missed because I was standing for a little while but he was deep in his speech, it was really to pose the question whether Deputy Matthews had seen the pipeline supply of housing and I think there are currently 536 units of housing approved that are not yet under construction. I think it is around there. But it is a rather large amount of houses that are approved and can be constructed, you could start straight way, but they are not. So the comment regarding the Development & Planning Authority scurrying around to quickly change things and make amendments, I wonder if he might reconsider that comment.

Thank you, sir.

3410 **Deputy Matthews:** This is what they always say. It seems to be that, to a large extent, what we are trying to do is sort of turn around the super tanker in that planning ideas have been set way back, years back and over time they have been tried to change to adapt to the new environment but really we would want to be building many houses now and trying to get to do that is very difficult.

I appreciate, I am sure Deputy Taylor is trying, but it is a very difficult task to do because these things have been set in train from a long time ago and trying to get it around is a very difficult thing to do. Yes, from six years ago from when the IDP started but some of these policies may have been in place a long time even before then.

3420 Yes, I certainly think that redundant glasshouses has been a thorn in the side of Guernsey's system, for a long time and I think it was a very good speech from Deputy Falla. These do represent many of our flat level sites that are available to develop and we have a housing crisis. This is something that we really do need to be looking at in a much more sophisticated way than simply saying well they are green fields and they need to return to being green fields, in most cases other than some very limited exemptions, where they can be.

3425 Because, there is clearly this desire to preserve green fields. Nobody really wants to build across our countryside but we do need to resolve this housing crisis that we have got as well that we must be looking to, what most people would call brownfield sites or sites that have been developed before and it is something that I do not think we have done very well or we are not very good at doing.

3430 We have got these redundant glasshouse sites that are in often cases just sitting there with gravel and broken glass and are not being used. There are derelict hotels, I know that there has been some action on some of them but there are still some other hotels that are just rotting and not doing anything and not being used for something that they could.

3435 Of course, GP11 is always mentioned about this is preventing some development from happening, there must be a better solution. It always strikes me that the issue with Planning quite often seems to be that I am sure that they want to follow and set procedures up that follow best practice, the way the world should be done and the way that the UK should do things, but trying to scale it down to Guernsey's scale is very difficult and when you get down to this very small scale it makes it very difficult.

3440 I think an example of that is our local centres, which are these tiny little islands inside and tiny islands where you can develop things and everything else outside of it is off-limits and there is no or very little development happening inside that.

Of course, amongst the public the issue has been and continues to be that there is so much development in the north and there is not so much happening in the rest of the Island and that is

something that must be addressed. Certainly, whenever it comes up, I know there is always a response from Planning and they always say, 'Well, actually, we have built a lot in Town and we have got a lot planned here and there.' But certainly there is a very strong feeling and everybody that I speak to, certainly who lives in the north and even people who do not live in the north, say it has really built up in the north and it really is something that does need to be addressed.

So I think there are certainly, I am sure that the IDP was all very well intentioned. It does, I am sure, follow lots of practice, but getting it so that it can respond and react to the situation, as it is today, is very difficult and I am afraid that a lot of people would say the result that we have got is a really serious problem.

We have got a very limited amount of space in the Island and if we do not find a way to accommodate people who need to be able to find somewhere, people will just leave and that will really damage the demographics of the Island. It will damage the demographics going forward. So it is critical that we do get something happening with this and improvements in how we are able to supply and build housing for the future.

Thank you, sir.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

First of all, I wanted to say thank you to Deputy de Lisle and Deputy Gollop, for actually bringing the motion to debate because I think as an Authority we do not get much chance to debate such big issues, so I think this has been actually a very valuable discussion and I am grateful for that opportunity to hear colleagues and we will absolutely take on board the comments that have been discussed.

I think, having being on the Planning Authority for a year and a half now, it has really been a fascinating journey because I came into it knowing really absolutely nothing. It was very much Deputy Oliver who tapped me on the shoulder the day before the committee, kind of, elections and told me a bit about it and I thought, 'Wow, actually it sounds fascinating.'

But my point here is that when you go into it, and I would probably say most of us here, without direct experience of planning, it is very easy to grab headlines and think in very simplistic terms about actually what are very complex issues and the Island Development Plan, this was the first gift we were given when we joined, the Island Development Plan, which is a folder of about this thickness with lots of lovely maps, which I actually look at quite regularly, including this one, which I do absolutely like.

It is quite complex. It is there to really try to address many layers of competing demands, competing views, competing priorities and I think we actually do manage to do it quite satisfactorily. Just to give you, in terms of numbers, we have had an increase in the number of applications because of the quite buoyant householder and commercial market. The number of applications that we did last year and the President could correct me, went up to about 1,900 and there was an increase of about 200 applications from the years before. The per cent of applications that are rejected is very small. It was about 150, I think. So it is a very small proportion.

Also, in terms of the committee's involvement in managing political involvement in managing applications, it is also very limited. So we had, I believe, only three open planning meetings last year and I hear Deputy Burford called to do more open planning meetings but it is not going to be radically many more, it is still going to be you can count them on one hand, probably.

That gives you 0.1% of applications were determined by the committee. It just shows how the level and extent of applications that the Authority is able to support through the existing planning system, in really supporting the Island. One of our key messages that we are proud to talk about, it really does show the challenge the Authority is facing, our key message is that the DPA has the challenging job of balancing and enabling the economy, while preserving and enhancing what makes Guernsey a great place to live and it is really a real challenge. The President yesterday, at the Scrutiny meeting, talked about walking on the tightrope.

I think, just to give you a bit of context about this Report, we as a committee were very keen to make sure we did produce some report because there were delays, because of COVID but we were very keen that something was produced because without access to data it is very easy to generalise, to just throw about anecdotal evidence.

So we were very keen that this was brought forward but also we went for a streamlined version of this AMR Report because in the previous years it was about 300 pages long, it had more categories. We were keen to bring something forward but make it proportionate and really focus on the areas that were really important, obviously, for now. So we obviously see housing there and so on.

But when I mentioned about the key message about that balance we are walking, if you do look at the measures and data we are gathering, we are very good at gathering data that is showing how we are supporting the economy. We are looking at office spaces, we are looking at industrial storage distribution, we are looking at, obviously, housing, construction and waste, visitor accommodation and so on.

But really what struck me is that the data that shows that we are preserving and enhancing what makes Guernsey a great place to live is limited, so how can we prove, as an Authority, that we are able to strike that balance and prove to you and obviously our community that we are able to walk that balance?

At the moment we have perhaps two areas out of the nine categories which might be a proxy to that. One is natural resources and the other one is agriculture and horticulture. But natural resources, I mean, there are very few metrics that we are actually able at this stage to track to show that we are preserving that natural environment. We are looking, for example, at the number of renewable energy applications. Well, that is great but it does not really show me, really, the metrics in terms of preserving the natural environment.

I would be really hopeful that, with workstreams under the Government Work Plan such as the green economy supporting plan, it will give us more tools to look at that.

The second one is, I mentioned about agriculture and horticulture and I think this is where I do want to say I personally believe there is a fundamental flaw to the Island Development Plan and perhaps the SLUP as well. The problem is that I believe we have too few categories that look to categorise agricultural, domestic garden, open land. Because we basically have either agricultural land and, within that, we do have agricultural priority areas, but generally agricultural land. Then the next category is domestic garden, which is also, we call, domestic curtilage. Then everything else is office, it is a bit more kind of industrial.

I do think, because we basically put everything into this one court of agriculture, it actually creates all sorts of confusions and people use it as a proxy to mean actually different things. So, for example, for Deputy de Lisle, agricultural land really means very much a direct proxy to land we need for agriculture, not only for the dairy industry but potentially to keep it for future strategic use to become more sufficient in growing food. So one may think that makes sense, agricultural land is that, land that should be used for agriculture. But the truth is that the zoning for what is considered agricultural land does not just involve land that would be suitable for such purposes, it involves all sorts of other potential uses. It includes open land, it includes land that would not be suitable for commercial. It basically includes, saying you could call it green land.

So when we then also talk about the loss of agricultural land to domestic curtilage, again the confusion arises because we think we are really directly taking those beautiful big green fields where the cows are pasturing, into domestic curtilage, which is actively being developed, and that is really not true.

You can still, many people still have gardens which are actually zoned as agricultural land but they are able to manage them as a garden, basically. So I think there is a real confusion about what agricultural land means in terms of domestic garden use. But the truth is that once it has moved to domestic curtilage, you can start developing more on that land, you can start paving, you can start building sheds and greenhouses and so on. So the protection is lost and I believe what we do need, and I think that is what also is actually really important to Islanders and what makes, when we talk

3550 about the metrics to measure what makes Guernsey a great place to live, is they want to be connected to nature. They want to have access to green spaces. They want to know that some land is preserved for biodiversity.

So I think we are missing a category, which we could potentially call biodiversity land, which is zoned not for agriculture, not for highly manicured domestic gardens, lawns, but is actually used
3555 for improving biodiversity. Within that, I think there is a real problem and to me this links into public amenity really and I think what Islanders desperately want is improvements in public amenity. That public amenity is again not very clearly defined anywhere. It means different things for different people and so I think we have had a lot of development but I would say we have not had proportional improvements to public amenity with all the development we have had.

3560 Islanders in the north absolutely should be up in arms saying, 'Yes, fine. This is a housing allocated site but what is there for me?' So why can we not, if we are doing development, accompany that with proportionate improvement in public amenity? I want to call it public amenity net gain, following national capital accounting.

To me, this is not just about traffic and infrastructure, this is making more green spaces, more
3565 community spaces, more open land, available for Islanders to enjoy. This very much fits with the Strategy for Nature and I think this is something we should really be looking to to consider how we improve public amenity so it is proportional to the amount of development that we are doing. This should really, specifically, be I think prioritised in the north.

So I have been here for over 10 years. I do not remember the last time we designated a green
3570 area, a park, or a space for community. This is long overdue. So this is something I would be strongly promoting and advocating for as part of the work of the colleagues at the Planning Authority.

I just wanted to mention a couple of other things that were raised in debate today. So, GP11, I think again this is one of those things that is very easy to pick up things at high level and generalise. We just had a really fantastic site visit to a development that is about to be finished in St Martin's.
3575 This development predated the launch of IDP, so it was working on the previous policies but it very much is a proxy to GP11. So this will be the first site that delivers GP11-style housing. We met with the developer, we met with the architects and we met with GHA at the site.

The developer could not be happier with the way this partnership has gone. They were absolutely over the moon of how this worked. They would go and consider doing further partnerships in the
3580 future. The way, basically, things work is that it is easy to think that you are supposed to give 30% of your whole land. First of all you are not giving 30% of your whole land, you are only giving 30% of the land that does not include the infrastructure costs.

So GHA are partnered with a developer on GP11 principles they will be contributing directly to developing all the infrastructure bits of their plans. That includes the roads, the sewers, any public
3585 spaces and so on. So first of all I think that is a misconception there that actually the GHA would be really significantly contributing to the development.

The second, the developer used the specs of the GHA to really use them as the base for developing their own flats and housing and were very happy with their specs and they say, 'Because we have never done specifically this kind of development, for us this would have saved huge
3590 amounts of time so for it to work was fantastic to go with the specs of GHA and be able to work in partnership. GHA benefits from actually working with them because of some of the decorations and some of the choices that are made. It was a true partnership.

And the third point in how actually it also worked was financially. It worked because GHA as a cornerstone tenant and effectively an investor, because of their stable cash flow could finance some
3595 of the invoices earlier or start building basically some of the development earlier than the developer, which means they front-loaded the cashflow payable to the developer, Ravenscroft in this case, first.

This really reduced the risks and the financial outlay of the developer so it would have required a smaller profit margin and just really reduce the risk. Actually the best of this, this development is absolutely brilliant in terms of layout, spec, it is built around a green central community amenity
3600 space and I really think it is going to fly out of the window. So I think this is absolutely a fantastic example of GP11 and the partnership of working of the developer with the GHA.

I think what is important ... I give way to Deputy Dyke.

Deputy Dyke: I thank Deputy Kazantseva-Miller for giving way.

3605 I also looked at this development and it is quite pretty, it is a very decent little neighbourhood. But at the end of the day you have got very small, two-bedroom houses at a price-point of £695,000-£750,000. So that is actually quite a lot of money for quite a small house. I do not think it is designed for families, I think it is designed for middle-aged people over 55, but that is the sort of price you are getting for quite a small house. I just thought I would make that point just for the sake of
3610 of...It is a pretty development, I have to say.

Deputy Kazantseva-Miller: Thank you, Deputy Dyke.

We are conscious that you were not at the site visit with us but you did visit separately. Perhaps we went through a different number, also, of the houses. That is not the impression I really got and
3615 it would be, I guess in the end, up to the market to really decide. I think what I would perhaps welcome and maybe we can get in touch with the developers again, whether we could organise a site visit for other Deputies so that they could see for themselves what it looks like.

I think the point I would like to make here is that really discussions about this development started also before the IDP and it is only now coming on board. So I think there is a lot of talk that
3620 GP11 has failed because it has not delivered anything. Well, first of all, it is about to deliver something. But development of large sites really takes time. I mean, let us remember that 2016 was really the bottom of the housing market. In the meantime we have obviously had the biggest disruption to our lives and economy that we have ever had and we now know, we absolutely know that there is a huge amount of interest and applications coming through.

3625 So, to say that GP11 has failed is really super-premature and the one thing we did ask both the developer and the architect what they would advise us to do with regards to GP11 and said, a bit like Deputy Inder said, just get on with it. The more you talk about it, the more you raise the concerns –

3630 **Deputy Queripel:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Queripel.

Deputy Queripel: Sir, we are debating this Report in front of us. This Report in front of us tells
3635 us that GP11 has failed. I rest my case.

The Bailiff: Deputy Kazantseva-Miller to continue, please.

Deputy Kazantseva-Miller: I give way to Deputy Oliver.
3640

Deputy Oliver: Thank you.

The site that Deputy Kazantseva-Miller is talking about is what was done under the RH2, so it is a form of GP11, Deputy Queripel.

3645 **Deputy Kazantseva-Miller:** Thank you.

I think it is just to remind, obviously, this is the Report and we are in 2022. So I think we are talking about what is presented here and we are taking on board the feedback from the committee and hopefully I am trying to respond to some of those comments made.

3650 I think the other thing, talking to GHA was really for me very useful. I asked what really the key issue for them was and they said it was availability of land and getting access to that land and bidding for that land. So, really, the cost of land, availability of land, availability of plots, was absolutely the key consideration for them and this was obviously what the HAG group has been focused on, to find available sites and be able to bid for them.

They absolutely said if GP11 was removed then land prices would go up, which means GHA would be competing for land with the market and because the land is bought by the States, so the taxpayer would effectively be paying more money. GP11 is really focused around land subsidy and I think Deputy Roffey and Deputy de Sausmarez previously explained how it works and I was able to confirm that more specifically with the GHA.

So I would say thank you again for the different contributions that have been made today. We just need to focus that, also, the DPA is not responsible for house prices, for a housing crisis, etc. We are really here to enable the policies and the Laws decided by this Assembly to enable a development and the preservation of the environment, so I think there are wider forces at play, for which, you know, we do not build houses, we are not responsible for the pricing of the market and so I think Deputy Matthews was alluding that there has been a number of failures and the housing crisis has been caused by the IDP, which I would disagree with.

So, thank you again. I think my real contribution was in relation, especially, to that distinction of, and really looking at public amenity through a different lens, looking at public amenity as a way to improve infrastructure traffic but also, importantly, access to green spaces, access to open land and for us to be able to look and designate new public amenity areas around the Island with the focus really on the north and this is, I believe, something we should be really looking into as part of the review.

Thank you.

The Bailiff: Deputy Trott.

Deputy Trott: Sir, I shall be very brief.

But there are a couple of questions I wanted to ask and a comment that I felt it was important to make. I will start with the questions. The Report advises of the approval ratings, which really are quite impressive. You have a 19 to one chance of having your application approved and it is clearly by the planning officers, because Deputy Kazantseva-Miller and others have reminded us that only one tenth of 1% of the applications come before the committee itself and I understand the reasons for that.

If one casts one's mind back 20-or-so years, the perception was that the IDC, as it was called then, would respond by saying: 'The answer is no, now what is the question?' Now I think that was somewhat unfair but that was certainly the perception, whereas, clearly now, the approval ratings are really quite impressive.

However, I wonder if they tell us the full picture. So question number one is, approval ratings run at 95.7% during 2019 and 2020, with only 4.3% rejected. But how many of those applications were as submitted? And how many of them required amendment? Because as a raw statistic it may paint a slightly more optimistic position than maybe exists.

But my main reason for getting to my feet, sir, is to repeat a message that Deputy de Sausmarez and Deputy Gabriel heard on Monday night, because they were guests of the St Sampson's Douzaine and I was lucky enough to be invited along to listen to their concerns and indeed to Deputy de Sausmarez's excellent responses.

But what the Report tells us is during the periods 2019-20, only 11% of completed dwellings were located in the St Sampson's/Vale main centre and despite that, nearly 90% being built elsewhere, particularly in St Peter Port, the view of the community in St Sampson's and parts of the Vale is that the density is already, far too high.

What the Douzaine told the audience is that they calculate that there are around 800 or possibly more dwellings that could be built and probably will be built in St Sampson's and that Vale area around the Bridge in the coming years. They of course quote Pointues Rocques, Belle Grève Vinery, the Salt Pans and Leale's Yard. All of these developments, potential developments, are known to us.

Their view is that we could see 60%-70%, possibly more, of the new build located in that area. So, as former Deputy Dave Jones would say, you do not have to be a rocket scientist to see that there are going to be very significant issues around the provision of infrastructure and, as I said

earlier, I think Deputy de Sausmarez did a very good job in explaining how that was going to be addressed.

3710 But she also did a very good job of explaining the mandates of the two Departments and of course the issues around density fall squarely in the hands of the DPA, through the IDP and in terms of determination of many cases, exclusively in the hands of non-elected, albeit professional planners.

3715 So my third question to the President of the DPA is can she give us an assurance, and I know she does but I would like her to sort of state it publicly, that she understands the very real concerns of thousands of people who live in this area as to the impact that this sort of density will have on their quality of life?

Remember, these are people with grandchildren, who they know are desperate to get their foot on the housing ladder. So what they are saying is how the developments need to be very carefully considered in order to ensure that the effect on the lives for the existing residents are mitigated in such a way as to not make it almost deplorable to live in the area.

3720 And when Deputy Kazantseva-Miller talked about green spaces earlier, my memory was jogged of comments I have heard over the years about Delancey Park. Delancey Park is the jewel in the crown but we heard, again, on Monday night, of Douzeniers and their families who were fearful of walking from their homes to Delancey Park because of the congestion on the roads and the lack of provision for pedestrians to do that safely.

3725 So I am not saying anything that we do not already know, but what I am doing, as an organ of those concerns, is expressing them publicly in a way that the community of that area, in particular, can hear that the DPA understands and will continue to regard of paramount importance.

Thank you, sir.

3730 **The Bailiff:** I am going to turn to the President of the Authority to reply to the ... You are the Vice-President, are you, Deputy Taylor? You are the Vice-President of the authority, aren't you?

Deputy Taylor: I am.

3735 **The Bailiff:** I think, unless you have got something burning to say, can you not leave it to the President to reply to the debate?

Deputy Taylor: I suppose I could, sir, but almost on a point of principle ...

3740 **The Bailiff:** All right, I will call you then.

Deputy Taylor: Thank you, sir.

3745 I will be quick. I am partly rising to my feet because Deputy Queripel goaded me into it but I suppose I wanted to add mainly to the comments of Deputy Kazantseva-Miller on GP11, as was referenced in our Scrutiny hearing yesterday, and giving weight to it. I do take Deputy Queripel's point about GP11 having failed but it does look like there are schemes coming to fruition soon.

3750 I really wanted to, like Deputy Kazantseva-Miller, draw attention to the wording of the IDP, which sadly I have closed my laptop before I could read it. It is about the provision of land, developable land. And there are so many misconceptions about GP11 I would just urge Members that if they are going to denounce it, talk it down in the media, that they actually read the policy before they do so.

3755 The second point I do want to pick up on ... a bit of a shame because Deputy Matthews is sadly not in the Chamber now. The pipeline supply, although we are debating 2019-20, we discussed yesterday in the Scrutiny hearing, I think, the pipeline supply at the moment of houses that have permission outstanding and might be under way, at the moment it is 536, from the AMR it was 541.

So there are a lot of permissions outstanding and there is nothing from Planning that is getting in the way of those houses being built. Further, suggestions that the IDP is completely not fit for

purpose are fairly unsubstantiated. Although it falls outside of the IDP, it is part of the whole planning process, the Exemptions Ordinance will allow for a 30-square metre extension. So when we are facing a housing crisis, people who have a technical knowledge on buildings, 12 square metres is generally accepted as a double bedroom. So within a 30 square metre extension, which you could build without any planning permission on your existing, you could have two double bedrooms and an additional bathroom.

So the DPA are absolutely doing this and workstreams have taken place that will address housings prices and issues. That is really the only point I want to make so I will leave the President to sum up.

Thank you.

The Bailiff: Deputy Oliver, as the President of the Authority, to reply to the debate, please.

Deputy Oliver: Thank you, sir.

I trust that Members found the AMR overview of the planning process and its effects on the IDP interesting. Moving forward the findings of the AMR will inform the future plan of the IDP and the review is expected to commence next year, if the States decide that the priority is to do so through the GWP. So, please vote for that when the next GWP debate comes up.

Biodiversity, I just want to speak a bit about this. This was pulled up by Deputy de Lisle. We have the Strategy for Nature and we have some supplementary guidance regarding this. It is draft at the moment but we now have the draft guidance for wildlife-friendly gardens and the draft guidance for biodiversity in the built environment net gain. So that should actually help people understand what they are doing.

There was also a, 'What can the DPA actually do if they say there is a biodiversity net gain and then after a bit sort of chop it down?' Well, we can put planning covenants on larger spaces and we will not be afraid to actually do that. So that is in our power to actually do.

The Agricultural Priority Areas and lands of importance, that will be in the review and that will be looked at in more detail. I do think, though, that the curtilage at the moment and the way it is, it is not encouraging people to actually do that, so it is stopping people from just rounding up and it is making them think a little bit more about it.

Within the IDP, Paragraph 19.6.7:

Competition for land can occur when the residential use adjoins an open area of land and the householder would like to incorporate some of that land within the domestic curtilage of the residential property.

The Strategic Land Use Plan (SLUP) notes the requirement to protect open land and agricultural land from development in order to assure that the open character of these areas are maintained and to ensure that the agricultural industry has an adequate amount of land to operate successfully.

Therefore, in this instant, there will be a balance to be struck between ensuring the reasonable protection of open land and the requirements of the agricultural industry and the reasonable expectations of landowners to add new or additional land to curtilage around the building. An assessment of the proposals will take into account the impact of the wider areas of open landscape and Agricultural Priority Areas.

So I hope that helps a little bit. We are not just letting everyone go for it. Seventy-seven per cent on brown field is where it is being built and this is important because I would actually really like to hear about it and I know Deputy Brouard said that in his earlier speech, when he tried to stop building on green field land. Well, at the moment we have these main centres. Unless you actually put Agricultural Priority Areas in, which do tend to have green strips within the areas, including the Bridge, I would like to know from people – and I do not mind you emailing me – how you would actually just protect patches and make landowners build brown field over green field.

Because it is very difficult and I think when you look at the wider picture, it is not as easy as everybody says. A lot of people have come up with criticisms but not many people have actually come up with solutions during this debate.

A lot of people complained, well two people in particular complained about there not being a five-year review, being Deputy de Lisle and Deputy Queripel. Well, they actually voted not to have the five-year review at the last States. So, yes, I do not really know what else to say on that.
3805 *(Intervention)* I can give you the statistics if you really want. It was 36 against three that voted against it.

Thank you for Deputy Prow's words, although I have to disagree, I do think the Plan is fit for purpose. However, I do think it needs tinkering with and it is that tinkering with that I think is what has been brought out in this debate.

3810 **Deputy Queripel:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Queripel.

3815 **Deputy Queripel:** Sir, when I spoke I did not complain that the five-year review has not happened. What I said was I was surprised to hear we are going to have a review in this term and it is going to be a seven- or eight-year review as opposed to a five-year review. I voted against the five-year review, with the best of intentions. I perfectly understood that it could not happen at that time but the sweetener is it is going to happen in this term. I did not say what Deputy Oliver said.
3820 In my speech I did not say that at all. I did not say that the five-year review should have happened as it was supposed to have happened.

Thank you.

The Bailiff: Deputy Oliver to continue, please.

3825 **Deputy Oliver:** Thank you.

Well, we are starting the review process at the beginning of next year/earlier this year. So hopefully it should be done by the end of this term.

Following on, page 72, press 'here', although it is not very many pages that would have been added it just makes it really difficult to read and it does not flow, so that is why the decision was made. Most people do not get a hard copy, we do not send out hard copies to industry, they will have it online. So I do apologise if Deputy Queripel did get a bit confused with that and wanted it there.

3835 The horticulture work, the reason for not continuing it is because E&I are no longer collecting the data. I do not know why E&I are not but maybe it has to do with resources. Also the last committee, the AMR was 282 pages. Now it is so long and I think the length of it just put people off actually reading it and there was some really interesting information, so we have tried to condense it and made it a lot more readable than it was.

3840 Spatial policy, this was mentioned. We will be looking at this along with the main centres and outer centres and that will be done within the review. Anything within the review that is not interlinked with another policy, we will try to bring that forward first so it is not just done in one lump sum but a lot of them are actually interlinked, so we have to be careful that it does not disrupt another policy.

3845 Affordable housing. The definition is not part of the DPA's mandate but if the definition is changed, I am quite happy to facilitate it. GP11 is meant to come from the uplift in land value. This is an issue at the appropriate ... through the planning review, based on evidence, and we will be looking at that but it needs to be evidence-based and that will come to the review.

3850 I really actually do not disagree with Deputy Falla regarding the glasshouses. They are an eyesore and this is actually why we put within the IDP that you can take them down and you do not need planning permission. So anybody who wants to take their greenhouse, that thinks it is a lengthy planning process, you can just take it down.

However, if you want to build anything then you have OC7 and that will enable you to do something else with your land, mainly storage. But, and Deputy Falla might be quite pleased to hear

this, you can take your greenhouse down and apply for permission, through OC7 and replace it with solar. So that might give some comfort.

Deputy Inder, his question was – what was his question? – I forget his question but it is about the States deciding whether to bring back any schemes so the land, if you have a greenhouse and it is the value of the land, bring-back schemes, like before the clearance of the redundant sites through the initiatives or incentives, but land use planning and the DPA mandate has gone as far as it can at the moment.

We can review the issues and ensure that Planning are doing everything we should but the wider scheme would be more for committees like E&I to consider. At the moment we have no committee decisions to do anything else with this.

I forget who said it but somebody talked about the hotels, saying that a lot of them were redundant and we were not doing much about them. Well, all the hotels that did not have a boarding permit, end of 2020, have been put on the exemption list and the exemption law, hopefully, fingers crossed, will come back at the end of this year. So then owners will be able to do something with their hotels.

Deputy Trott. I have actually got a list of things. We do not have the figures for how many applications have been actually amended and then come forward. Some are revised, some are deferred actually at the applicant's request because they can see they are actually going to fail so they come back and sort of slightly revise the plan, which they are completely allowed to do. In my view, it is a benefit of the planning and of the outcome and it also helps the applicant as well.

But the other part of the question was how many applications, I think we were talking about the timelines really. So number of applications decided within eight weeks, 2021 we have had 1,988 applications, within eight weeks, 1,187 were approved, which is 68%. However, that is much better than the previous years: 2019 was at 62 and 2020 was at 48. That was our all-time low.

Then moving onto the 13-week decision, I will just give you the percentages: 83% are done within 13 weeks and that again, 2020 was 75 and 2019 was 82. So we are improving on that and it is getting better.

The pipeline. This is a difficult one because in the north, and I do, I completely get at the moment the figures only state that a very small number of dwellings have actually been built. However, their pipeline in the Bridge main centre is very large and I think that, and I hope, that with the DPA and the previous application for Pointues Rocques, we actually showed that we are really serious. We are not letting applications just go through, if we do not think that it enables and actually is of real benefit to that area. So that is why we actually rejected it.

I know it has come back and I cannot speak about that but I think the north can be rest assured that we will look at things carefully and we will make sure that we look at the traffic impact assessments, which I think is what most people actually are upset about, is when you have traffic jams where they see another building application come in they just think the traffic is going to get 10 times worse.

I know that at the last meeting we had a lot of people very upset that they could not walk with their children, I think it was 200 metres, up from the road to the school and they preferred to drive that because they felt safer with their children. So I think all of these points are actually why it led to rejection and I just hope that people know that we are looking out for their best interests.

Finally, I think the DPA have a challenging job. I feel like sometimes I am just walking this tightrope walk of balancing development, which enables the economy, and preserving and enhancing what makes Guernsey great. It really is just this tightrope walk of balancing the environment with the built environment. I am not saying that I get it right all the time but I hope that it is more balanced this term and I will continue to see that we do that. Our committee will continue to see that.

The many issues that have been raised require a plan review and we are looking at this as a committee. This debate has been a really good opportunity to hear from Deputies to help inform the scope of the review so all the views which have been expressed today will be taken note of by the committee and hopefully you will be seeing action soon. I hope that ... I give way.

Deputy de Lisle: Deputy Oliver did not mention the fact that we need policy protection for agricultural land outside the APAs as well as inside the APAs. It is the same with green fields.

3910 **Deputy Oliver:** Why did I sit down?

So it is OC5 and OC4 which you are talking about. I thought I actually did, to be honest, because it was in the IDP paragraph 19.6.7 that talks about the need to protect open land. I will use an example. If the domestic curtilage is actually part of a greater open area that is of benefit to the community then that curtilage will not be allowed. So it is a protection. I know Deputy de Lisle is shaking his head but I can only go with what is within the Plan and that is what it says.

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But as I said, we will be looking at everything so I do not think I can really say any more. But thank you for your time.

3920 **The Bailiff:** Members of the States, there has been a request for a recorded vote on the single Proposition to take note of the Report. Greffier.

There was a recorded vote.

Carried – Pour 35, Contre 0, Ne vote pas 0, Absent 4

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Aldwell	None	None	Deputy Dudley-Owen
Deputy Blin			Deputy Leadbeater
Deputy Brouard			Deputy Inder
Deputy Burford			Deputy Parkinson
Deputy Bury			
Deputy Cameron			
Deputy de Lisle			
Deputy de Sausmarez			
Deputy Dyke			
Deputy Fairclough			
Deputy Falla			
Deputy Ferbrache			
Deputy Gabriel			
Deputy Gollop			
Deputy Haskins			
Deputy Helyar			
Deputy Kazantseva-Miller			
Deputy Le Tocq			
Deputy Mahoney			
Deputy Matthews			
Deputy McKenna			
Deputy Meerveld			
Deputy Moakes			
Deputy Murray			
Deputy Oliver			
Deputy Prow			
Deputy Queripel			
Alderney Rep. Roberts			
Deputy Roffey			
Alderney Rep. Snowdon			
Deputy Soulsby			
Deputy St Pier			
Deputy Taylor			
Deputy Trott			
Deputy Vermeulen			

The Bailiff: Members of the States, the voting on the single Proposition to note the Island Development Plan Annual Monitoring Report 2020 was as follows: there voted Pour 35, 4 Members were absent and therefore I declare that Proposition duly carried.

LEGISLATION LAID BEFORE THE STATES

**The European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey)
(Amendment) Regulations, 2022;
The Abortion (Guernsey) Regulations, 2022;
The Parochial Elections
(St Peter Port) (No. 2) Regulations, 2022;
The European Union (Trademark Law Treaty) (Brexit)
(Bailiwick of Guernsey) Regulations, 2022;
The Air Navigation (Restriction of Flying) (Russian Aircraft)
(Bailiwick of Guernsey) Regulations, 2022;
The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey)
(Brexit) (Amendment) Regulations, 2022;
The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey)
(Brexit) (Amendment) (No.2) Regulations, 2022;
The Customs and Excise (Inbound Passenger Information Reports)
(Bailiwick of Guernsey) Regulations, 2022**

The Bailiff: Can we now deal with the legislation to be laid, please, Greffier?

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The States' Greffier: The following legislation is laid before the States: No. 7 of 2022, The European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022; No. 8, The Abortion (Guernsey) Regulations, 2022; No. 10, The Parochial Elections (St Peter Port) (No. 2) Regulations, 2022; The European Union (Trademark Law Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2022; No. 13, The Air Navigation (Restriction of Flying) (Russian Aircraft) (Bailiwick of Guernsey) Regulations, 2022; No. 14, The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) Regulations, 2022; No. 15, The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) (No.2) Regulations, 2022; and No. 16, The Customs and Excise (Inbound Passenger Information Reports) (Bailiwick of Guernsey) Regulations, 2022.

The Bailiff: Well, Members of the States, we note that those eight measures have been laid before this Meeting of the States of Deliberation. I have not received any motions to annul any of them.

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LEGISLATION FOR APPROVAL

POLICY & RESOURCES COMMITTEE

**2. The Human Rights (Bailiwick of Guernsey)
(Amendment) Law, 2022 –
Proposition carried**

Article 2.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

The Bailiff: Next Item of Business, please, Greffier.

The States' Greffier: Article 2, the Policy & Resources Committee – The Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022.

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The Bailiff: And I invite the President of the Committee, Deputy Ferbrache, to open debate.

Deputy Ferbrache: Sir, very briefly, there is nothing to add to the words set out in the explanatory memorandum.

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The Bailiff: Deputy Gollop.

Deputy Gollop: We looked at this at legislation, although I have forgotten every point of it. Deputy Dyke and the Comptroller might assist but it is a curious thing, because it is approving the draft Projet de Loi entitled the Human Rights (Amendment), it is the status of a Law rather than an Ordinance or an order and it amends the Human Rights (Bailiwick of Guernsey) allowing for:

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damages to be awarded in proceedings under the Law to compensate a person for a judicial act done in good faith that is incompatible with Article 6 of the Convention (right to a fair trial), in circumstances where the person is detained and would not have been detained (or detained for so long) were it not for that incompatibility.

And it has retrospective effect, applying to judicial acts done before as well as after the amendment comes into force. I wonder how many Members have actually thought about this. We actually saw it at Legislation and I know it referred to a UK case of somebody who had done something wrong but not as much as they got penalised for.

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But it is a very unusual thing, this, in that it is retrospective, it follows on from case law elsewhere and it allows people, potentially, a certain amount of – I will not say unlimited – but compensation for acts done by a judicial person in good faith. So my query is why isn't there perhaps a greater explanation of the issues behind this to the Assembly Members, because it is not there? We have got a draft Projet, which is just two pages long, and we have got this somewhat obtuse note. It has not exactly hit the headlines, this one, but it is nevertheless intriguing.

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The Bailiff: Deputy Dyke.

Deputy Dyke: It was a while since we looked at it but I think the reason that we have passed this is because we would not be Human Rights-compliant, as currently understood, without this amendment to allow for this remedy. So we have done it to become compliant. I think the sort of issue it would cover, interestingly, is you remember our debate on the Sexual Offences Law and the burden of proof, well if we got that wrong and someone was incarcerated for several years, he

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3975 would be able to come back – if it was subsequently found that that was all in breach of the Human Rights Act, then he would be able to come back for compensation for the years he had been locked up. So that would be a good point.

The Bailiff: Deputy de Lisle.

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Deputy de Lisle: Sir, the amendment actually applies in relation to judicial acts occurring before as well as those concerning after this Law comes into force. I am just wondering how far before, sir, can people make an application? I mean, is this something that is available to people 10 years before now? Are we going to have a lot of those applications coming in?

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The Bailiff: I do not see anyone else rising, so I will turn back to the President to reply to that short debate.

Deputy Ferbrache: My reply will be brief, sir, because this matter has been before the States as recently as October 2021, when the points that have been raised could have been raised before and I do not believe there is a time limit on these matters, I do not believe there should be a time limit on injustice and therefore I think this Assembly will have no difficulty at all in approving, unanimously, I hope, these proposals.

3995 **The Bailiff:** Members of the States, there is a single Proposition, whether you are minded to approve the draft Projet de Loi. Those in favour; those against?

Members voted Pour.

The Bailiff: I declare that duly carried.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

3. L'Ancrese East Management Approach to 2030 – Debate commenced

Article 3.

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'L'Ancrese East Management Approach to 2030' dated 14th March 2022 they are of the opinion: -

1. To agree the management approach for L'Ancrese East to 2030 as set out in section 3 of this policy letter.

2. To rescind Resolutions 3 and 4 of the Requête entitled 'Suspension of carrying out of works further to 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 that area and establishment of a suspension period of 10 years during which time suitable maintenance is undertaken to provide stability to the wall.'

The Bailiff: Are you going to be able to open in about 10 minutes, Deputy de Sausmarez?

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Deputy de Sausmarez: Less than.

The Bailiff: So, we will call the next Item, then, please Greffier.

4005 **The States' Greffier:** Yes, sir. Article 3, the Committee *for the Environment & Infrastructure* – L'Ancrese East Management Approach to 2030.

The Bailiff: And I invite the President of the Committee, Deputy de Sausmarez, to open debate.

Deputy de Sausmarez: Thank you, sir.

4010 This is the shortest policy letter on the Anti-Tank Wall at L'Ancrese East that has been presented to the States in recent years and Members will no doubt be pleased to hear that my opening speech will be commensurately short. My Committee inherited a situation in which we were under Resolution to maintain a section of the wall to a particular standard yet did not have access to the funding to carry out the former Assembly's wishes.

4015 Listening to the views of stakeholders such as P&R, the former requérants and the Vale Commons Council, we explored and assessed a number of different options and came to the conclusion that the proposal before you today was the most appropriate. It is an approach that remains faithful to the spirit of the Brouard Requête but its cost parameters more comfortably align with current fiscal constraints.

4020 The main aspect of the proposed new approach is to use rock armour to reinforce the most vulnerable section of the wall, at panels eight and nine, followed by a reactive approach thereafter to address any breaches. The Committee will return to the States if further direction is needed, for example if there is a breach of the wall that cannot be contained and puts the wall at risk of unzipping, as it is known.

4025 But it is reasonable to anticipate that otherwise the work between now and 2030 can be managed from existing co-signed budgets. As with the Requête, beyond that timeframe the long-term solution remains managed realignment. The Committee is therefore not asking the Assembly for any additional resources, just a States' decision that puts the management of this section of our coastline on a more tenable footing, so I ask Members to support it.

4030 Thank you.

The Bailiff: If no one is rising ... Deputy Roffey.

4035 **Deputy Roffey:** Sir, I was not going to speak but if nobody else was, we were going to come to an end. I have absolutely no problem with supporting Proposition 2 of the two Propositions, which is to rescind the Resolutions which flowed from the Brouard Requête because I think that Requête was misjudged.

4040 I think it was a reaction against expert advice and I thought that feelings about how things could be done and how much it was going to cost ruled the day. That seemed to be the zeitgeist at the time and I absolutely commend P&R for not providing the amount of money that it was going to cost to actually maintain this really ugly and unattractive section of wall that came to the end of its useful life in 1945. It was only useful to the Germans. These days, we have, what are they called, NLAWS, so if you have a tank, that is the way you deal with them, rather than a big concrete wall.

4045 My problem, I think, is with Proposition 1. I heard in the opening speech, in 2030, the policy then is managed realignment. So we are going to spend money on rock armour, we are going to spend money on emergency action, propping up behind, doing things, stopping the wall unzipping for the next eight years, as and when. Then the proposal is, in eight years' time, to move to managed realignment.

4050 Well, why the heck wait until then if that is what we are going to do? Why not just do it now? I confess, we have got declarations of vague interest this morning, or this afternoon was it, from Deputy St Pier over another matter, I have said it before and I will say it again, I continually hear my father's voice in my ear because it was absolutely his favourite beach before the war, at L'Ancrese, and he was absolutely furious that we just left this thing that had marred his favourite beach actually in existence.

4055 In particular, that bit on the east, I accept that the rest of the wall is still in quite good condition and some people may like it but how can you love this? Look at it. Go look at it. It is absolutely returning to the earth. It is not a sea defence. It is in the wrong place to be a sea defence. It is a nonsense.

4060 We talk about vanity projects, trying to keep this thing up for the next eight years, spending money keeping it up, when we use boulders on where people should actually be sitting on a nice, sandy beach, when we know in eight years' time the plan is to actually do that anyway, I think Deputy de Sausmarez got it absolutely right, this is an attempt to respect the spirit of the Requête. Please do not do that. That spirit was misguided. Abandon the spirit of the Requête. Do the sensible thing. Do not waste money for eight years and then sort it out. I think that has got us to half-past, 4065 sir, so I will sit down and see whether anybody else wants to carry on.

The Bailiff: Deputy Gabriel.

4070 **Deputy Gabriel:** I will just speak briefly, sir. Members may be interested to know that, as part of E&I's membership, I sit on the Vale Commons Council as one of the tripartite members, representing E&I. And this has come before the Vale Commons Council on a number of occasions and they wholeheartedly support the pragmatic approach that this policy letter describes and, hopefully, it gives some Members confidence that we have consulted and that we have done it accurately and it is a true representation of the people that use the area.

4075 Thank you.

The Bailiff: Do I take it that there will be other Members who want to speak on this if we now adjourn until the morning? Could I just have an indication of how many, please? That is fine. We will now adjourn unless anyone has got something for a minute.

4080 We will adjourn until 9.30 tomorrow.

The Assembly adjourned at 5.28 p.m.