



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 4th September 2024

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Present:

Ms J. E. Roland (Deputy Bailiff and Deputy Presiding Officer)

Law Officers

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

People's Deputies

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

E. Gallienne Esq. (Deputy Greffier) (Morning)

S. M. D. Ross Esq. (States' Greffier) (Afternoon)

Absent at the Evocation

Deputy S. P. Haskins (*absent de l'Île*);

Deputy M. P. Leadbeater (*relevé à 9h 49*)

Business transacted

Evocation	1095
Convocation	1095
Statements	1095
General update – Statement by the President of the Policy & Resources Committee.....	1095
General update – Statement by the President of the Development & Planning Authority..	1106
General update – Statement by the President of the Transport Licensing Authority	1111
Update on the Electronic Patient Record Programme – Statement by the President of the Committee <i>for</i> Health & Social Care	1113
Questions for Oral Answer.....	1120
Influx of foreign nationals – Changes to Population Management and Immigration Laws.	1120
Periodic vehicle inspections – Implementation and requirements in Guernsey.....	1126
Procedural – Motion to re-order business.....	1130
Billet d’État XIII.....	1131
Elections and Appointments.....	1131
1. Police Complaints Commission – Re-appointment of Member – Proposition carried	1131
Legislation Laid Before the States	1132
The Public Holidays (Visit of His Majesty King Charles III and Her Majesty Queen Camilla to Guernsey) Regulations, 2024.....	1132
Legislation for Approval	1133
2. The King George the Fifth Memorial Playing Field Trust (Amendment) Law, 2024 – Proposition carried.....	1133
Billet d’État XV.....	1135
1. Request to direct Development & Planning Authority to reverse its refusal of planning permission for temporary stockpiling of inert waste at Longue Hougue – Debate commenced	1135
<i>The Assembly adjourned at 12.34 p.m. and resumed its sitting at 2.30 p.m.</i>	<i>1143</i>
Request to direct Development & Planning Authority to reverse its refusal of planning permission for temporary stockpiling of inert waste at Longue Hougue – Debate continued – Proposition carried	1143
Billet d’État XIII.....	1180
3. OECD Pillar 2 GloBE Rules – Proposition carried	1180
<i>The Assembly adjourned at 5.34 p.m.</i>	<i>1185</i>

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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
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billets d'État XIII and XV of 2024. To the Members of the States of the Island of Guernsey, I hereby give notice that the Meeting of the States of Deliberation will be held at the Royal Courthouse on Wednesday 4th September 2024, at 9.30 a.m., to consider the items listed in the Billets d'État, which have been submitted for debate and that Billet d'État XV is convened pursuant to Provision Rule 2 of the Rules of Procedure.

Statements

General update – Statement by the President of the Policy & Resources Committee

The Deputy Bailiff: Good morning everybody. Welcome back to the new term after a holiday break of sorts. Can I invite the President of P&R to present his Statement, please?

Deputy Trott: Thank you, Madam Deputy Bailiff.

I consider it a privilege as President of the Policy & Resources Committee to provide this general update. I referred in our last update to the importance of our ongoing engagement with UK parliamentarians and the rest of the world, which as an independent jurisdiction drives much of the work of the Committees of the States that is unseen by many in our community. I shall begin with our work in maintaining and developing these relationships before returning to domestic priorities.

With regard to external relations, following July's General Election in the UK, there have been significant changes in Westminster. Not only has the political party in power changed, but there are also many new MPs – 335 of them became MPs for the first time.

We are now preparing for political representatives from Guernsey to attend the UK party conferences for the Labour, Conservative and Liberal Democrats in the coming weeks to continue to build relationships with the new intake of MPs and the new government. It was encouraging in

this regard to read that the Labour Party manifesto included reference to defending the sovereignty and right to self-determination of the Crown Dependencies.

25 I was delighted that Guernsey welcomed King Charles III and Queen Camilla on 16th July. The visit highlighted the special and historic relationship between the Bailiwick and the Crown which stretches back centuries and it underlined the autonomy of the Islands, separate from the UK.

30 Islanders provided a very warm Guernsey welcome and showed the Island at its best. It also provided an opportunity for fantastic coverage of the visit and the Islands in national media including the Royals' own social media platforms – and I note that Her Majesty also used a photo taken here for her birthday message. I also celebrated a significant birthday the day after the visit. Some people need to wait until they are 100 before they are wished a happy birthday from the monarch but mine came 40 years early and from not one but two Majesties! A very proud moment for me.

35 Currently the Committee is gearing up to welcome government representatives from the UK and from other jurisdictions in Europe and further afield in the coming weeks and months. We were also pleased to host the French Ambassador in June this year, to attend the annual summits with Brittany, and to welcome the Olympic Torch to Hauteville House in July. That has all contributed to strengthening our relationship with France through discussing economic and cultural ties as near
40 neighbours.

In March, we were in the final preparation for the on-Island element of the Moneyval assessment. This was concluded in April. I would like to take this opportunity in this States' Meeting – and thus on the public record – to again thank the Committee for Home Affairs and everyone in the Bailiwick who was involved in preparing for the assessment and contributing to the assessment. We had
45 positive and productive engagement with the evaluators whilst they were here and, as is usual, that is continuing. The final report is expected to be published in early 2025.

I would also like to mention at this point the BEM awarded earlier this year to the Director of International Relations and Constitutional Affairs. Well done!

Domestic pressures and priorities. Having begun this Statement looking at our relationships with
50 the wider world, I now want to focus on our domestic agenda. Alderney and Sark continue to be an important part of the Bailiwick family. It is vital that areas of mutual interest and shared concern continue to be discussed to the benefit of all of our Islands, and I was fortunate enough to hold productive discussions just this past month with representatives in Sark.

Given the Committee's responsibility for managing the 1948 Agreement, it is currently in
55 ongoing discussions with the States of Alderney regarding options for Alderney to contribute financially to the rehabilitation of its runway in addition to the terminal. It is clear that Option C-plus, as currently scoped, is not viable and totally unaffordable. Before the end of this term, the States of Deliberation will be presented with proposals to maintain a suitable provision within the project's approved budget envelope, however it is highly unlikely that this solution will be of the scale of the
60 original proposals.

Understandably, our colleagues from Alderney will be disappointed by this, however they will recognise that it is the duty of the Committee to assess each funding request objectively to ensure taxpayers receive value for money – and we are thankful to the States of Alderney for their continued engagement. This is now a prioritised piece of cross-committee work to ensure that the Airport
65 continues to operate safely, and that the obligations of the 1948 Agreement are met. I hope they find those words reassuring.

Now, madam, I turn to the financial position. The Committee monitors the States' financial position throughout the year and I wish to draw to the attention of the Assembly that 2024 is proving to be a difficult year financially and that is an understatement. Committees have already
70 been made aware of this by way of a letter from the Committee when I shared the forecast position and that the Budget Reserve had already been exhausted. In fact, it was exhausted some weeks ago, now.

I will be making a more detailed statement on the overall position at the end of the month using the very latest financial information. This will ensure the States are fully up to speed ahead of the Budget Report being published in early October and debated a few weeks later.

However, at this point I should also alert the Assembly that there has been one recent event which has had a material negative impact on the 2024 position. Whilst previous discussions with the banking sector highlighted that it was expecting improving profits in 2023 – largely due to the rapid increase in interest rates – there has been a material downward adjustment required to both the 2023 and 2024 interim assessments for *one* bank. This has had a combined material negative impact on States' finances on the 2024 position of nearly £16 million. This could not have been reasonably foreseen. But I think what it does do is it should assuage any accusations that we only get good news, this P&R only ever gets good news.

Strategy policy, development and co-ordination. The Committee has a range of responsibilities centred on facilitating and co-ordinating policy development. The States have resolved three strategic portfolios in the Government Work Plan and we will report more fully on these in our policy letter during Q1 next year. Nevertheless, I would like to focus this Assembly now on the work ahead of it in the next eight months to hand over a programme of optimism and hope to the community.

And I would like to stress that we have to make decisions because our work is just the start; some of these decisions are highly strategic in nature and will take many years and multiple future political terms to see through to completion, but they are decisions we must make to set the necessary work in action. Such decisions are key to the provision of more affordable housing.

Mitigating flood risks has always been understood as a key enabler for the regeneration of the Bridge and wider St Sampson's area and has featured in the States' pipeline infrastructure programme for several political terms. Phasing this work will present a significant multi-term investment and, carefully planned, could present considerable opportunity when aligned with other strategic work such as the regeneration of the Bridge and harbours.

The Harbour Action Areas Local Planning Brief will be published in the coming weeks and will include a report that refreshes proposals for the wider east coast area based on the work of Royal Haskoning Flood Studies, which was considered by the States in 2013.

While the report will further highlight the challenges acknowledged by successive States Assemblies, it is important to remember that work is already in train to address them. For example, enabling protection measures for the well-recognised vulnerabilities of the Bridge area.

Moving on to housing supply and affordability, the Committee is looking to bring proposals to the States as soon as possible regarding Leale's Yard. There are a range of technical matters which need to be worked through and addressed by the developer and proposed manufacturer of the buildings. We are reliant on them to provide this information to move this forward and we are doing all we can to ensure that this information is available as quickly as possible.

The States have, in parallel, commissioned independent valuations of the individual apartments and the proposed investment purchase in full. This will help inform the negotiation and agreement of a final price. Discussions have taken place to progress the full range of commercial matters – such as warranties and guarantees, parking provision, payment profiles, and so on. The purchase price remains to be finally negotiated. I cannot say more at this stage for normal commercial reasons. I am sure the States will understand those in detail.

Housing remains the immediate top domestic priority and we are primarily directing our resources on those land areas already identified for housing allocation to push forward the build programme.

The Committee responded to the Development & Planning Authority's proposals to amend the Island Development Plan by considering how best to utilise land already owned by the States both for homes and associated employment industries. There are many factors and interdependencies in play to ensure enough homes for Islanders.

There is not one single solution and this is why the Committee has supported and resourced with staff the approach established by the Committee *for the* Environment & Infrastructure through

125 the Guernsey Housing Plan. It is pleased to see this work is now subject to its first annual report and policy letters on specific elements will follow. However, implementation of the various levers will take further time.

As an example of how the Policy & Resources Committee is working to make a difference, the construction sector has for some time noted a lack of suitable staff accommodation as a significant challenge for the industry. The States' Property Unit has been working with States' Procurement to develop the concept of a contractors' village, as was successfully delivered for the Airport works. This village, or even villages, would provide much needed temporary contractor accommodation to help assist with the States of Guernsey capital delivery programmes. A shortlist of suppliers has been identified and work is ongoing to develop proposals, costs and timescales for a number of sites, which the Committee hopes to consider soon.

The Committee is determined to continue to futureproof the digital and technical capabilities of the States of Guernsey, which will feature within the corporate 2025 budget submission.

Madam, let me close by reflecting on the unique insight I have across many areas of Government by virtue of my position as President of the Policy & Resources Committee. Yes, we have many difficulties, but these are not unique to our shore. In some places the demographic pressures are already far more severe – a warning perhaps of what we could face if we are not smart, and do not take these issues seriously. But the pressures we are feeling are international trends and that is important to remember.

I have huge confidence in this jurisdiction, in the ability of Guernsey people to meet any challenge just as we have over our recent past with Zero-10 being a good example. Our economy bounced back from COVID more strongly than many predicted. GDP per capita is nearly £53,000 *per annum*, 50% higher than in the UK. Added to this we have very little in terms of 'national debt'. It is around 9% of GDP for 2024 and what we have is entirely responsibly structured. We continue to have an extremely low tax base. Someone on median earnings pays just £8,000 a year in taxes and contributions. We tax our population, relatively, less than the UK, less than France, less than Jersey and less than the Isle of Man.

So, in summary, despite local challenges, regional challenges and global challenges we are nonetheless in about as strong a position as any small jurisdiction could hope to be in. But be in no doubt, these are some of the most difficult times we have faced in recent history and now is the time our Island needs us, as their representatives, to make the hard decisions for our future prosperity. I do not believe this Assembly will abrogate those responsibilities.

Madam, I am grateful for the opportunity to make this statement and look forward to answering any questions.

The Deputy Bailiff: Thank you Deputy Trott.

Before we commence questions, Deputy Leadbeater, do you wish to be relevé?

Deputy Leadbeater: Yes please, madam.

The Deputy Bailiff: Thank you.

Deputy Taylor.

Deputy Taylor: Madam, in a media release dated 26th July, P&R provided their comments relating to the boundary dispute at Fort Richmond, which had arisen as a result of the States of Guernsey's failure to appropriately clarify a boundary prior to the sale of said fort. The justification given by Policy & Resources was that:

... the States considered, on the basis of formal assurances, that the adjoining landowners would be willing and capable of agreeing any boundary exchanges to suit their specific requirements following completion of the sale.

Now, whilst I have not yet had the opportunity to speak to representatives of Bembridge Ltd, I can categorically state that the Allez family have never given any such assurance, whether formally or informally. I would therefore like to know on what grounds the Committee made such an inaccurate and wholly misleading statement?

Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Madam, I do not believe for a moment the statement was inaccurate or misleading. This would have been constructed by the States' Property Unit, they would have taken the relevant advice from the Law Officers, I would assume. But certainly, they would have had knowledge of the correspondence that took place prior to this conveyance. So, whilst my friend Deputy Taylor is keen to use emotive language of that type, I utterly refute that anyone was misled by the States' Property Unit.

The Deputy Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, madam.

I am sure many of us will be keen to understand the progress on the development of Leale's Yard and the Chief Minister touched on it in his update. But we have already missed a deadline for the policy letter because of due diligence and investigatory works about the technical difficulties Deputy Trott described. Could he update us some more, please, or further, on what is happening with the development at Leale's Yard and the negotiations with the developer and how or where the public money will be invested?

Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Thank you, madam.

This is a most welcome question and one that was clearly anticipated so I have taken the time to construct a few notes. The States are working with the developer of Leale's Yard, which holds the options on the site, and not with the Co-op, which owns the land. The States are providing all professional support at its disposal and are funding an experienced and highly respected independent reviewer to ensure technical and financial risks associated with the project are mitigated and managed.

The team has been working with the developer to address a list of technical matters raised by the independent reviewer. In parallel, independent valuations have been sought to help inform the commercial negotiations. A series of meetings have been held with the developer to resolve a range of commercial and legal matters in recent weeks. It is a fact, however, that progress has been slower than anticipated, in my view, frustratingly slow.

The Policy & Resources Committee has written to the developer recently to confirm outstanding matters and a route to their resolution before it can take forward commercial negotiations and bring forward a policy letter. Recent correspondence with the developer enables me to remain hopeful that we will bring a policy letter to this Assembly, a States' Report to this Assembly, during the final quarter of 2024.

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, madam.

The President told the Assembly before Christmas that his Committee would make inquiries to discover who, among the senior civil servants, knew about the overspend at the PEH and when they

225 knew it. Deputy Trott told us at that time he expected to be able to report back by March. Can the President please update us on the progress of his enquiries?

The Deputy Bailiff: Deputy Trott.

230 **Deputy Trott:** The independent report by Advocate Thornton has been published. The independent report made a number of observations. It concluded, though, that by and large the procurement process that the States of Guernsey undertakes is fit for purpose and that there are ways of improving the governance structure to make it even better.

235 However, he also concluded that the behaviours of certain people involved with the project could not be explained, well they were inexplicable, and were, in his view, rare in nature. In other words, there is no accounting for certain human behaviour.

He concluded that those people who had since left the Civil Service, some of their own volition, were in his independent view, exclusively responsible for the lack of information flow and that no other employee of the States was culpable.

240 **The Deputy Bailiff:** Alderney Representative Snowdon.

245 **Alderney Representative Snowdon:** Thank you, very much. Could I just thank Deputy Trott for the update with Alderney Runway? However, could I ask a bit more detail, as I thought the debate was going to happen by the end of this year and now it seems to be going onto June next year? Can we see a timeline for the Alderney Runway debate and hopefully some options taken forward and are there any updates for the PSO in this political term or will that be in the next political term? Thank you.

The Deputy Bailiff: Deputy Trott.

250 **Deputy Trott:** There are two questions there. The first is that we, as I made clear in my Statement, the Policy & Resources Committee, remain in waiting for confirmation from the States of Alderney whether they are able to procure any funding to assist in the extraordinary funding gap that exists. We have had no such correspondence back at this stage. That is a key component of the States' Report that we would be bringing to the States.

255 We are not responsible for the negotiations, ongoing negotiations, at contractual level. That is a matter for my friends and colleagues on the States' Trading Supervisory Board. So in many respects we are in a position where we are waiting for a number of pieces of information to come our way. We will do our best to bring it back as soon as that information is available.

260 I noticed that the States of Alderney did not have enough on its agenda to meet this month. I was surprised at that when clearly this is a matter of very high significance and importance and a matter that I would have thought the States of Alderney would have enjoyed debating.

The Deputy Bailiff: Deputy Prow.

265 **Deputy Prow:** I thank the President for his Statement.

Madam, may I ask why hasn't the reform of Government initiative yet come to the States? An update on its progress, I believe, would be very welcome.

Thank you, madam.

270 **The Deputy Bailiff:** Deputy Trott.

275 **Deputy Trott:** Again, I too welcome this question, because I noticed the matter was in the media this morning. The Reshaping Government Subcommittee reported to the Policy & Resources Committee this summer. The Committee was disappointed that, despite the efforts of all involved,

it did not prove possible for the subcommittee to reach consensus on a way forward, meaning that no significant changes can be recommended to the States at this time.

280 In light of this, the Committee wished to avoid taking up the valuable time of the Assembly in debating a report that will not lead to any substantive change. Further, it notes that it is within the gift of the States' Assembly & Constitution Committee, to take proposals to the States that, if approved, have the potential to improve the States' decision-making process.

Our Committee would endorse the prioritisation by SACC of any such work, ideally to be carried out before the end of this political term.

285 So, madam, owing to the need to prioritise significant policy and legislative matters in the final year of this political term, the Committee has decided not to schedule anything for debate by the Assembly at this time but will review its decision later this year, once there is a clearer picture of future Propositions for the remainder of this term.

The Deputy Bailiff: Deputy Dyke.

290

Deputy Dyke: Thank you, madam.

I thank the Chief Minister for his presentation, except the bit about a £16 million black hole. On the subject of housing, the States owns a huge amount of property in its land bank, of various types; a huge amount. It has been buying up in recent years several other major sites from the private sector. Could the Chief Minister possibly give us some indication as to when some of these sites might be brought forward, either for States' housing, for private housing, for joint ventures, or indeed for anything.

295 I recognise the efforts they are making on Leale's Yard and hope that goes somewhere. But that will not be the end of it. Could he perhaps also address two specific points. The subject I keep going on about because I know the cost of not having it, is nursing accommodation. Can plans now come forward on one of the sites around the Hospital, for nursing accommodation, given the massive costs that are incurred because of the inability to –

300 **The Deputy Bailiff:** Deputy Dyke, can I remind you, you have one minute to ask a question and you have already asked two so far in that one minute.

Deputy Dyke: Sorry, I will forget the last bit, then.
Thank you.

310 **The Deputy Bailiff:** Thank you.
Deputy Trott.

Deputy Trott: Madam, I want to rattle off just a few statistics in answering this question, because it is an important one. The key message of the Guernsey Housing Plan is that the market failure issues in the Island's housing market, are wide-ranging and cannot be considered in isolation. I think we all accept that.

315 The gap between the number of granted planning permissions and constructed dwellings is part of the issue. So there are plenty of permissions but nowhere near enough development. There are long-lasting, systemic unaffordability issues with an unsustainable divergence between prices and income. Things are too expensive.

320 And private rental prices are unsustainable. In 2021, the average monthly rent was £1,817, or 56.2% of median earnings. Twice what our consultants believed as sustainable. We do not have enough social, rented housing, and we need to consider options for our ageing population, not just around our key workers, which was the importance of the question.

325 But the conclusion by everyone who advises on this is that there is no quick-fix solution. Targeting single areas alone will either not work or will be less effective than a co-ordinated plan. So plenty of permissions. You can take a horse to water, you cannot make it drink. We need to make

it as easy as possible for developers, for contractors, to build as many houses as quickly as possible and many of our actions are designed primarily towards that outcome.

330 **The Deputy Bailiff:** Deputy Mahoney.

Deputy Mahoney: Thank you, madam.

335 Following the news that the Head of Public Service was stepping down at the end of this term, could the President please confirm whether a selection panel will be formed or, if it has already been set up, could he name those members of that panel and then confirm to the Assembly what the selection criteria for each of those members was?

Thank you.

340 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: Yes, I can do that. I will start by saying the selection panel has met. I will deal with the membership in a moment. It has produced a shortlist from a very long list. We had a good number of applications. Later on this month that selection panel will meet and will make a recommendation to P&R. So things are underway.

345 The current Chief Executive has confirmed, I am extremely grateful to him, that he will ensure that there is a period of handover, a sufficient period of handover once a successful selection has been made.

350 The selection panel consisted of a man with enormous experience of the public service, having had a career in it, and a man who was very nearly the choice of this Assembly to be Chief Minister, Deputy Prow. The Vice-President of the Policy & Resources Committee is on the selection panel, as is Deputy Burford, not only because we were eager to have someone from the Scrutiny side of the States but also for gender balance and, lastly, the man who is the second longest serving Chief Minister in the modern era, Gavin St Pier.

355 It was a group of people that worked extremely well together – I am sure they would all confirm that individually – and I am delighted at the way in which that group is performing so far.

The Deputy Bailiff: Alderney Representative Snowdon.

360 **Alderney Representative Snowdon:** Thank you.

Could I just ask for clarification, which I think is important and I am sorry if I missed it, but will we be having any sort of tax plan coming back before the end of this term and what will the options be? Or will P&R not be bringing anything back? I would be quite interested, obviously, with the deficit and everything.

365 Thank you.

The Deputy Bailiff: Deputy Trott.

370 **Deputy Trott:** That is the easiest one of the morning because there will be a lot of tax proposals, including those that affect Alderney specifically and directly, in the Budget, which will be published on October 7th. Plenty of opportunity for all Members to consider it in detail before we debate that document in early November.

The Bailiff: Deputy Vermeulen.

375 **Deputy Vermeulen:** Thank you, madam.

It was a year ago I brought an amendment, seconded by John Dyke, to look at installing EMAS at Guernsey's runway. In a recent sentiment survey in the Island, there have been two, one by

Guernsey Finance and the IoD, connectivity has been the number one concern to the Island. Is P&R prepared to look at getting detailed quotes, controlled by P&R, and revisit that EMAS option?

Thank you, madam.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: The answer to that, Deputy Vermeulen will be aware that I supported his amendment, I am increasingly of the view that the EMAS proposal is a good idea. I am not sure whether there will be time for the States to consider it again this term. However, there might be. I say there might be because the States is going to be asked to make some key decisions around how we fund infrastructure. We simply do not have enough money to do the essential infrastructure improvements that are necessary.

If the States agrees with P&R that such funding is essential then there will be an opportunity to consider whether EMAS should form one of the priorities that additional funding enables.

The Deputy Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, madam.

For the avoidance of doubt, can Deputy Trott confirm that he personally, or the Committee, by a majority, have seen the formal assurance from the Allez family that is allegedly held by the States' Property Unit and was referred to in the Committee's media release, dated 26th July?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: I cannot recall having seen it personally but I have, as do my colleagues, a sufficient confidence in the leadership of the SPU to be confident that the information we have received is accurate.

I do not want the Assembly to consider that answer as odd. The demands on the Policy & Resources Committee, that has met on average for over 10 hours a week dealing with the Budget preparation matters throughout August, are such that there has got to be an element of trust in the delegation that is given to officers on matters that, whilst of significant importance to the Allez family and the owners of Richmond Fort, are of less significance, in terms of the big picture assessment of matters that we have had to deal with.

The Deputy Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, madam. Good morning.

At this moment in time Alderney is like Guernsey and we are suffering from connectivity problems and a review is going through that. The question I am asking to P&R is because they are responsible for our PSO so that should be asked that way. What I would say is what is being done to protect our runway at the moment? It is in danger of closure and we have got local people who are trying to access the Hospital and they cannot access the Hospital for absolute months on end because of the lack of connectivity through that PSO not being adequate. Can you tell me, will you be looking at that in the future or would you welcome our own review from our stakeholders?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: The PSO – which I believe is inappropriately named, it should not be a public service obligation, it should be a public service agreement – is under States' Resolution, as I understand it, to be halved, in other words to drop from a maximum of £2 million to £1 million.

430 Those discussions will be taking place during the course of 2025. I see my friend from Alderney shaking his head, Alderney Representative Snowden. I can only tell you what I believe to be true.

If that is not the case, but clearly the pressures on public finances are so large that the States is going to have to consider whether a £2 million ongoing subsidy, specifically and exclusively to air links to and from Alderney, is appropriate at a time when I remind our friends from Alderney that
435 they already receive, on average, a £5,000 per person *per annum* contribution in excess of the taxes raised in Alderney towards the cost and expenses of running services in that Island.

The Deputy Bailiff: Deputy St Pier.

440 **Deputy St Pier:** Thank you, madam.

This time last year, Deputy Trott's predecessor in response to a question from me, the same statement that Deputy Trott has given, they gave a response in good faith in relation to Leale's Yard, that he said, 'Let us assume that the building structure is what we want, then it will be built within the life time of this Assembly and therefore people should start paying rent at that particular time.'
445 So we are talking about the next 18-20 months and then it would start to give a return. That is the aspiration.

In light of what Deputy Trott has told the Assembly this morning, is he – given the priority to which he and his Committee attached to housing – in a position to give, is he willing to give, an aspiration as to when Leale's Yard will finally be built out?

450 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: Again, I am grateful for this question. Let me say at the onset I offer no criticism whatsoever to the aspirations that the previous Policy & Resources had towards Leale's Yard. I
455 myself gave a television interview not long after I got the job, saying that I genuinely believed, from what I had seen put in front of me, that the bulldozers could be on the site by the end of this year, preparing the site for development. So I think it was perfectly legitimate for the previous Committee to have those hopes and aspirations.

What has transpired is that there are enormous complications associated with the site and
460 currently there is not even an appropriate planning permission for where the developer would prefer to build this accommodation. So there are challenges with regard to planning permission on top of everything else.

But the real stumbling block is the importance of ensuring not only value for money for the taxpayer but also that all of the safety requirements, particularly around fire risks and the issues that
465 are essential in order to ensure that the development can be appropriately insured, are met. All of these things are deeply frustrating.

So to answer your question, I would say that it could be as late as 2026 before development commences. It is not what I want to say. It is not what you want to hear. But it is the honest answer that Deputy St Pier was hoping for.

470 **The Deputy Bailiff:** Deputy Mahoney. We will do another two questions and then we will close question time.

Deputy Mahoney: Thank you, madam.

475 In the President's reply, or non-reply, to Deputy Parkinson's question, re the senior officers and the report findings, he noted, whilst he was talking of the senior officers involved in this matter, that, and I wrote it down, some left of their own volition. Is he therefore saying that some did not leave of their own volition and were therefore dismissed by the States?

480 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: We have a longstanding convention, madam, and I know that Deputy Mahoney is a clever man, he is well aware of this, we do not comment on matters of this type. There may be legal reasons why we cannot but we just simply do not do it. I do not intend to break that convention.

But what is important and I shall underscore the message, is that no one who currently works for the States was considered by the independent reviewer to be culpable in any way, shape or form. That should be very reassuring to Deputy Mahoney, as it is to me.

The Deputy Bailiff: Deputy de Lisle and then Deputy Cameron.

Deputy de Lisle: Thank you, madam.

In light of the £16 million corporate disappointment and the fact that our Budget is in preparation, will the Chief Minister fully consider the plight that the public are facing with inflation and over-inflation, really, increases within the Island and consider a Budget for the people rather than one feather-nesting the state body?

The Deputy Bailiff: Deputy Trott.

Deputy Trott: The second easiest question of the morning, madam. Yes.

The Deputy Bailiff: Deputy Cameron.

Deputy Cameron: Thank you, madam.

While there has been good progress in upgrading the IT infrastructure within our Education Department, other departments have seen little to no improvement, causing extreme frustration for our Civil Service and our wider community. We are now half way through the Agilisys contract; could the Chief Minister provide an update on the percentage of States' departments still awaiting the promised operational efficiencies from upgraded digital technology? Additionally, is the Chief Minister confident that the remaining Budget is sufficient to deliver these improvements?

Thank you.

The Deputy Bailiff: Deputy Trott, two questions for the price of one!

Deputy Trott: And neither can I answer in detail. That is an example, with respect Deputy Cameron, that advance notice of that type of question would have resulted in a far more detailed answer. But what I can say is that the relationship with Agilisys is actively managed. Deputy Murray attends partnership meetings with them. A review of the current contract is at early stages, reflecting experience and feedback from the PwC recommendations and whilst no decisions have been made on the long-term approach after the 10-year contract expires – and this is a really important message to underscore – the working relationship with Agilisys is of the type where matters can be discussed openly and constructively.

By that point, the organisation will be in a fundamentally different position and future arrangements will need to reflect this. So things are moving along and the relationship with Agilisys, a warts-and-all relationship, is constructive.

The Deputy Bailiff: Thank you, Deputy Trott.

Members, if you wish to remove your jackets, you may.

**General update –
Statement by the President of the Development & Planning Authority**

530 **The Deputy Bailiff:** I will now invite the President of the Development & Planning Authority to make her Statement.

Deputy Oliver: Thank you, madam.

535 I am pleased to share with you the progress the DPA has demonstrated particularly with the focused review of the IDP. The DPA has a statutory duty to review the IDP and follow the prescribed stages of the planning inquiry process to propose any changes. The scoping of this work on the employment and housing land supply began in 2023, including the review of the controversial policy GP11.

540 The Assembly's strong support in zero-rating the policy and the Committee's proposals to remove policy GP11 and ensuring we have a land buffer to enable homebuilding, meant that alternative planning policies were needed to ensure provision of land for affordable housing was made, resulting in the proposals to allocate six additional sites. The sites chosen were informed by the outcome of the call for sites. A very limited number of sites came forward where landowners were willing to allocate their land for affordable housing.

545 The DPA then published its proposals for the revision of the IDP, which entered the planning inquiry stage, an independent process managed by the Committee *for the* Environment & Infrastructure and led by an independent planning inspector. We are grateful to Islanders and stakeholders for sending in their comments with nearly 500 representations received.

550 We received many different views from Committees and stakeholders, especially around the deliverability of some of the housing sites, such as Belgrave, increasing the percentage of private market development on sites bought by the States for affordable housing and changing industrial land zoning.

555 This would have a significant knock-on effect on land supply for affordable housing being proposed, more time was required to enable proper assessment of those representations and further targeted consultation, including areas where there are contrasting views. Rather than leaving this until later down the line, we agreed with the planning inspector that the best time to do this additional work would be now. Once we have carried out this work, next year, Islanders will again have the opportunity to have their say on any amendments to the proposed changes to the IDP.

560 Any changes that were originally proposed by the DPA will be published as part of its responses to the initial representations in January. If there are significant changes, the inspector has indicated that this would mean that the initial representations stage in relation to these areas of change would need a re-run. Although it would be the responsibility of the inspector to determine what is deemed a 'significant change', this could potentially include any changes to site allocations for housing.

565 Following the potential re-run of the initial representations stage, there would be an opportunity for further representations to be made on the two phases of initial representations received. My Committee has worked very hard at trying to complete this focused review this political term but we are equally keen to listen so that we get it right and it will now spill into the next political term. It would be the newly constituted DPA who would respond to these further representations after the General Election, including any changes to the plans.

570 Although this is about ensuring the future land supply for the next five-year period and ensuring the right changes are made to the IDP, this does not stop development coming through existing IDP policies and housing allocation sites. At the end of last year there were full permissions in place for 360 private market housing units to be brought forward with an additional 233 under construction at the time.

575 We have worked closely with the planning inquiry team and the planning inspector and are very grateful for their flexibility and support to ensure that we can conclude the initial representations stage before handing to the next DPA.

By the time this focused IDP review is handed over to the next Assembly, it would have been over two years since the process started and this was supposed to be a focused review only. It is very clear to my Committee that the current IDP review process is too cumbersome to enable the States to respond in time to emerging priorities and demands of our economy and community.

This is why we are continuing with the parallel workstream, looking at the Planning Law, Ordinances and Regulations to identify options to streamline the process of amending the future IDP. The aim of this is to ensure that we can facilitate a more responsive, proportionate approach when changes to planning policies need to be made, which will stand future States in good stead.

The second major project, on which we are making good progress, is the Local Planning Brief (LPB) for the Harbour Action Areas. The DPA has agreed the draft LPB which will set out the proposed planning policy framework and approach for development proposals within the two Harbour Action Areas of St Peter Port and St Sampson's.

The DPA has also been liaising closely with the Guernsey Development Agency which is tasked with bringing forward developments within those areas. The draft LPB supports the objectives of the GDA and the DPA is keen to see the exciting and ambitious ideas for regeneration taken forward within the proposed policy framework.

We propose to publish the Local Planning Brief on 17th September. This publication will also signal the commencement of the inquiry process, the provisional dates are as follows: initial representations, 17th September to 14th October; further representations, 4th November to 2nd December; inquiry hearing, week commencing 9th December

To support the publication of the Local Planning Brief and the commencement of the inquiry, we will be updating key stakeholders, including all States' Members around the time of publication. I hope to see as many States' Members as possible at that time.

I updated Members last year on the work on the proposals to address land, which is affecting the amenity of an area, also known as eyesore sites. Following States' approval of the policy proposals I am pleased to say that the legislation has been prioritised and legal drafting is now complete. The Committee will consider the draft Ordinance shortly. It is clear to me from representations to the IDP inquiry and other feedback that there are concerns about untidy sites and that the public want something done.

The DPA has issued development frameworks this year for St Martin's Hotel and at La Vrangue/Pitronnerie Road. The Vrangue site, in particular, will make a significant contribution to meeting the Island's housing requirements with a projected yield of up to 527 new units of accommodation on the potentially developable area of 7.52 hectares. Such a large development will need very careful planning to ensure it creates a successful and sustainable place. The approved DF therefore includes requirements for a masterplan at the outset along with open space, ecological and landscaping provisions.

Open planning meetings have been held this year to consider proposed developments at the former Quayside site at Northside and the former CI Tyres site in Charroterie, as well as at Longue Hougue. I am pleased that progress is being made for the approved retail and residential scheme for Quayside and adjacent historic buildings. My Committee was strongly in support of quality high-rise, high-density development at La Charroterie and we are pleased to see the revised proposals from the GHA, which make best use of its location within the valley.

The planning covenants associated with the outline planning permission for Leale's Yard were also signed earlier this year, which enabled that permission to be issued and the scheme to move forward to more detailed proposals.

The DPA has published revised supplementary planning guidance on ancillary or associated living accommodation units, which supersedes the old dower unit guidance and reflects a more flexible approach advocated under the current IDP. This will help support multi-generational living and enable the creation of ancillary units even outside of the centres.

We are carefully considering the right approach and balance for application fees going forward to reduce the burden on the taxpayer, including the allocation of overheads for the premises and

corporate services. The outcome of this work will be known early next year and may result in some adjustment and possible extensions to fees and charges for services within the DPA mandate.

In conclusion, there is much that the DPA has done and are still to do in the closing stages of this political term which is positive and of benefit to our Island community. I am proud of what we have achieved this term and extend my grateful thanks to the Committee and the officers who have all made such a vital contribution.

I regret that we will be unable to conclude the IDP review within this political term. However, there is simply not enough time to do this and do justice to the comments and suggestions that we have received through the initial representations of the planning inquiry. I do not want to rush it. I want it to be right.

Madam, I would be pleased to take any questions now.

The Deputy Bailiff: Thank you, Deputy Oliver.
Deputy Inder.

Deputy Inder: Thank you, madam, and thank you to the President for the update.

I note with almost joy that the DPA have actively reached out to the arborists and the tree surgery businesses of Guernsey. La Grande, La Ramee, have planning permissions to convert outbuildings to different classes. My contacts tell me that certifications of lawful use are being processed. Would the DPA agree with me, or would the President agree with me that this is an example of the Authority working with and for the small businesses of Guernsey? My final question will be is there any more that the Authority would consider to assist this voiceless group of important business men and women further?

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: I am going to really struggle to answer this because my brother is a tree surgeon and I have actually recused myself from everything to do with this. I am really pleased to hear those sites that have come forward and I think it would be best to allow the officers to respond to the States' Members.

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, madam.

It is clearly disappointing but I guess no great surprise that the IDP-focused review is going to run into the next term. But I am wondering if the President can advise the Assembly what consideration, if any, the Committee has given to the risk of the focused review running up to and indeed meeting the tenure deadline for the review of the entire plan, which of course is in 2026? I am interested to know what the Authority, what thought they have given to that?

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Thank you for that question.

It is upsetting but, as I said, I would much prefer to do this right than rushed and we have got to listen to what people have said and not just ploughing ahead with something where people have come up with really good ideas that I think actually need further investigation.

The previous plan, I forget what it is called now, actually ran an additional 20 years to what it was meant to. I think even more than that, actually. As long as we have got an updated plan it can continue doing; it does not just, at 10 years, that is it, it stops we need a new one; it can just continue.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you.

Deputy Ferbrache may recall that he thought the process of the current plan and planning restrictions were not fit for purpose in the last term. I was President then and five years have passed. I do thank Deputy Oliver for her work but my question is, have the representations some of us have
685 made to the focused review, will they have to be made all over again?

Because it would appear from her Statement the plan is to be revised and republished and the rebuttals, the counter-representations, the further representations, will not take place until the next tranche of representations are made. So I am unclear whether the further reps will be on the new, revised plan, or the representations I and the 500 of us have done.

690 When will there be an opportunity to make further representations on the existing 500 representations that respondents have already made in July?

The Deputy Bailiff: Deputy Oliver.

695 **Deputy Oliver:** We will be responding to the representations that have already been made and some of the things will change, some of them might stay the same. For instance, I cannot imagine there would be much change to any of the areas of biodiversity importance. So those representations will continue unless we actually extend some of the areas, which are some of the suggestions.

700 Where we have made suggestions, there is probably not going to be as much that you need to respond on. If you have already responded to something and we have changed it you can just make comment on the changed things. At the end of the day, it will be for the inspector to decide how it is actually run. We are still a little bit in the dark, inasmuch as we have not actually had time to look at the proposals, so that needs to be done first. We need to do the research and then we can come
705 back with a clear directive of what people actually need to do.

The Deputy Bailiff: Deputy Falla.

Deputy Falla: Thank you, madam, and thank you to the President for her update.

710 Could I ask, when the next round of representations is invited, will thought be given to simplifying the process to avoid some of the frustrations felt by those parties attempting to make representations this time around?

Thank you.

715 **The Deputy Bailiff:** Deputy Oliver.

Deputy Oliver: Yes, I can give assurance of that. We are extending the timeline, so people have longer to actually respond and the other thing that we are doing is we are in close contact with the inquiry team and they are looking at ways in which they can simplify the form. But please remember
720 it is still a statutory position, which you have got to go through. So there need to be certain questions to make sure that it complies with legislation.

The Deputy Bailiff: Deputy Queripel.

725 **Deputy Queripel:** Thank you, madam.

I was pleased to hear the President say that her Committee will be considering a draft Ordinance, relating to unsightly properties, shortly. To clarify, can the President please tell me will the DPA be laying a policy letter on that in front of this Assembly for debate?

730 **The Deputy Bailiff:** Deputy Oliver.

Deputy Oliver: No, it will be as all legislation is. It will not be a separate policy letter because you have already had the policy letter back, a year-and-a-half ago.

735 **The Deputy Bailiff:** Deputy Moakes.

Deputy Moakes: Thank you, madam.

Thank you also to the President for giving us that update. I want to start off by saying I believe all the Committees in the States who have a responsibility for housing are doing the best that they
740 can to deliver the housing that we need. However, would the President agree with me that we need better engagement between Committees responsible for housing and the key external shareholders, including the construction industry and the wider business sector and the wider community?

Does the President agree with me that setting up a housing sector forum would enable all of
745 these key constituents to sit around a table and consult properly, effectively resulting in better engagement, better communication, better consultation, better strategic planning and an opportunity to share best ideas and practices?

Thank you.

750 **The Deputy Bailiff:** Deputy Oliver.

Deputy Oliver: My Committee has delegated me to sit on that Committee and I do hope it will create better pathways of information. However, it does all depend on what the objectives are and I really look forward to actually seeing what those are. I am all for more stakeholder engagement
755 and I think one thing, me personally, is that a failure of the IDP really was that actually it should have been a Committee coming out, getting these meetings with stakeholders and actually seeing those things, rather than just leaving it to the officers and I will take accountability for that.

The Deputy Bailiff: Deputy Gollop.

760 **Deputy Gollop:** Further to my earlier question and one or two of the others, one of the things I know the DPA wanted to see before proceeding with the review was property owners coming forward with possible sites for development around the Island. Indeed, in the media this week, we saw one being suggested somewhere in the ... area, for example.

765 Will there now be an opportunity for owners and other stakeholders to bring forward potential sites for possible development or other uses at this juncture now, as a representation?

The Deputy Bailiff: Deputy Oliver.

770 **Deputy Oliver:** We are not going back out for the call for sites to say give more sites. But we have so many sites that came forward within the responses to the IDP that it was amazing. You would have thought we had never actually done a call for sites, which was very frustrating. Some of these were actually brownfield sites that just miraculously popped up here and there and it is very frustrating because we had the information from the call for sites and that is what we had. We had
775 really limited sites that landlords said they would be prepared to use for affordable housing and now suddenly we have got a lot more choice.

I am really happy in that but if anyone has a brownfield site next to the local centre, just come and speak to us and I am sure we can hopefully maybe accommodate something.

780 **The Deputy Bailiff:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, Madam Deputy Bailiff.

785 During one of the President's previous updates, I asked if the IDP review was going to recommend any extra local centres. Deputy Oliver replied in one word, saying, yes. It has not done so. Could the President just inform the Assembly why that is the case, please?

The Deputy Bailiff: Deputy Oliver.

790 **Deputy Oliver:** The whole reason why it did not have any more local centres was because with the SSHI Indicator, it tells us an indication of how many houses we need and within our main centres we actually had enough private marking housing available. So therefore we did not need a local centre to take up more green fields around that area so that is why there was no additional local centres.

795 **The Deputy Bailiff:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, Madam Deputy Bailiff.

800 Would the DPA be minded to consider about the future because Deputy Oliver says that she considers that the SSHI will tell us that we have enough available land within the current local and main centres for our current housing needs but our population is growing and we have also not included the key worker accommodation in the SSHI figures as well, which I think will be around 700, just by Health & Social Care. Would Deputy Oliver not think that it would be prudent for planning for the future to look at extra local centres in this review?

805 **The Deputy Bailiff:** Deputy Oliver.

Deputy Oliver: So, the original, what we did do, we added a buffer of 15% for private market housing and 25% for affordable housing. With this delay we are also in close contact with the Environment & Infrastructure, to try and make sure we get the SSHI new figures and hopefully use those going forward.

The Deputy Bailiff: If there are no further questions for the President I will say thank you very much for those.

**General update –
Statement by the President of the Transport Licensing Authority**

815 **The Deputy Bailiff:** I turn, then, to the President of the Transport Licensing Authority to give his Statement.

Deputy de Lisle: Thank you, madam.

820 The duties and responsibilities of the Transport Licensing Authority are limited to the determination of applications for air route licences. Under the *quasi*-open skies policy approved by the States, a Guernsey air transport licence is only required by airlines that operate routes that are designated as lifeline routes and these are the Alderney route, the Gatwick route and the Southampton route.

825 I can report that no applications for Guernsey air transport licences have been received by the Authority for any of these lifeline routes since the last statement. Members will be aware that Aurigny has experienced operational difficulties this year. As I have said, the responsibilities of the Authority are limited to matters relating to air transport licensing and therefore the extent to which the Authority could engage with Aurigny is confined to the licences held by the airline for lifeline routes to the UK, that is London Gatwick and Southampton.

830 The Authority held meetings to consider this issue, including a joint meeting with representatives of the STSB and Aurigny in order to determine whether the airline had complied with the conditions of the licences that it holds for those routes when services were affected. I can confirm that during the periods that were reviewed, Aurigny had complied with the licence conditions.

835 Blue Islands also operates services on the Southampton route in addition to Aurigny. In order to get a full picture of activities on that route, the Authority has also engaged with Blue Islands regarding the services that it provides and is satisfied that it has also complied with the conditions of the licence that it holds for that route.

840 For the avoidance of doubt, under the current air transport policies, only lifeline routes require an air transport licence and therefore the Authority had no mandate to review services on any other routes.

The Authority has asked both Aurigny and Blue Islands for additional information on the services that they provide on UK lifeline routes and it has also asked to set up a regular reporting arrangement with the airlines.

Thank you, madam, and I will take questions.

845 **The Deputy Bailiff:** Thank you, Deputy de Lisle.
Any questions? Deputy Gollop.

850 **Deputy Gollop:** I thank Deputy de Lisle for his statement and for being a loyal member of my Committee when I was President and for being my successor when I had to move on. I am grateful for the assurances that he has given.

My question is whilst his Committee have been proactive in looking at air issues in performance of their mandate, have they had any additional correspondence they could share from consumers or other stakeholders as to their views on air transport licensing, or has that not been an issue? Has there been feedback to the Committee, either collectively or individually as to the way forward with their role on air monitoring?

The Deputy Bailiff: Deputy de Lisle.

860 **Deputy de Lisle:** Thank you, Deputy Gollop. for that question.

We have not had that type of dialogue, which I understand has been directed more to STSB, to Aurigny directly, rather than through the Committee itself.

865 **The Deputy Bailiff:** Thank you.
Deputy Vermeulen.

Deputy Vermeulen: Thank you, madam.

Can I ask the President under what particular set of circumstances you would revoke one of these licences on these lifeline routes?

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

875 **Deputy de Lisle:** I thank Deputy Vermeulen for the question. That of course is a difficult one. The powers available to the TLA are limited to those that are set out under the Air Transport Licensing Law and it would have to have reasonable grounds to exercise those powers. Before doing so it would have to consult, not only with Economic Development and STSB but also St James' Chambers and withdrawal, of course, of the licence is quite nuclear and would withdraw services from the Gatwick and Southampton routes.

880 **The Deputy Bailiff:** Thank you. If there are no further questions to Deputy de Lisle, that will close the questions to the President of the Transport Licensing Authority.

**Update on the Electronic Patient Record Programme –
Statement by the President of the Committee *for* Health & Social Care**

The Deputy Bailiff: I ask Deputy Brouard, as President of the Committee *for* Health & Social Care, to give his Statement under Rule 10.

885 **Deputy Brouard:** Thank you, madam.

I am grateful to you to allow me to update the Assembly on one of the Committee *for* Health & Social Care's most complex programmes, the Electronic Patient Records programme (EPR).

890 Members will be aware that implementing a new IT system in a health and care environment was always going to be a challenge and this is evidenced in other jurisdictions. In my May statement I advised that it was likely that the Committee would need to extend the go live date for the first stage into 2025. I also noted that further work to understand the implications of this change, including the potential impact on costs, needed to be understood.

895 From the most recent review, it is clear that it will take longer and will cost more should the scope of works and rigour remain unchanged. The current budget for the programme is £17.31 million, which was reduced on best advice at the time, from an original cost envelope in May 2020 of around £20 million. This will now need to increase to around £22.2 million to complete the programme. The currently agreed funding envelope with an optimism bias of only 2% is in hindsight far too low for such a complex IT programme.

900 The implementation period for the first stage is now forecast to be by the end of June 2025, with further stages complete by end of June 2026. The timeline has increased because of the inherent complexity of the programme, and this in turn has resulted in additional costs because there is more work to do than originally anticipated. Some examples driving costs unforeseen in the business case, amount to around £4.9 million.

905 The original premise for this programme was that we would be able to recruit the necessary skills required to deliver the whole programme but this has proven to be a challenge, as Members will be aware from the additional information on EPR provided to them in April 2024. We have been unsuccessful in attracting all the staff with the requisite skills and experience and hence we have had to employ those within private consultancies to ensure the successful completion of this
910 programme. Approximately £1.8 million of the increased costs result from having to rely on external agencies.

We are working with our partner, Agilisys, to progress the additional engineering and programme management works needed around the data centre/IT infrastructure which will cost an estimated £0.6 million. And lastly, extending the programme team and use of external suppliers
915 over this longer period, is estimated to add approximately £2.5 million.

Some of these figures are subject to change and commercial negotiation, and there is an element of contingency costs built in. There are similarities with the Our Hospital Modernisation Programme phase two in that they are both large, complex programmes and they were always going to be difficult and challenging to manage.

920 We now find ourselves in a difficult position having made the decision to replace the old system, which will not be fully supported in the future and which cannot deliver the required benefits, in a limited marketplace and, being subscale, we have little choice but to continue with the modernisation. The Committee has looked at alternatives but none are palatable. We do not wish to reduce the testing or reduce the scope for fear that we will not get the benefits of this digital
925 transformation.

The Committee received this information on 13th August and we have kept Policy & Resources Committee fully advised, updating them at their meeting on 27th August. We will of course keep the Assembly advised and we will be working closely with Policy & Resources Committee regarding the funding issue.

930 Thank you, madam, and I will take any questions.

The Deputy Bailiff: Thank you, Deputy Brouard.
Deputy Gabriel.

935 **Deputy Gabriel:** Madam, I am absolutely astounded and flabbergasted that we have not got financial control of a large project, the EPR jumping up from £17 million to £22 million that is, in my crude maths, about 30%, and we found out about it on 13th August. Admittedly, perhaps after Deputy Brouard is here today showing his workings, but why haven't we got control on capital projects?

940 **The Deputy Bailiff:** Deputy Brouard.

Deputy Brouard: I appreciate the frustration from Deputy Gabriel. It is only compounding my own frustration. The programme itself is really complex and one of the major parts of it was that we were going to be able to recruit staff locally to do so. That has just proved, in this marketplace, not possible, so that has added on well over £2 million to the cost because we are not having to use people who are in consultancies and therefore that comes at a higher cost.

945 But the amount of work also, when people have gone in and actually started to do the work, it is very complex. There are so many moving parts in this and I think if anybody has had experience of IT projects they can be very complex, especially to do them in a live environment and we cannot make mistakes with this, that is the other part of it. The Trak Care that we put in about 10 years ago, 12 years ago, which is the one we are replacing, they had enormous problems after implementation because they did not do the work up front. I am not where I want to be but I am where I am.

The Deputy Bailiff: Deputy Ferbrache.

955 **Deputy Ferbrache:** Madam, I commend Deputy Brouard for his update. I know from working with him that he is one of the most conscientious States' Members and leading a very difficult Committee (**A Member:** Hear, hear.) and we have got to do the job properly. That is really what he is saying. It is going to cost another £5 million or £6 million.

960 But following on from Deputy Gabriel's point, we are hopeless. Nearly every project goes miles over and we are told by people that we pay lots of money to that the cost of so and so is going to be such and such. We had the Alderney Runway, which Deputy Trott has quite properly alluded to in his update earlier this morning, up from £24 million, which is what I told the Assembly when I was President of P&R to £36 million, £37 million. We have now got Deputy Brouard saying this another £5 million – it is probably going to be £6 million, £7 million, £8 million by the time it is finished because we will find when we open the envelope that there is another bill that we have to pay.

965 We need to be able to get a grip. Deputy Trott has also told us today that we have got £16 million less in revenue. He has explained that. I did not ask any questions today because he is going to give an update on that later in the month and that makes sense when he can come up with more figures.

970 When is this Assembly going to realise that we are under-resourced, we do not have the requisite level of talent to do all the projects that we want and we have got to take active steps to get money in because we are going to have bills to pay?

975 **The Deputy Bailiff:** Deputy Ferbrache, can I urge you to ask your question. You have gone over your minute.

Deputy Ferbrache: Thank you very much, madam. I apologise and I am finished now.

980 **The Deputy Bailiff:** Was there ever a question?

Deputy Ferbrache: No, I just wanted to say what I wanted to say!

The Deputy Bailiff: Right. Deputy Gollop, would you ask a question?

985 **Deputy Gollop:** Yes. I am tempted to speak too.

Following on from Deputy Ferbrache my question is really in two halves. Deputy Brouard has explained to P&R and I thank him for that. My question is can he be sure that the major stumbling block of recruiting and retaining on-Island based talent will be resolved to expedite this project and can he ensure that the project will involve stakeholders across our medical and therapy professions to maximise the expensive but useful benefits of this, so that we will have all providers, including one day all therapists, GPs, residential homes, all taking advantage of what should be a game changer?

995 **The Deputy Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, Deputy Gollop, for your question.

The assurances I can give are as good as the last person who gave them to me. We do have to trust our professionals. That follows on, really, from Deputy Ferbrache's point. We rely on the professional people advising us, we ask them the questions, we go through with rigour to make sure that what they are telling us is correct at the time. Until matters improve that we are better at this, unfortunately this is the result and I agree with Deputy Ferbrache that we do need more funds coming in because some of these projects are expensive but they were always going to be expensive projects.

1000 I think, Deputy Gollop, your second part of the question was regarding the use of the facilities once they are up and running. That is all part of what the system can do but there are further modules, i.e. to add on doctors' surgeries or to add on St John Ambulance, but all that will take more work, more planning and cost.

1005 These are there and they will need to be done as we try and make ourselves more efficient because, with the demographic timebomb coming through, we need to make sure that every part of our Health Service is working at the right place. So somebody may not need to come to the Hospital if they can be seen by somebody at St John Ambulance, or go and visit them, but they need access to the data records, they need to be able to access the laptop to be able to know the history of that particular person, especially if they have collapsed or they are lying on the floor or whatever.

1010 Yes, you are absolutely right and this is one of the enablers. But we need that infrastructure, we need the service centres and I think anybody would be blind if you had not realised some of the issues –

1020 **The Deputy Bailiff:** Deputy Brouard, you are now –

Deputy Brouard: ... we have had with IT. Thank you.

1025 **The Deputy Bailiff:** Members, could I ask you to show a little bit more discipline with both your questions and your answers? The Rules are clear. They are your Rules. You wrote them and it is my job to enforce those Rules. So one minute for questions, one-and-a-half minutes for answers. And if you put two questions, I am afraid I am going to be more disciplined and simply cut off the second question, if you try and put two into one, which is also an increasing tendency.

Deputy Gollop. Sorry, Deputy Inder, you were first up.

1030 **Deputy Inder:** Thank you, madam; and, Deputy Brouard, thank you for the update. I will try and keep it short. In a previous statement from the President of the DPA, Deputy Leadbeater mentioned a figure now of 700 staff required. That at an average £50,000, that is £35 million a year. Where are these 700 people going to come from? How are we going to pay for them and where are they going to live?

1035 **The Deputy Bailiff:** Deputy Inder has just asked three questions! (*Laughter*) Deputy Brouard, you only need answer the first one.

1040 **Deputy Brouard:** It is not 700 staff. We do have substantial vacancies at the moment which are being covered by agency staff and also by our existing full-time staff also working over time, which we are very grateful for them to do. But you will, and we will and I will, as a community, going to need more health staff if you want to be looked after on-Island. With the demographics coming through, there will be more people over 50, over 60, over 80, every single year we go forward and they will require more health care.

1045 That is just the inevitability of it. So we need to make sure we have that provision. I will plug it again. One place that we can unlock some ability to get permanent staff is by building on the Hospital campus some key worker accommodation, which also takes the pressure off the Local Market, which we also want to thrive and grow.

1050 **The Deputy Bailiff:** Thank you.
Deputy Trott.

Deputy Trott: Thank you, madam.

1055 Can I ask the President if he understands and agrees with me that it is important that we make clear to the Assembly that it is by no means certain that the additional costs can be afforded within the funding currently available for the portfolio. It is not a straight forward approval for the Policy & Resources Committee and either changes in scope, reduced funding elsewhere in the portfolio or seeking additional overall funding from the States may need to be looked at. As a consequence, the comments that Deputy Ferbrache made earlier about we must do something to increase our revenues in order to pay for these essential construction projects is more prescient now than at any other time in our recent history?

The Deputy Bailiff: Deputy Brouard.

1065 **Deputy Brouard:** I absolutely agree with Deputy Trott. My move to Damascus moment was when I went on Health and just saw the size of the issues that we have got facing us and hence I was quite happy – well, not quite happy – I was prepared to go for a GST if necessary, because I think, overall, Islanders would rather have the services than not have the services.

I lost that debate but Deputy Trott is absolutely right. These will come around again and again until we have the gumption to actually resolve them.

1070 **The Deputy Bailiff:** Deputy Dudley-Owen.

1075 **Deputy Dudley-Owen:** Thank you. I do want to express my gratitude to the President for coming to this Assembly with this update, but it is scrutiny on the hoof to suddenly give us this information. I would have been more grateful for a Members' presentation so that Members could have allowed this information to be absorbed and to formulate proper questions for consideration at this time. However, does the President feel that his Committee have been able, truly, to apply sufficient oversight to these very large capital projects during the time that they have been in office this term?

1080 **The Deputy Bailiff:** Deputy Brouard.

1085 **Deputy Brouard:** Yes, I think we have and we have a substantial number of professionals working on it. Hence we are able on this particular board to bring it to you, to the Assembly, in very short order. There is the Programme Governance Board, on the EPR, there are also then four major sub-boards underneath that, which are also supplying information and keeping everybody

informed. There is the Clinical Governance Board, there is the Change Management Board, there is the Data Migration Board and the Contract Oversight Board. All professional people, all working to ensure that this contract moves ahead.

1090 Unfortunately, and I can only say it as it is and as I see it, it is more complex than was first envisaged. The resources to overcome that complexity have been scarce and hard to find and then we have got on top of that, the infrastructure challenges, which everybody who has used IT in the States for the last three years will know pretty well.

1095 So those are the challenges. We do have all the persons in place and of course we have a new programme director since earlier this year, helping us through this.

Thank you.

The Deputy Bailiff: Deputy Dyke.

1100 **Deputy Dyke:** Thank you, madam.

I thank Deputy Brouard for his presentation to us. I do not know if he could comment whether he thinks we have, in the context of his data computer project, is there some sort of systemic procurement issue that he can see, in that it appears that this project has been defined inadequately from the outset in that, if we are finding more complexities as we go along, one would have hoped that sort of thing would have been flushed out at the beginning of the contract, so that we know where we are going?

As part of that, could he also comment –?

1110 **The Deputy Bailiff:** Sorry, Deputy Dyke, you can ask a second question, you have still got time. But you have asked a first question. I am now being very strict about the one question.

Deputy Dyke: Alright. Thank you, madam.

The Deputy Bailiff: Deputy Brouard.

1115

Deputy Brouard: Yes I am slightly in agreement with Deputy Dyke. The complexities were not fully ironed out at the very beginning and that is something that we found, as they have gone through the project, those complexities have caused more work and with that work we have then been having difficulties with the resources to manage those complexities that we have then found. That is part of the picture and part of being part of the problem.

1120 It was always going to be a challenge. We are a very small purchaser of these systems. We do not have the scale that they have in the UK, so we have had to buy software, etc, that is almost not quite unique, we are copying what Jersey have done so we have had the benefit of their experience but we do not do these projects often enough to have that experience and be able to retain it in house. That has been one of the difficulties.

1125 This is once every 12 years we do this and we basically then start from scratch with new staff and new people. I think with the best of intentions they were slightly optimistic at the very beginning, hence, once we have actually got into the meat of it, we have discovered that the complexities are there and therefore the complexities have added to the cost to it.

1130

The Deputy Bailiff: Deputy Fairclough.

1135 **Deputy Fairclough:** Thank you, madam, and following on from Deputy Dudley-Owen's question, as I continue to try to understand and grapple with our procurement process, could I ask the President of Health & Social Care, who was responsible for setting the original optimism bias and contingencies for this project, please?

The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: I am sorry, Deputy Fairclough, I do not have a name for that person but I can certainly ask our staff where that optimism bias, when that came in.

Following on from Deputy Dudley-Owen's question, if any States' Members, because some of this is sensitive material because we are having to work live with contractors – we have many contractors that we are working with live – if any Member wishes to come to us with a question or visit us at our offices, we would be very happy to have those conversations. We can be a little bit more candid than I can do in an open forum of the States' Assembly.

Thank you.

The Deputy Bailiff: Deputy Parkinson. I will allow the 15 minutes to go on a little longer.

Deputy Parkinson: Thank you, madam.

The previous Electronic Patient Records system was a complete failure and could the President please explain why it was possible that we went into this project not understanding the complexities of it and how difficult and costly this would be?

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you. There were many lessons learned and Deputy Parkinson is absolutely right, it was a very difficult time with the previous one. That is why we are trying very hard not to make the mistakes of last time. We are not going to cut through any of the testing. We have to make sure it is right.

Unfortunately, the complexities that have been revealed on the systems now have been greater than those who were professionally advising the boards at the time. So I have got no more vision on that. But we are determined not to make those mistakes, having a system that was failing and very difficult to work with on day one.

We need to make sure we have all the staff on board, we need to make sure, one of the benefits of this system is that it will unlock some of the data so that we could be a bit more efficient in how we deliver the services, which eventually will help to keep the costs down as we go through with the demographic changes that we can see ahead and the complexities of medical procedures, which are just getting more complex.

You are partly right, Deputy Parkinson. They could have picked up more, I am sure, but that is why we are trying not to repeat all the mistakes of the past.

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam.

Following on from the question from Deputy Fairclough and also my question earlier, Deputy Brouard mentioned a 2% optimism bias. Politicians oversee the figures, they scrutinise them and they scrutinise them in Committee. The optimism bias figures will have come to the political board at some time. Why didn't anyone from the political board pick up on the lowness of that particular figure for a project of this size?

The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: Thank you for that question. As I referred to in answering Deputy Fairclough, I will come back to you in written form on that particular point.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Thank you, madam.

1190 Is the President of the Health & Social Care Committee aware that whilst the optimism bias was only 2.2%, there was a £1.7 million costed contingency reserve, contingency amount, which enabled those recommending the procurement to the political Committee to suggest an optimism bias of that size?

1195 **The Deputy Bailiff:** Deputy Brouard.

Deputy Brouard: Deputy Trott is right. There was a reasonable contingency on the original £17.31 million. I cannot remember off the top of my head what figure it was but 1.7 seems to ring a bell. So that was also built into the project.

1200 Thank you.

The Deputy Bailiff: Deputy Ferbrache.

1205 **Deputy Ferbrache:** Madam, bearing in mind your very helpful and correct stricture, there is just one question to say to Deputy Brouard. Why was this only realised as late as 13th August?

The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

1210 It was flagged earlier in the year, around Easter time. I have not got the exact date. From that point, knowing that there may well be an issue, it was then a matter of ensuring that we understood exactly what that issue was. How it was made up and of course the project, as I have already said about 15 times, it is complex, it has taken a while for the people involved, because they are also doing the day job, to put together all that information to project forward how the project will pan out.

1215 As soon as that information was available, I think it was 13th August it came to our board, and 27th August to Policy & Resources. Although we were flagged that there was an issue it then had to do the work to understand exactly what that issue was and what the figures attached to each element were. So that is how it was made up.

1220

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Thank you.

1225 Deputy Brouard stated that we do not do these big projects enough to actually become good at doing them, which is quite worrying. But with every mistake there is always things to be learned. Going forward, has your Committee actually learned what the problems were and do you think you have overcome them enough now to actually continue and stick with the price that has been stated?

The Deputy Bailiff: Deputy Brouard.

1230

Deputy Brouard: Thank you for the question. I think we do. The complexities have virtually all come out now. We have a new programme manager who has been in place since earlier this year. I think all the learnings have come out sufficiently well for us to carry on with the project. The difficulty, as Deputy Trott alluded to, is the finance is by no means certain and that is going to be a challenge for us as politicians: where we put our funding.

1235

But thank you for the question.

The Deputy Bailiff: Deputy Inder. This will be the last question.

1240

Deputy Inder: Deputy Brouard, in 2021, there was a press release went out that says HSC is one step closer to implementing new, My eHealth Record system. Without reading it all, it says an

extensive procurement evaluation process over the last 18 months has seen IMS Maxims named as a preferred supplier for underlying software. Is that statement now correct? Was it thorough? Was it extensive and why is it overspent? It is the same question-ish.

1245

The Deputy Bailiff: Deputy Brouard, you can answer the first question only if you want. I am going to be strict about this.

1250

Deputy Brouard: At the time, that was the advice that the Committee had. But, unfortunately, as they have gone deeper in and the clinicians have gone through all the different areas where we need to make the changes, this whole system is going to be an enabler, so there is quite a lot of work to do to make sure that we get the advantages of the system when it comes in place and that has added to the complexity.

But thank you for the question.

1255

The Deputy Bailiff: Thank you, Deputy Brouard. That will end the questions to the President of Health & Social Care.

Questions for Oral Answer

COMMITTEE FOR HOME AFFAIRS

Influx of foreign nationals – Changes to Population Management and Immigration Laws

1260

The Deputy Bailiff: We are now onto Rule 11 questions.
Deputy de Lisle.

Deputy de Lisle: Thank you, madam.

1265

There has been a large influx of foreign nationals with their families into the Island in the last year. What changes have been made to local population management and immigration laws to allow for this influx of foreign nationals and their dependants?

The Deputy Bailiff: Deputy Prow.

1270

Deputy Prow: Thank you, madam. I thank Deputy de Lisle for his question and in fact for his engagement with the Committee on the subject.

1275

My response is there were 228 dependant visa referrals issued in the 12 months prior to the introduction of the new policy in April 2023 and 209 in the 12 months after. There are a number of caveats in this data, which only serves as a starting point. The Committee has already directed officers to undertake a more detailed data review, which seeks to look at the distribution of dependants against specific roles to allow for any informed decisions against any roles included with the policy.

1280

Guernsey has become a less attractive proposition for EU nationals looking to work here. Free movement has ended. Living costs have increased and there is a lack of suitable accommodation. At the same time, the European economies that have traditionally provided a pipeline for migrant labour have grown stronger and provided better opportunities for those nationals in their own countries.

By removing the settlement issue, we have been able to open step roles to all nationals, to help businesses recruit from a global pool. As such, the demographic composition of STEP (Short Term Employment Permit) holders may change over time. However, it is important to remember that STEP holders cannot bring dependants with them and cannot live in the Local Market, other than as a lodger. They also now have to leave after three years.

It should be stressed that these changes were agreed by a majority in the States following the Population Immigration Policy Review, in October 2022.

Thank you, madam.

The Deputy Bailiff: Supplementary question, Deputy de Lisle.

Deputy de Lisle: Thank you.

Will the President of Home Affairs, Deputy Prow, agree that the new Population Immigration Policy Framework introduced far-reaching changes. It removed the five-year Medium Term Employment Permits, whereby the employer had to justify continued employment at the end of five years and a majority of roles previously granted Medium Term Employment Permits now receive Long Term Employment Permits, which are for eight years, and provide an immediate route to established residency?

The President has not mentioned the implications of these changes, of deep concern to the public. Can he please comment?

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, madam.

No, I do not agree at all. The MTEPs did not prove to be an effective permit. They created uncertainty and acted as a barrier to recruitment. MTEPs were therefore either changed to LTEPs, when they were aligned, or downgraded to STEPs when they did not. With respect to this change, it is important to note that MTEP holders were always allowed to bring dependants and were always allowed to live in the Open Market.

The reason why the MTEP never proved effective, if ever challenged, is the intended five-year cap was never applied to Brexit and COVID extension policy. Most employers were able to submit a compelling business case for an extension after four or five years of training and investment so they all ended up being converted into LTEPs anyhow. If a person has lived here five years, particularly with family members, as an MTEP allowed their case to remain on human rights grounds, irrespective of employment permit expiry.

We could not keep the non-aligned MTEPs for the same reason we had to reduce the STEPs. Settlement issues post-Brexit. So we had no choice. We effectively had a permit that had no teeth. All it did was create a barrier to recruitment because people would initially be reluctant to relocate because of its five-year cap. Also, there is not enough policy space between STEP and the MTEP roles so this allowed drift and created grey areas.

A simpler format now for employers and individuals, STEP –

The Deputy Bailiff: Deputy Prow, you have now gone quite over your minute-and-a-half.

Deputy Prow: I apologise, madam.

The Deputy Bailiff: Deputy Oliver, supplementary question?

Deputy Oliver: Thank you, madam.

I do apologise, I probably should have asked Deputy Prow this before because he might need to come back to me on this. How many medium term licences have reverted to long term and how many medium term licences have reverted to short term licences?

The Deputy Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Oliver for the question.

What the Committee has instructed officers to do is to look at all the surrounding data, which goes beyond what MTEPs ended up as STEPs and what MTEPs ended up as LTEPs and that is all part of the review. So when the Committee has that information and has digested it, I will make an undertaking to Deputy Oliver, in fact to the Assembly, that we will come back as we are actually mandated to do, with that review. But I repeat, these decisions were the decisions of this Assembly by a majority. In fact, only one Deputy voted against them.

Thank you, madam.

The Deputy Bailiff: Thank you.

Deputy Le Tissier.

Deputy Le Tissier: Thank you, madam.

I would like to ask the President, does the Committee have any plans to introduce a qualifying period for new residents before they become eligible for the whole panoply of benefits provided by the States of Guernsey?

The Deputy Bailiff: Deputy Le Tissier, I am afraid that goes considerably beyond the answer to the question, so you do not have to answer that, Deputy Prow.

Deputy Blin.

Deputy Blin: Thank you, madam.

I would like to thank the President for the explanation. I have never been a proponent of supporting the removal of the MTEP because one of the factors is with the addition of the LTEP and the extended range within the EPP of jobs that include that, which is fundamentally larger and I would think probably the largest area reaches onto the hospitality side. But it does mean that all the individuals now, not only get to be LTEP, which in old school language is a 15-year licence, they are here with dependants and can continue for as long as they wish. This is not necessarily a net contributor to our economy or the tax and assets there. I appreciate everyone has their opportunity to build their life and do all the things they have but this openness –

The Deputy Bailiff: Deputy Blin, it would appear that the closer we are getting to the election, the ability of people to stick to the Rules that you have made in relation to questions is becoming tested. You have not actually asked a question and you have gone over a minute.

Deputy Blin: The question is, in all of this, is that we were told by quarter two, 2024, we would have the review. In the last Assembly we asked –

The Deputy Bailiff: Right, so what is your question Deputy Blin?

Deputy Blin: The question is, is this review going to come back possibly explaining this in all the detail as promised in December 2023?

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Yes, madam.

The Deputy Bailiff: Thank you.

Deputy Roffey.

Deputy Roffey: I will ask a single question but I will preface it with a comment. I do not understand what all these points about the medium term licence, long term licence, have got to do with the question because the question was to do with foreign nationals but those changes to licensing just as much apply to people in the Home Counties of the UK as they do for somebody from sub-Saharan Africa.

In relation to the actual question, my supplementary is, does the Home Affairs agree with me that citizens of third countries that relocate to Guernsey in order to help our community and our economy with the skills gap are doing a big favour to the people of Guernsey and they ought to be welcomed by this Government and made to feel welcome in our community?

Several Members: Hear, hear.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Roffey and I completely and utterly agree with him. Thank you, madam.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: I have got two questions. But I can only ask one at a time, I think. My first question is the changes that Deputy de Lisle possibly alludes to would not only have been considered carefully by Home and Population but would have been done in accordance, as Deputy Prow always does, with UK Immigration and Home Office best practice. Bearing in mind we have a new government of a different political colour, does he anticipate that some elements of work permits and visas may change in the next few months and will Home continue to monitor that?

The Deputy Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Gollop for that question and, yes, as has been made clear through all the process, we are Members of the Common Travel Area and, interestingly, both the new Home Secretary and the Minister for Migration have written around the strengths of the CTA and pointing out that there must be a commitment throughout all the Members of the CTA to comply with the visa requirements and so on and so forth and I can assure Deputy Gollop that responses will be going to the UK and Home Affairs are committed to the Common Travel Area.

Thank you, madam.

The Deputy Bailiff: Your second supplementary question, Deputy Gollop.

Deputy Gollop: It parallels Deputy Roffey's, which is: would the President of Home Affairs say his Committee and the Population Migration Office will only give licences to individuals, with or without families, if they are deemed to be necessary workers in either the public or the private sector, to support our economy or our community?

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Again, I thank Deputy Gollop.

Yes, this is an absolute fundamental. Visas are only issued and permits are only issued, whether they are issued on a short term basis or a long term basis if they qualify under the rules, they qualify under the policy and they are essential to help industry. That is taken as given. As I have explained in my response, short term permit holders cannot gain residency and they cannot bring in their dependants and they cannot live in Local Market accommodation.

Thank you, madam.

The Deputy Bailiff: Deputy St Pier.

1440 **Deputy St Pier:** Thank you, madam.

Deputy Prow will not be aware that following publication of the recent population bulletin I sought some data from the States' Statistics Unit that advised that for the year to September 2018, 3,687 individuals were regarded as having immigrated to the Island and in the year to September 2023, 3,266. So actually several hundred less than five years ago.

1445 My question, madam, is whilst the numbers have not significantly changed, the composition of the origin of those numbers has changed, directly as a result of Brexit and the changed source of labour that Deputy Roffey referred to in terms of it is actually now harder to obtain some of that labour from the European Union and that is the reason, whilst the numbers have not changed, there is simply some churn with the composition of those that are coming to us.

1450

The Deputy Bailiff: I did not hear where the question was but you can answer the question if you know where it was, Deputy Prow!

1455 **Deputy St Pier:** The question, madam, was whether Deputy Prow agreed with me it is a direct result of Brexit.

The Deputy Bailiff: Thank you.
Deputy Prow.

1460 **Deputy Prow:** Thank you, madam, and I thank Deputy St Pier for his question and for drawing the attention of the Assembly to those statistics. I would certainly agree that Brexit is an absolute fundamental major issue as to why we needed the Population Immigration Management Regime and in the review that we did and we brought to this Assembly, it was made clear that this is a fundamental shift in where we can now obtain the labour that we need.

1465 Thank you, madam.

The Deputy Bailiff: Thank you.
Deputy de Lisle, your second supplementary.

1470 **Deputy de Lisle:** Thank you, madam.

Yes, a fundamental shift you see and that is what we are talking about and the new UK government is concerned with respect to this because it engenders a global intake into the UK and into the Island from the rest of the world, not just the narrow perspective that we had formerly.

1475 My question: the policy was to be reviewed further, no later than the end of the second quarter of 2024, but nothing further has been forthcoming from the States' body, the Home Department; when can we expect a full review and a debate in this place with respect to this issue?

The Deputy Bailiff: Thank you.
Deputy Prow.

1480

Deputy Prow: I thank Deputy de Lisle for his supplementary question. I have made it abundantly clear in the update statements on behalf of the Committee for Home Affairs, that we will undertake the review we are committed to do. The Population Management and Immigration functions have been merged. They are under massive pressure from industry in delivering visas and permissions but they have been instructed to provide the data.

1485

In the questions asked by Deputy de Lisle, there are assumptions that are not correct and we need to look at the data and come back to his Assembly with that data. It is absolutely fundamental. I have made a commitment in my update Statement. I am making a commitment now today and it will happen.

1490 Thank you, madam.

The Deputy Bailiff: Thank you.
Deputy Roffey, your second supplementary question.

1495 **Deputy Roffey:** Thank you, madam.

Will the President of Home Affairs agree with me that there are a number of Members of this Assembly, I believe, who are incredibly uncomfortable with the subliminal messaging that seems to be going out that European immigration is good and non-European immigration is bad and we would like to be totally dissociated with any such thought?

1500

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Yes, madam.

1505 **The Deputy Bailiff:** Deputy Dyke, your supplementary question.

Deputy Dyke: Thank you.

I thank Deputy Prow for his answers and will certainly look forward to the data that he is referring to. I think it will be important that we see that. Obviously, when we invite people into the country, we should welcome them from wherever they come, but we do have to look at the cost benefit analysis, particularly when you get to the eight-year, long term licences.

In most jurisdictions, and this applies to long term and short term licences, if you go to live there for any reason, you will have to do health checks and if you do not pass, typically they will not let you in, and if you are bringing in workers, typically, in a place like, for example, the Cayman Islands, you will have to have medical insurance for them, so that they do not become a burden on society, immediately after they go there. That applies in many jurisdictions. I know we do not do that. Is it something that his department could look at?

Thank you.

1520 **The Deputy Bailiff:** Deputy Prow, this goes considerably beyond the answer to the original question. If you want to answer it, you are very welcome to.

Deputy Prow: Thank you, madam.

Certainly, the requirements for long term permits that end up in settlement are pretty much the same rules as apply in the United Kingdom. There are requirements around health in those visa applications and those are dealt with. The interesting question around health insurance and indeed perhaps other costs to the public, which they have not contributed to, was part of the Population Immigration Management Review but they thought outside of the remit of Home Affairs. So I would agree with Deputy Dyke that further discussion, wider discussion than Home Affairs, needs to take place, if I have understood the implications of his question.

Thank you, madam.

The Deputy Bailiff: Deputy Ferbrache, supplementary question.

1535 **Deputy Ferbrache:** Thank you, madam.

Bearing in mind that all Home Affairs are doing is implementing States' policy, would the President agree with me that, hearing some of the questions today, if the States are not happy with the policy they should bring proposals to change it, rather than asking these questions of the President?

1540

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, madam.

Yes, I would completely agree with that. Thank you, madam.

1545 **The Deputy Bailiff:** Any further supplementary questions? No. Thank you very much everybody.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

Periodic vehicle inspections – Implementation and requirements in Guernsey

The Deputy Bailiff: We will turn to the questions posed by Deputy Gollop to the President of the Committee *for the Environment & Infrastructure*.

1550 **Deputy Gollop:** Thank you, Madam Deputy Bailiff, and I thank Deputy de Sausmarez, who always engages with the question times. I have got three questions and maybe one or two supplementaries.

My first question is will a procurement contract with local motor industry providers for the periodic vehicle testing requirements of our membership for the Vienna Convention – misleadingly perhaps called by some people, annual inspections or a Guernsey MOT – be finalised by the end of this political assembly term in June 2025 or indeed by the end of this calendar year, 2024?

1555

The Deputy Bailiff: Deputy de Sausmarez.

1560 **Deputy de Sausmarez:** Thank you, madam.

After detailed discussions with local garages, our analysis indicates that there is capacity on-Island to deliver periodic vehicle inspections, which are a requirement of the Vienna Convention. There is also an opportunity for services to be diversified. The Committee will continue to develop the detailed requirements, in partnership with the local providers.

1565

The Deputy Bailiff: Thank you, are there any supplementary questions?

Deputy Gollop: Yes. In thanking you for what I guess would be the answer that periodic inspections will be done through local garages, can the President indicate that this will come to fruition for completion soon? Will there be action, really, say, by Easter of next year?

1570

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: I can certainly give Deputy Gollop and other Members the assurance that we are working to, we think, a realistic expectation, that it will be implemented next year. But I would have to caveat that with the fact that it does depend on the practicalities, which as I alluded to in my original answer, we are working through with industry and it also does rely, to some extent on the availability of legal drafting resource.

1575

1580 **The Deputy Bailiff:** Deputy Vermeulen, supplementary question.

Deputy Vermeulen: Touching on the President's answer there, the implications, is there actually rolling road facilities in Guernsey at present within these motor technicians' centres?

1585 **The Deputy Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: I am not sure to what extent that arises from the original answer. These are technical questions. I have not been involved in the technicalities of the discussion with industry but basically we are assured that the industry on-Island will be able to provide these inspections to the standards that are required through the policy agreed by the States and so, whatever equipment is required, we have been assured by industry it is perfectly possible.

Thank you.

The Deputy Bailiff: There are no more supplementary questions. Your second question, Deputy Gollop.

Deputy Gollop: Madam, the second question will contain a supplementary, perhaps along those lines. Will final implementation of the relevant periodic vehicle testing requirements coincide with the proposed 31st March 2028 States of Jersey implementation deadline?

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: No, Guernsey is not committed to the same timeline as our colleagues in Jersey and we hope to be in a position to introduce periodic vehicle inspections before 2028. We continue to progress this workstream, working with the local motor industry to enable the introduction of periodic vehicle inspections for all vehicle types at the earliest opportunity.

The Deputy Bailiff: Your first supplementary question.

Deputy Gollop: My first supplementary is the President has been and is committed, and the Committee, to progress this workstream working with the local motor industry, but indicated a block, perhaps, of legislation resource, which we on P&R look at amongst other things. What are the other blocks, because clearly there is something delaying this despite the willingness of several parties to work together? Is the President able to answer that?

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes, I think it is a mischaracterisation to describe these things as a block. I was merely alerting Deputy Gollop to the fact that legal drafting resource would need to be available. I was not suggesting that it was unavailable and would therefore be a problem. I would say that, actually, the workstream as it currently stands is not, to our knowledge, in any way delayed. Of course it was delayed relative to when we would originally have liked to start it. Unfortunately, that coincided with COVID and Brexit, which diverted an awful lot of the officer resource. This is not news, Members have been updated on that many times in the interim.

The workstream is now progressing, I am not aware of any delays. I was merely warning Deputy Gollop of some of the interdependencies.

The Deputy Bailiff: Deputy Dyke, supplementary question.

Deputy Dyke: Thank you, madam. I thank Deputy de Sausmarez for her answers to the question. My supplementary to follow up is will the arrangements for implementing the Vienna Convention be done at the most minimalist level so that local garages can provide the service as necessary, alongside their routine servicing, without expensive new equipment such as rolling roads, and will we not have to employ more civil servants to get involved with this? That is one question in two parts, madam!

Thank you.

The Deputy Bailiff: Thank you.

Deputy de Sausmarez.

1640

Deputy de Sausmarez: Yes, if Deputy Dyke had sat through the original debate on the Vienna Convention, first of all I should clarify the Vienna Convention goes beyond just the periodic vehicle inspections. The periodic vehicle inspections are one part of their requirements under the Vienna Convention.

1645

However, had Deputy Dyke sat through the debate on that he would be very well aware that actually the arrangements and agreements we had come to in respect of fulfilling the terms of the Vienna Convention are very much geared to the Guernsey scale and they are very much proportionate and actually I think some more of that will come out in the answer to Deputy Gollop's next question.

1650

To answer the second part of his question, yes, we absolutely are anticipating that this can be done in the most pragmatic and practical way and I think again some of Deputy Gollop's next question may well provide further insights.

The Deputy Bailiff: Any more supplementary questions?

1655

Deputy Inder.

Deputy Inder: Deputy de Sausmarez knows I did not support this when it came to debate and the reasons were made at the time. In her response to Deputy Dyke, I think it was, I think she said it would be done in the most practical and pragmatic way. Would she therefore agree with me the most practical and pragmatic way would be to do trailers that travel to the UK and Europe and anyone else with a Guernsey car that wants to travel to Europe and not punish people in Guernsey who have got no intention of ever using their cars to go to Europe?

1660

The Deputy Bailiff: Deputy de Sausmarez, that does go beyond the original answer. You can answer it if you want to.

1665

Deputy de Sausmarez: I think it is probably worth me just correcting a couple of the slightly more misleading elements, perhaps. The Vienna Convention is not just about the ability of Guernsey drivers and vehicles registered in Guernsey to go to other jurisdictions. It is also about reciprocal arrangements for other vehicles and jurisdictions' people to come here. It is not just about vehicles leaving the Island.

1670

I would also say that, yes, it is all about being proportionate and pragmatic, etc, and I think the proposals that the States have agreed are but, fundamentally, these inspections are to ensure a pretty basic level of vehicle safety so I think actually we should bear that in mind when we are talking about these periodic vehicle inspections. It is really, at the end of the day, just about ensuring that the vehicles on our roads, the ones that we live among, are as safe as the basic standard requires them to be. At the moment there is no such requirement.

1675

Thank you.

The Deputy Bailiff: Deputy Gollop, your third question.

1680

Deputy Gollop: Two supplementaries here. Question three: will further work and useful negotiation attempt to minimise cost and inconvenience to Guernsey car owners, especially those on comparatively limited means, which might involve adapting the French *Contrôle Technique* inspection test regime?

1685

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you.

1690 A meeting has been arranged with the local motor industry to present the draft proposals for periodic vehicle inspections and one of the discussion topics will be the cost of carrying out the inspections across all vehicle types.

1695 It is worth bearing in mind, however, that the regime agreed, as proportionate for Guernsey, under the Vienna Convention, is far less onerous and therefore likely to be far less costly, to car owners than equivalent tests typically are elsewhere. While our regime will apply the same safety standards, inspections will only be required once cars are five years old and subsequent tests required only once every three years. This is many fewer tests than would be required in the UK, for example, compared with the annual MOT requirements there.

1700 **The Deputy Bailiff:** Your first supplementary question, Deputy Gollop.

Deputy Gollop: In researching the French *Contrôle Technique* their regime appears to be the first test after four years and every two years. So Guernsey is clearly more generous than that. Does Environment & Infrastructure consider that the Guernsey test is proportionate to our road safety needs?

The Deputy Bailiff: Deputy de Sausmarez.

1710 **Deputy de Sausmarez:** I think the straight forward answer to that is yes but, perhaps more pertinently, the States has agreed that that is also the case. This was not E&I's design, this was something that was put to the States and the States agreed that that is what would be proportionate and appropriate for Guernsey.

The Deputy Bailiff: Your second supplementary question, Deputy Gollop.

1715 **Deputy Gollop:** I have often been interested in this because it comes up at road safety and Living Streets meetings but I specifically was approached by a constituent at one of the Island's shows because they were concerned that they had an old, classic car they used and they thought that the costs of MOT for that marque were expensive and they did not wish to travel much, if at all, and I reassured them that it would be proportionate. Will Deputy de Sausmarez, in view of the delay of this, try to minimise the cost to users of unusual, or average cars, rather than it being, as Deputy Inder implied, a financial burden for every road user?

The Deputy Bailiff: Deputy de Sausmarez.

1725 **Deputy de Sausmarez:** There are certain exemptions to the periodic vehicle inspections. In classic cars, I think that is defined as vehicles over 40 years old, are indeed one of those exemption categories so I think the example that Deputy Gollop used, whoever approached him need not be concerned on that front.

1730 Thank you.

The Deputy Bailiff: Deputy Le Tissier.

Deputy Le Tissier: Thank you, madam.

1735 In referring back to an earlier answer about the cost of the inspection in Guernsey, I think Deputy de Sausmarez either explicitly said or implied that it would be lower than other jurisdictions. I see in the UK, the maximum a garage can charge for an MOT, which I know it is not but it is exactly the same, is £54.85. Is that the upper limit for Guernsey, do you think?

1740 **The Deputy Bailiff:** Deputy de Sausmarez.

1745 **Deputy de Sausmarez:** I think Deputy Le Tissier has conflated a couple of things. The cost of the test itself is likely to be less in Guernsey for Guernsey car owners because we require tests very much less frequently than other jurisdictions require them. So if you were to take, for example, a 10-year period of car ownership, the number of tests that would be required in the UK would greatly exceed the number of tests that would be required in Guernsey and so therefore, because of that, it is likely that Guernsey car owners would pay less than people in other jurisdictions where the testing requirements are more frequent.

1750 **The Deputy Bailiff:** Thank you.
If nobody has any further supplementary questions in relation to Deputy Gollop's Rule 11 questions, we will turn onto the next matter. States' Greffier.

**Procedural –
Motion to re-order business**

1755 **Deputy Roffey:** Madam?

The Deputy Bailiff: Sorry, Deputy Roffey?

1760 **Deputy Roffey:** Would this be a good time to move the procedural proposal that I forewarned you that was going to be coming?

The Deputy Bailiff: Yes, that would be appropriate.

1765 **Deputy Roffey:** I would like to propose that we change the Order of Business so that the policy letter in the urgent Billet XV is taken immediately after the legislation, for simply the reason that it is an absolutely urgent matter and the consequences of it not being completed during this week would be very serious.

1770 **The Deputy Bailiff:** So, if I can just ensure that I have understood it, your motion is that it comes as the first item of Other Business.

Members, you have heard Deputy Roffey's plea that what is currently the last substantive item on the Order Paper, which is under the heading Billet d'État XV, be moved up the Order Paper such that it is the first item of Other Business before the P&R Committee's OECD Pillar Two Globe Rules item. Those who support the motion please say *Pour*; those against?

Members voted Pour.

1775 **The Deputy Bailiff:** That motion is therefore passed, almost unanimously. I am not sure we can call it that. That will move that item of business up to the first item on Other Business and therefore I will ask again the States' Greffier to read the next item of business, please?

Billet d'État XIII

ELECTIONS AND APPOINTMENTS

COMMITTEE FOR HOME AFFAIRS

1. Police Complaints Commission – Re-appointment of Member – Proposition carried

Article 1.

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "Police Complaints Commission - Re-Appointment of Member", dated 25th April 2024, they are of the opinion:-

1. To re-appoint Mrs Judith Soraya Watson as an ordinary member of the Police Complaints Commission for a further period of 4 years, with effect from the end of her current term.

1780 **The Deputy Greffier** Article 1, the Committee for Home Affairs – Police Complaints Commission – Reappointment of Member.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, madam.

1785 This policy letter seeks to reappoint Mrs Judith Watson, who is currently a respected member of the Police Complaints Commission, as an ordinary member of the Police Complaints Commission for a further four years. I would also take this opportunity to thank the Police Complaints Commission and all their members for all the hard work they do on our behalf and I ask the Assembly to support the Proposition.

1790 Thank you, madam.

The Deputy Bailiff: Thank you.

Does anybody wish to speak in general debate?

1795 No, in that case we will go straight to the vote and I hope everybody is signed in. You will see on your screens the Proposition. States' Greffier, would you open the voting on this, please?

There was a recorded vote.

Carried – Pour 35 Contre 0, Ne vote pas 0, Did not vote 4, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Dudley-Owen, Andrea	Haskins, Sam
Blin, Chris			Helyar, Mark	
Brouard, Al			Le Tocq, Jonathan	
Burford, Yvonne			Mahoney, David	
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				

Gollop, John
Inder, Neil
Kazantseva-Miller, Sasha
Le Tissier, Chris
Leadbeater, Marc
Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Moakes, Nick
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roberts, Steve
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

The Deputy Bailiff: There voted in relation to this Proposition, 35 Pour; there were 4 Members who were not in the Chamber at the time of the vote and there was 1 absent. I therefore declare that the outcome is the Proposition is passed.

Thank you. Next matter, please, Greffier.

LEGISLATION LAID BEFORE THE STATES

The Public Holidays (Visit of His Majesty King Charles III and Her Majesty Queen Camilla to Guernsey) Regulations, 2024

The Deputy Greffier: The Public Holidays (Visit of His Majesty King Charles III and Her Majesty Queen Camilla to Guernsey) Regulations, 2024.

The Deputy Bailiff: I have not received any attempt to nullify this, which is fortunate, since it has already happened! Thank you very much, would you kindly go onto the next item?

LEGISLATION FOR APPROVAL

POLICY & RESOURCES COMMITTEE

2. The King George the Fifth Memorial Playing Field Trust (Amendment) Law, 2024 – 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 King George The Fifth Memorial Playing Field Trust (Amendment) Law, 2024", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

The Deputy Greffier: Article 2, Policy & Resources Committee – King George V Memorial Playing Field Trust (Amendment) Law, 2024.

1810

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Just a few opening remarks, madam.

1815 The Law gives effect to a policy letter from August 2020, through which the Assembly agreed to modernise King George V Memorial Playing Field Trust (Guernsey) Law, 1985, in line with advice received from His Majesty's Procureur, although of course at that time she was Her Majesty's Procureur.

1820 The Law maintains the playing fields as an important community asset but simplifies the practical arrangements through consolidating the previous statutory and non-statutory trust into a single entity. Importantly, in doing so and in line with the original proposals, steps have been taken to make the necessary amendments, which would allow the commercial parts of the trust property, e.g. the KGV Clubhouse, to be used as security in the future, as well as revising the role of the Bailiwick within the Trust.

1825 Now, unusually, madam, the legislation includes the names of individuals and this reflects that the original 1985 Law is being amended and it still sets out the names of the original trustees and it is with that in mind that I primarily rose to thank, not only the trustees but indeed successive Bailiffs for their efforts over the years.

The Deputy Bailiff: Thank you.

1830 Does anybody wish to speak in the debate?
Deputy Dudley-Owen.

1835 **Deputy Dudley-Owen:** Thank you, madam, and thank you to the President for his opening remarks and actually it was a point, which I have just spoken to Deputy Prow about, the explicit naming of the individuals. Obviously, that makes it very clear about who the current trustees are but going forward, how do we remediate that and anonymise the role, so to speak? How do we take this forward, because it is rather unusual in legislation to have named individuals? How would it be intended to change that?

1840 **The Deputy Bailiff:** Does anybody else wish to speak in general debate?
No? In that case, Deputy Trott, if you would like to reply, you are very welcome to.

1845 **Deputy Trott:** The answer is I do not know and I feel reluctant to impose a question of that nature on His Majesty's Procureur, unless His Majesty's Procureur is in a position to answer that now. The question being why are the named individuals retained? Moving forward, why did we seek to modernise that matter at this stage?

The Procureur: Madam, I can clarify that for the States later on. My understanding is simply that we were following the original precedent and that was the instruction we had. But I can clarify it for the States later.

The Deputy Bailiff: Do you wish to reply any further, Deputy Trott?

Deputy Trott: No, other than to say that whilst the question is interesting, it makes no difference to the Law in that regard so my request to the States would be that this matter of legislation is passed and we await with interest the answer later.

The Deputy Bailiff: Thank you.

Members, you should have on your screens the Proposition. I will therefore ask the States' Greffier to open the voting, please.

There was a recorded vote.

Carried – Pour 37 Contre 0, Ne vote pas 0, Did not vote 2, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Helyar, Mark	Haskins, Sam
Blin, Chris			Mahoney, David	
Brouard, Al				
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

The Deputy Bailiff: There voted Pour, 37; there were 2 Members not in the Assembly at the time of the vote and there was 1 absence. I therefore declare the Proposition as passed, thank you very much.

1865

Next matter please, which is the new order, please, States Greffier.

Billet d'État XV

STATES' TRADING SUPERVISORY BOARD

1. Request to direct Development & Planning Authority to reverse its refusal of planning permission for temporary stockpiling of inert waste at Longue Hougue – Debate commenced

Article 1.

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Request to Direct Development & Planning Authority to Reverse Its Refusal of Planning Permission for Temporary Stockpiling of Inert Waste at Longue Hougue', dated 16th August 2024, they are of the opinion:-

1. In respect of the application for planning permission for the temporary stockpiling of inert waste material at the Longue Hougue land reclamation site, submitted by the States' Trading Supervisory Board on 23 February 2024 (Reference FULL/2024/0374), to direct the Development & Planning Authority, under section 76(7) of the Land Planning and Development (Guernsey) Law, 2005, to reverse its decision to refuse the application by granting planning permission in accordance with the recommendation and full reasoning, including recommended conditions, in the related Planning Application Report attached at Appendix 1B.

The Deputy Greffier: Billet d'État XV, Article 1, States' Trading Supervisory Board – Request to direct Development & Planning Authority to reverse its refusal of planning permission for temporary stockpiling of inert waste at Longue Hougue.

1870

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, madam.

The first thing to say is that the STSB would far rather not be in this position. This policy letter really is a last resort. We do not relish having to fight it out with another States' Committee on the floor of the Assembly and, frankly, we do not think it reflects particularly well on the States. But for reasons that I will explain shortly we felt we had no option but to appeal against the planning refusal concerned, in order to avoid very serious damage to Guernsey's economy.

Guernsey's Planning Law is quite explicit. We could not appeal to the usual planning tribunal, instead any appeal by a States' Committee has to come here to the States' Assembly and so here we are.

How did it come to this? Personally, I think maybe misunderstanding over the mandates of two States' Committees helped to create this ludicrous situation. The first of those Committees is the STSB and the second is the DPA. So let us start with the STSB and why we find ourselves in a position where we have no follow-on inert waste disposal site available and instead have to apply to stockpile, something which I stress we would far rather not have to do.

I know some have suggested that we are partly culpable in that failure to secure a permanent disposal site in time. But that is to misunderstand our role. We receive the waste and we dispose of it. And when it is necessary to identify a new site, we certainly participate in that exercise. Our participation is largely surrounding technical suitability, not subjective policy making.

Now that is still a major, important role and acting as the DWA, we do have statutory responsibilities in that respect. But in no way are we in a position to break the policy logjam that

seems to have come about. Sometimes I wish that we did have the sort of freedom to develop policy that Principal Committees enjoy but, on balance, I think it is right that we remain largely a doing Committee and what we do is determined by others, mainly by this Assembly.

1895 In this context I think it would be useful to revisit the last two exercises carried out to identify a follow-on inert waste disposal site once Longue Hougue was full. I will try not to dwell too long on the history but I think it is relevant in this case. The first exercise started nearly 10 years ago, in 2015, and that exercise involved the detailed analysis of 54 potential sites. Now 2015 was before the current Machinery of Government came into existence, so the exercise was led by the Public Services
1900 Department in partnership with both the Environment Department and Treasury & Resources.

It was not a quick process. It would not be, looking in detail at 54 sites, or possible sites. By the time it was complete, there had been a change in our government system. So when the E&I came back in 2017, they were the lead Committee, supported by the STSB, and the recommendation back in 2017 was that, after Longue Hougue was full, the next inert waste site should involve further land
1905 reclamation, this time at Longue Hougue South and that a full Environmental Impact Assessment should be completed on the site.

That was approved by the States in 2017, but so was an amendment asking that the original long list should be revisited and an Environmental Impact Assessment also be completed on another possible site, so that the States could be presented with two options.

1910 Eventually, a report came back to the States in 2020, once again recommending that, subject to completing its planning requirements, Longue Hougue South should be identified as the preferred site for Guernsey's next inert waste disposal facility. That was supported by the Assembly and it remains States' policy today.

Madam, the States approved something else that day. They accepted that because it had taken
1915 so long to agree a new disposal site, the likelihood was that it would not be ready in time for when Longue Hougue was full. Therefore, they agreed that to bridge that gap, inert waste should be stockpiled at Longue Hougue. That States' agreement was very clear and it remains in force today.

That political approval for short-term stockpiling was given despite the understanding at the time that the processes confirming Longue Hougue South as the next long term site for inert waste
1920 and in particular the planning inquiry that would be required, would be gone through in as timely a manner as possible.

In the event, that certainly has not happened. Not being, as I said before, at the sharp end of policy making – or not the sharpest tool in the box! – the STSB does not have perfect insight into why that is. I do not know, 100% for sure, what it is but our understanding is it is because a previous
1925 iteration of P&R felt that the States had identified the wrong site in Longue Hougue South and, as a result, no money was ever released for the required planning inquiry.

That is our understanding of the case. I am happy to be corrected today if it was wrong. If it is right, though, my only observation is wouldn't it have been so much better for those who felt that the States had taken a wrong decision in identifying Longue Hougue South, if they had brought the
1930 matter back to this Assembly and tried to overturn that decision rather than gumming up the works in a way that was always bound to lead to a metaphorical car crash?

This is a car crash, or at least a requirement to stockpile, which the STSB has been warning this Assembly about at every turn for some years now, in the hope that it would prompt some real action. In the hope that somebody would cut through this ludicrous policy logjam. So far, to little
1935 avail.

So we are where we are. The States' policy is that, subject to a planning inquiry, Longue Hougue South is the presumed next inert waste site. But that project has been stuck in the mud for years now and the existing site is full or will be within a matter of weeks. What a complete pickle. But I need to stress that the case of the STSB today in effectively asking the States to set aside the
1940 planning refusal of stockpiling at Longue Hougue, does not, and I repeat this, does not rest on asking Members to agree that Longue Hougue South should be the next inert waste disposal site.

I know that there are a wide range of views amongst Members on where our inert waste should actually go. Some agree that the existing States' policy, Longue Hougue South, is right. Others that

1945 inert waste should go to Les Vardes Quarry. Still others would prefer that it went into Longue Hougue Reservoir. Still more believe that it should go towards land reclamation at Black Rock, which is the area northside outside St Sampson's Harbour in front of the Vale Castle.

Or some more want the height of the existing Longue Hougue site across its entirety raised. And I have no doubt there are half a dozen other ideas yet to emerge. So much so that there is a real danger that we find ourselves back in the position that the Public Services Department was in when they started to compare a bewildering range of sites back in 2015.

1950 Madam, I am not dismissing any of these ideas. But what I am saying is they all have a common feature. None of them can possibly be ready before Longue Hougue is full in a matter of weeks. Firstly, they need technical appraisal. Secondly, they need political approval. Just because some people advocating them think it is a good thing to do, does not mean they have got political approval from this Assembly.

1955 Then they also need to go through a planning process and that planning element I imagine, will surely at a minimum require an Environmental Impact Assessment. In fact, just like the current preferred site, Longue Hougue, I presume they would also require a planning inquiry. Bear in mind using inert waste to effect a permanent change to Guernsey is inherently a far bigger planning matter than temporary stockpiling it could be.

1960 Once any site has been selected and approved and gone through all that planning procedure they will almost certainly require enabling works in order to adapt it and allow it to start actually taking inert waste. Sadly, this is not going to be a quick process, despite some very naïve claims to the contrary. None of these suggestions will avoid the need to stockpile at Longue Hougue, something which has already been agreed by this Assembly.

1965 How long will that need to be for? Sadly, I suggest probably at least two to three years with a fair wind. It is hard either to see any new site being fully approved and prepared any earlier than that. But I do need to spell out very clearly two things about how long the STSB actually wants to stockpile for. The first is that we want to absolutely minimise that period. Contrary to common belief, the STSB does not have a weird stockpiling fetish. We actually deeply regret the need to do so at all. It will involve extra cost and double handling, which we regard as money wasted. If Members reflect they will recall that we have been warning about exactly this for years now.

1970 Sadly, contrary to what some Members seem to believe, the STSB, as I have said earlier, does not remotely have a mandate to actually cut through the current impasse over inert waste. But what I do say is this. We will not stockpile one day longer than we have to. We are doing so reluctantly in the first place.

1975 So, if you set aside the refusal today and if you give the permission or if it leads to the DPA giving permission with conditions for stockpiling up to three years, we are not going to suddenly say we have got permission to stockpile for up to three years so we are jolly well going to keep doing so for three years. As soon as another site is ready, whether it is a permanent site or an interim site, we will immediately divert waste to it. Why wouldn't we? As I say, we have no fetish for stockpiling.

1980 I do have to correct another misunderstanding over our application in relation to duration. We did not, repeat not, ask to stockpile for a period of three years. Rather, we asked permission to stockpile a certain volume of waste in a certain profile. In discussions with planning officers we were asked and we confirmed that a facility this size, taking in the typical amount of waste coming through the gate, would likely fill up in two-and-a-half to three years. At that point, they suggested a condition that the stockpiling of new waste should cease after three years and that the site should be cleared within six.

1990 We did not object to that condition. Indeed we are trying to be as co-operative as possible with all parties throughout this process. For example, the original profile of the stockpile raised some concerns for the Guernsey Development Agency in that it could possibly compromise some of their plans for the future. So we completely adapted the application accordingly, which led to it receiving the full support of the GDA.

1995 Indeed, it is an unusual feature of this planning application that it attracted no opposition at all. No public concerns, No representations whatsoever. Not only none from the public but none from the various community groups who we know always monitor planning applications closely.

Indeed, it was so uncontroversial within our Island community that in some ways I am scratching my head over why the DPA chose it as a candidate for an Open Planning Meeting. But I am glad that they did because it was certainly fascinating to watch and to listen to and I hope Members have had a chance to read the transcript of the Open Planning Meeting, appended to this policy letter. If not, I would recommend they try to do so during debate as it is both gripping and at times quite revealing.

I started by saying that we had arrived at this situation because the mandates of more than one States' Committee have been misunderstood. The first was the STSB, which I have addressed, but the second was I think the mandate of the DPA and with the greatest respect I think that includes some misunderstanding of its own role by some of its own Members. Of course, the Members of the DPA are also politicians and, as such, they are entirely entitled to have their own subjective views over where Guernsey's inert waste should go. I have no problem with that. Why shouldn't they? They are Deputies, they have the right to do so.

What they are not entitled to do is to allow those political views to pollute the *quasi*-judicial consideration of individual applications. In those circumstances, their consideration, I contend, should be limited to the determining whether or not the application in front of them contravenes any planning policies.

For example, they cannot tell Mr Le Chemenon his application for a lateral extension to his bungalow is being refused because personally they think it would be much better if he put an extra storey on his property instead. They can only determine if the IDP permits that lateral extension or not. It is not different for the STSB's application to stockpile inert waste at the Longue Hougue. The fact that they as individual Deputies may prefer a different solution or a different approach to Guernsey's Inert Waste Strategy is utterly irrelevant, or it should be for their determination.

As the DPA they are determining the application before them and its acceptability against planning policies. It is notable that their expert planning officers advise that it did meet those planning policies in all respects. But they, by a majority, disagreed, as Members. Or did they? Did they really?

Because whilst it is quite true at the final refusal notice, which we received after a much longer wait than normal, did quote planning policies as the key reason for refusal, that is actually totally at odds with what was said around the table at the Open Planning Meeting by the three Members who voted against it. Again, I ask Members to read the transcript. It is quite clear that their motivation was preference for another approach.

I contend not at all a proper consideration with sitting in a *quasi*-judicial role as the DPA. Very much equivalent to telling Mr Le Chemenon that he stick another storey on his bungalow instead.

As it happened, none of those alternatives that were mooted were remotely achievable before Longue Hougue is full anyway but really I think that is a secondary point to the fact that I do not believe that should have been a consideration.

So Members we find ourselves in a very serious situation. One of which in my view goes far beyond politics and risks badly impacting on Guernsey's economy. How can we possibly tell the construction industry that we can no longer take their inert waste? And yet that is exactly where we are heading and really quite rapidly.

With this in mind, I phoned the President of the DPA after the decision, asking if they could possibly consider reconsidering their decision. She quite rightly told me that the Law does not allow that and I absolutely accept that. I sort of understand why, particularly in cases where people have made representations, reconsideration would have been taking away their rights.

So I said where do we go? We are in a ludicrous situation. She suggested we put in a revised application for a shorter period of stockpiling. I am not sure that would be passed because in the Open Planning Meeting it seemed the three Members were against the whole concept of stockpiling but also, as I said, we asked for an amount and a profile rather than a length of time.

But anyway, a smaller pile simply would not cut the mustard. Not only would it be irresponsible for the STSB to ask for a smaller scheme than we genuinely believed would be required, it would actually be quite deceitful. It would be an exercise in getting your foot in the door, saying, can we have 18 months please, knowing full well that at the end of those 18 months, it was 99% certain you are going to have to ask for an extension to keep going and possession being nine tenths of the Law.

We were not going to do that. We wanted to be frank at the beginning about what we believed was necessary. But, as they say, if that proves wrong and an alternative is in place earlier than three years, we will not stockpile for a day longer than we need to. Why would we?

So here we are. The States have it in its gift if it chooses to break this impasse and therefore bring great relief to Guernsey's worried construction industry. I urge you to do so but for practical and economic reasons, not in order to give the DPA a kicking. That is not our motivation in bringing this policy letter.

Indeed, I have a huge respect for the incredibly difficult work they do. Back in the day I did a tour of duty on what was then the IDC, so I am painfully aware of the almost impossible task they face. But I cannot help feeling that in this particular case they basically got their considerations wrong and in a way that will have profound impacts on Guernsey's economy as a whole.

Madam, I would have far preferred to have avoided today's debate but I simply could not. The economic impact is just too massive. I have no doubt that if this policy letter is rejected then the consequences would be extremely serious. I do not think the majority of Members actually want to see that come about so I urge them just to get on with what they must know is right and vote in favour of the Proposition before them.

The Deputy Bailiff: Who wishes to speak in general debate?
Deputy Gollop.

Deputy Gollop: Quick and powerful. I speak as an individual but I am also of course a Member of P&R and former Member of E&I and DPA.

I understand the reasons Deputy Roffey and the STSB are bringing this and think we have to support the STSB and Deputy Roffey entirely, not only for the reasons he has outlined but the economic development and sustainability of the Island's building sector and the arguments Deputy Roffey has also made publicly about the need for the building sector to be proactive, not just with housing but with the other key works, maybe the Hospital, to education to many other developments.

I usually, if I can, I go to the Open Planning Meetings but this one slipped my attention. For a start it was not on the proverbial Tuesday or Wednesday, it was a Monday afternoon, and it was in Sir Charles Frossard House, rather than at Beau Sejour. It came unexpectedly at the end of a busy month, a Royal month.

Therefore it caught me unawares, the significance of it. I actually have a certain amount of sympathy for the DPA, the tour of duty argument that Deputy Roffey mentioned, because I of course sat on the old Heritage Committee and E&I, ably chaired by Deputy Burford, and the Planning Committee when I worked with Deputy Oliver amongst others. I was aware perhaps of the contradictions of being a Member because we were, to use the phrase Deputy Roffey has used and, in the past, even some Bailiffs, we are acting – whatever it means – in a *quasi*-judicial responsibility and when politicians act as if they are more like judges, you tend to get a difficult outcome.

Because our goals are representing the people, representing and presenting ideas and developing policy and it has certainly become apparent more than ever this year that the current entity of the States' Trading Supervisory Board is a complex Committee because some of the time, as Deputy Roffey implied, is to a degree making policy, or at least guidelines, and other times it is a statutory authority; on other occasions it is a doing Committee implementing States' Resolutions, a bit like the States' Transport Licensing Authority is a regulatory body.

2100 The structure does not quite work. As Deputy Roffey has pointed out, you need a degree of co-operation on things like this, Policy & Resources, but particularly E&I and DPA. The problem DPA Members had in acting in a *quasi*-judicial way, they are given a choice which is not a choice. I remember being in that situation on other Committees. Legislation springs to mind. In the days when the Legislation Select Committee actually made decisions about sanctions, particularly when we were Members of the European Union, we would be given, by able lawyers and experts, sanctions that had come through from the EU or London and we would technically have to meet sometimes at short notice and say yes or no.

2105 But some Members would say, what would happen if we say no? The consequences were not clear but they were not good. Because it is like as they said in a film, we will make you an offer you cannot refuse. It is extremely difficult for Planning members too, sometimes, to refuse a matter or on what grounds they refuse because we can all remember members of Planning who would not agree with a decision because it went politically against the grain or against the view of their parish, when we had more of a parochial system, or the view of representatives. Or I would sometimes say I do not like that view on environmental grounds, for example.

2110 But that was not why we made the decision. The decision was often based on a narrow area of policy and Law. So I think there is an issue with *quasi*-judicial committees. I think there is also a broader issue, and I keep on mentioning it, I know Deputy Prow and others get sick of it, but a lot of these issues come out of our system of government and how we can end up in a situation where there is not a decision-making cabinet or environmental body that can cohere this so the DPA and the STSB and other Committees can all be at odds and a third party, like for example Economic Development or a Committee that is involved with building major works, can be adversely affected with nobody being wiser.

2115 We also have a situation that has developed over many years, whereby the planners and in particular the Planning Committee, meet at the Open Planning Meeting and the Open Planning Meeting is itself a topic we could go into. I was intrigued when Deputy Roffey said he had the transcript. I did not know they published transcripts and I think that would be very useful if they did but historically, although meetings were carefully minuted they were not broadcast, nor were you allowed to record them. But again I think that is a matter we could look at because I would think it would be better in future if they were completely recorded, a bit like the Scrutiny meetings are.

2120 Where I am coming from in this is over the last 15-20 years, we have created a system whereby the planning system is in a different department from other parts of our Government, so in a sense the five Members who are lucky enough to sit on the DPA can outvote the rest of the States. The only way to change that is either to change the structure of the Development Plan or the SLUP, also, as in this case, not exactly a nuclear option, but it is a powerful option, of the STSB actually bringing it back to the whole Assembly, where we act as a super planning authority, so the 38 or 40 of us will effectively trump the DPA.

2135 That is not an ideal process, both in terms of showing our strength as a Government and using our time wisely, but it is perhaps a necessary process on this occasion because I think the unforeseen consequences that came out of the decision, although I am sure very well meaning, would and could have an extremely negative impact, not just on our strategic planning but on the capacity of our economy and the building sector and the things we need to do. So I will actually support the STSB.

2140 Why I have spoken quite early is I would be very interested to hear, not in a judgemental way, the reasons why some Members of the States, especially those who made the DPA majority of that decision, voted the way that they did and why perhaps they really wanted a deferral rather than a cancellation and why that could not occur. And what we need to do as an Assembly to ensure that most, if not all of us are happy with the medium to longer term Waste Strategy and the arguments why we probably should use Longue Hougue rather than, for the sake of argument, Les Vardes Quarry.

I think this has given us at least an opportunity to vent those points and to listen to the perspectives and individual opinions of the Planning Committee members and maybe other political

2150 environmentalists as to why they went the way they did, although I do think we should unanimously support the STSB.

The Deputy Bailiff: Deputy Inder.

2155 **Deputy Inder:** I should only be a few minutes. I am going to go early.

We as Members received an email on 22nd July, at 5.23, from Central Coms, announcing that the planning application by STSB had been rejected. That was 5.23. By about nine o'clock that night, and I wrote the following morning to Members, I had received a call from one of the developers in Guernsey and I wrote to all Members: 'Dear Peter and Members of the STSB, I have been contacted overnight by a member of the construction industry expressing concerns at this decision and are likely to represent the views of the rest of the industry.'

2160 He explained that for groundworks on small or large sites, unfettered access to a storage facility is imperative and strongly expressed his fears that any restriction to dumping material will halt the industry overnight. His words. I said his words not mine. I think I went on to say would junior officers be able to explain when the site will now be shut to new material. I think there was a number of conversations. Deputy Roffey has expressed it is some time by Christmas this year, give or take.

2165 In those exchanges, like Deputy Roffey mentioned, there were a bunch of ideas that have come up. Deputy Roffey has made some criticism, which I am kind of getting a bit used to and a bit bored of actually, making some criticism of the former P&R but the only thing that is in policy at the moment is Longue Hougue South. Everyone knows where I am on it. I do not think it is ever going to happen. So it is not going in Longue Hougue South.

2175 Some people wanted Les Vardes and I think Deputy de Sausmarez in one of those exchanges said, please wait until the water strategy, for want of a better word, options that will be there and one of them may be Les Vardes. So, again, that has not been in front of the Assembly. Deputy Dyke mentioned Black Rock. Now in that I think he made reference to Deputy Helyar, it is in there, but with the greatest respect to Deputy Dyke, Deputy Helyar will not have seen what we have seen on the GDA. The only people that have seen the full GDA proposition are probably all members of the DPA, myself, Deputy de Sausmarez I believe and all members of P&R. So that is not in play.

2180 The only thing in play at the moment is Longue Hougue South, which has not got a bund around it. Black Rock, which we have only yesterday approved the draft of the policy letter, which has not been through this Assembly at all either, so that is not really an option. Les Vardes, I think Deputy de Sausmarez said there is a big old water strategy policy letter and in response she said she implored –

I will give way.

2185

The Deputy Bailiff: Yes, Deputy de Sausmarez.

Deputy de Sausmarez: I thank Deputy Inder for giving way.

2190 I was trying to figure out whether it was worth asking Deputy Gollop to do the same. There is a really important thing that is coming through from what Deputy Inder is talking about and what Deputy Gollop referred to and it is an important distinction to make. The difference between short term options and long term options.

2195 Really, what the STSB policy letter is about, what the planning application was about, was very specifically constrained to the short term stockpiling options and I think it is important that Members understand that is all that this policy letter and the planning application relates to. Not the longer term policy.

Deputy Inder is quite right. E&I will be bringing a policy on Les Vardes in the future but that is to do with the longer term options. It is an important distinction to make and I thank Deputy Inder for giving me the opportunity to do that.

2200

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Anyway, thank you for that, not interjection, I gave way.

The point remains there does not appear to be any other approved option at the moment. No one is filling in Longue Houge South at the moment because Longue Hougue South does not exist. The Black Rock is mentioned by a couple of members of the DPA; has not been approved by this Assembly and the policy letter is about to come, or within the next couple of months will come to the Assembly. And as Deputy de Sausmarez did say in those exchanges, she implored people who wanted Les Vardes as an option to listen to the policy letter.

There is no room to move. There is absolutely no room to move whatsoever. But I am sure elsewhere in debate we will hear that there is room for it. But right now, Deputy Roffey has basically confidently and competently put his argument together, right now as President of Economic Development, if it is the case that we are going to be closing the gates by Christmas, which is what Deputy Roffey is saying, why on earth –?

I will give way.

The Deputy Bailiff: Deputy Dyke.

Deputy Dyke: I thank Deputy Inder for giving way.

I would just say, and I will speak to this when I speak later, there are ways around this and there is no need to close the gates for the dumping of waste from the building sites. I will address that.

The Deputy Bailiff: Can I just remind Members, if you have not spoken yet, unless it is an actual moment you need to interrupt, it is much better for the debate if you simply hold fire until it is your opportunity to speak. I maybe should have said that to Deputy de Sausmarez as well. She has not spoken yet. She has got the opportunity to speak. Please use the give way Rule wisely.

Thank you. Deputy Inder.

Deputy Inder: I will give way. *(Laughter)*

The Deputy Bailiff: Deputy Mahoney.

Deputy Mahoney: Sorry madam. The reason I am asking is because whilst he is on his feet I would like some further input rather than him interrupting my speech and me giving way during my speech. He can perhaps answer that straight away.

This debate seems to be happening with certain Deputies having all the information and other Deputies not having any of the information. Black Rock is the first time I have ever heard this. Is there any information that can be shared from any of the Members of the DPA or P&R or anyone else that knows his stuff, that can actually be given to us because we do not know what the hell you are talking about!

The Deputy Bailiff: Deputy Inder.

Deputy Inder: I think, with Deputy Mahoney, that is actually what I said. In that email exchange, it was Deputy Dyke who mentioned Black Rock and possibly Deputy Taylor, reference Mr Helyar. The point is the only people who have got any inkling of what we are talking about is all the Members of the DPA, who have had the GDA presentation, myself, all the Members of P&R and Deputy de Sausmarez.

So that reference to Black Rock is entirely irrelevant. There is only eight or nine people who know what we are talking about. And, obviously, Deputy Parkinson has stuck his hand up, who along with Deputy Roffey, maybe he has seen it as well.

I thought I was going to be five minutes, unfortunately it has gone on – thank you Deputy de Lisle – my point is right now I will not be putting myself in that position as President of Economic Development – put any risk to the industry whatsoever. If it is the case that Deputy Roffey is going

2255 to close the gates himself, with a big padlock and a big key and say, I told you so, and I doubt the DPA are going to have any more information than Members of the STSB, I will be supporting this policy letter.

The Deputy Bailiff: Thank you.

That is a good time to adjourn for lunch, Members, so see you at 2.30.

*The Assembly adjourned at 12.34 p.m.
and resumed its sitting at 2.30 p.m.*

STATES' TRADING SUPERVISORY BOARD

Request to direct Development & Planning Authority to reverse its refusal of planning permission for temporary stockpiling of inert waste at Longue Hougue – Debate continued – Proposition carried

2260 **The Deputy Bailiff:** Yes, who wants to speak next in debate?
Deputy Vermeulen.

Deputy Vermeulen: Thank you, madam.

2265 I have got to say I listened to Deputy Roffey's speech with interest and it struck a few chords with me because over the years we have had many knockbacks from planning authorities, whether it is building hotels, golf courses or whatever, and many appeals as well. But what I did notice was that there was that offer made to Deputy Roffey, through the President of the DPA, come and talk to us. I never had that. In private industry it was not there.

2270 I asked how long or how quickly had the application been changed, how quickly that permission could have been given and it was virtually immediately, within minutes. It would have been done by now had that advice been taken. There is nothing frightening about Deputy Oliver and her Committee and I would have done that, even if it meant changing slightly what the original application was from the States' SB.

2275 Now I met last month with some builders, the Construction Forum. Deputy Sasha Kazantseva-Miller was with me on this occasion. We had a jolly good chat. On recycling they got quite animated, I have to say. It was good to be there. It was good to listen and it was good to learn what their views and their thoughts were. They purveyed them very politely and, quite honestly, quite frankly, there it was.

2280 They were disappointed with a number of things. They were disappointed that this was the only option. It was rung in my ears, 'Simon, this is the only option, the only place you could put refuse that we are being told.' They thought of far better sites on the Island that could be used, the Ronez Quarry, Black Rock, they seemed to know all about it, which the Development Agency must have spoken to them about, saying that they favoured using that area for land reclamation, using it for hardcore. So that was one thing. They were disappointed there were not any options and they cited a couple of places, which in their opinion it could have been and should have been for these reasons, madam.

2285 Their biggest bone of contention was the inefficiency of what we are currently doing now. The double handling. It was reflected in overly high charges. They think they are already being charged for the inefficiencies of the States and stockpiling it, knowing that it is going to have to be moved twice, again, to somewhere else.

2290 One gentleman mentioned that he had done demolition projects and the figures he had to pay for getting rid of this older property, which was being redeveloped, were eye-watering. Absolutely

eye-watering. So the Construction Forum were upset with the inefficiency of what we are currently doing.

So I would implore Deputy Roffey to open up discussions with the DPA in the short term and, immediately after that, look at one or two other options, which seem to be far better suited than what we are currently doing. I am sure other Deputies will speak on this this afternoon but I have to tell you that they were pretty nonplussed with how it had come to this and it was almost like there was a bit of scaremongering: it has got to be done now or else we are going to have to close the gates. We have heard from Deputy Dyke that is not the case. It is a bit alarmist.

We obviously need somewhere to tip our refuse, if we are to have a construction industry, and things like this should not really be coming to the floor of the Assembly in my opinion. Neither should it be resolved in the Royal Court through litigation over the decision. But by dialogue. There is a fantastic Committee there at the end of the telephone, just 30 feet away from you. It should not be beyond the resolve to be less stubborn and perhaps change the application and get the permission –

Deputy Taylor: Point of correction, madam.

The Deputy Bailiff: Point of correction from Deputy Taylor. What is your point of correction?

Deputy Taylor: I think it is slightly misleading for Deputy Vermeulen to say that it is inappropriate for this being on the floor of the Assembly and that it could be resolved with some dialogue over the phone because the legislative provision is that it has to be resolved by the Assembly in this way.

The Deputy Bailiff: Thank you.
Deputy Vermeulen.

Deputy Vermeulen: I am not sure that is right. I am no expert on these matters but there was an open invitation when the initial application was refused to come back, change it slightly and permission would be granted. Yet we cannot follow the basic instructions. It is akin to looking a gift horse in the mouth and I am very sad to see this sort of behaviour and examples of stubbornness going on in this Assembly. I do not hold much with that.

Thank you, madam.

The Deputy Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, madam.

In his opening speech, Deputy Roffey said this should not be seen as an opportunity to give the DPA a good kicking, and I resonate with that completely. I was a member of the DPA, along with Deputy Oliver, in a previous Assembly, so I am well aware of how intense and how frustrating being a member of the DPA could be. So this is not about pointing fingers at the DPA. What it is about, and surely needs to be about, in my view, is common sense.

Now, common sense is subjective, we all know that. It means different things to different people. What I mean when I say it should be about common sense is there is just one question we should be asking ourselves: do we want our construction industry to come to a standstill or don't we? Surely the answer to that is no we do not. I might be missing a fundamental point, so I will listen to the rest of the debate, but at the moment I intend supporting this.

Thank you, madam.

The Deputy Bailiff: Thank you, Deputy Queripel.
Deputy Mahoney.

Deputy Mahoney: Thank you, Madam Deputy Bailiff.

2345 My apologies for, just before lunch, when under strict instruction not to do what I did, I then did it anyway, when I asked Deputy Inder to give way. But I hope it is apparent why I did so. Just over lunch I have not become any more comfortable with the situation where we are. Something is not right here. It seems that roughly a third of the Assembly are privy to some information that the rest of us are not and yet we are all being asked to vote on it.

2350 It must, and I mean *must*, be a requirement of good governance that all Members of this Assembly have the same information in front of them on which to make any decision, no matter how important. It seems from comments that some of the information is relevant to the debate that we are talking about –

I will give way to Deputy Parkinson.

2355

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: I thank Deputy Mahoney for giving way. What the Assembly is not being asked to do today is to determine a final solution for the disposal of inert waste. Black Rock and many other sites might be considered if we were debating that subject. But we are not. Because, whatever other solution might become the final solution, will take months, if not years, to implement, and we are running out of space to put the inert waste. We need to follow the existing States' Resolution from 2020, which is to stockpile it until we arrive at a final solution.

2365 **The Deputy Bailiff:** Deputy Mahoney.

Deputy Mahoney: Thank you. I am well aware of what we are debating here and it seems we can add another person to the list of people that know what Black Rock is, whatever that is.

2370 Given that the GDA I think report to P&R on this matter and I assume they are the lead on this, could any Member of P&R, when they speak, please confirm why it is okay for 12 Members of this Assembly, perhaps 13, to have more information than the rest of us?

2375 Also, have P&R issued any, and I will be kind and call it guidance, to any other Member or the GDA that this information is not to be shared more widely? I also wonder whether any other members of ED and E&I that are not privy to this information, I assume, are comfortable that they are out of the loop when their Presidents are in the loop.

Madam Deputy Bailiff, rhetorically, is it not a central tenet of our Government that we are all supposed to have the same information to be able to discharge our responsibilities when it comes to voting? Or are we now at that famous *Animal Farm* stage, where we are all equal but some are more equal than others? This is a dangerous road, I feel.

2380 Turning to the incomplete details that most of us have, on page two of the exec summary, paragraph 1.1 states that Longue Hougue:

After 29 years it is approaching completion, and no follow-on site is currently available.

2385 The reason there is no follow-on site, which Deputy Roffey laid squarely at the feet of the previous P&R, he is quite right that P&R refused the funding for the planning that was needed but at that same time, which he forgot to mention, we also said to E&I, go away and do a proper job on Les Vardes and come back and report whether that actually is another viable option.

Personally, I applaud the majority of the DPA for not buckling to the 'you do not have a choice so you will have to wave this through' attitude that has been demonstrated so far.

Paragraph 1.5 states:

There is no realistic prospect a new site will be available in less than two-and-a-half years ...

2390 Luckily we all received the email from Ronez in August, correcting the misinformation that had been put out by E&I. In response to the email to the Construction Forum, Mr Roussel, a director of Ronez, pointed out:

I had several meetings with civil servants from your Committee and completed their questionnaire to permit informed decisions about the potential dual use of Les Vardes for both inert waste and water storage between December 2021 ...

– coming on to three years ago –

... and February 2022. So it is useful to see the viewpoint that the Committee is taking in your response. From those previous meetings, I understood that your Committee was intending to bring a policy letter to the States outlining the options for future water and waste storage and that at least some of these options would include Les Vardes quarry. It is perhaps unfortunate that this was not able to precede the planning application for surcharging inert waste at Longue Hougue as I believe this would have helped clarify if Les Vardes was an alternative interim option for storage of inert waste. I was surprised when the planning application for surcharging inert waste at Longue Hougue did not make more reference to Les Vardes, even if only to discount as an alternative. After the DPA had rejected the application, I was approached by several figures within the local construction industry who were concerned at the prospect that Longue Hougue would be filled before an alternative site had been made available, with a significant impact on the construction industry. They asked me if tipping inert waste at Les Vardes was a viable option. It was in response to these questions that I thought it would be helpful to highlight that purely from an operational and technical perspective, Les Vardes would be an alternative option well within the three-year tipping life of the application to surcharge Longue Hougue. There are a number of points in your letter relating to the reasons your Committee did not consider Les Vardes as a viable option that I will challenge. Your response states that the numbers and timelines supplied by Ronez indicate there is insufficient capacity available when it would be required, especially if Ronez put the Chouet overburden at Les Vardes. I supplied your Committee with the design, showing the maximum tipping capacity that will be available within Les Vardes once the unconstrained reserves have been extracted, which will be in September this year. That tip design is capable of holding approximately half a million cubic metres of material. The maximum volume that would be needed for reserve overburden would be *circa* 100,000 cubic metres, leaving 400,000 cubic metres available for external inert waste. I estimate this would be more than sufficient for 10 years, based on the current Longue Hougue fill rate of 50,000-80,000 tonnes *per annum*. If dual use of Les Vardes for inert waste for 10 years and then water storage was accepted and agreed by the States then this material would not have to be relocated and therefore the double handling could be eliminated. I do not agree that Les Vardes as an inert waste tip would result in the States incurring additional capital and operating costs when compared to alternative surcharging Longue Hougue, before even moving to Longue Hougue South or Longue Hougue quarry.

It goes on and on, I am not going to read it all.

It is unfortunate the policy letter, first discussed in meetings held with your Committee in December 2021, could not have been brought to the States earlier. I would be happy to meet with yourself or representatives of your Committee to discuss any of the above.

2395 As at the start of this Meeting, Mr Roussel has not been offered a meeting with the Committee or any of its officers, and that is shameful.

2400 Paragraph 2.11 notes that E&I expects to submit a policy letter re Les Vardes in Q4 of this year. The last update we had on the policy letter for Les Vardes had E&I indicating we could expect to see something in Q1 2023 – 23, not 24. And now we are expecting something in Q4, 2024. Perhaps if E&I officers had focused more on important matters such as this, rather than their assault on car drivers and parking spaces, a proper, informed debate could have been had by now, avoiding all of this.

2405 At paragraph 2.12 the STSB states Les Vardes cannot be ready immediately. It takes the usual route of hiding behind anything it can to achieve their aim. However, Mr Roussel notes in a message to me yesterday, which I have had his consent to share, that from an operational perspective, Les Vardes could start taking waste from October.

2410 He accepts that there are planning issues and waste licences but those are things of our doing, within our control. We as a legislative body can do something about that and this whole situation, I am afraid, is as perfect an example of the States being totally useless at getting the big stuff done. Officers and Deputies are running and hiding from the hard stuff. It is nothing short of pathetic.

Paragraph 4.5, Longue Hougue South can be delivered the quickest. That is not true. And in any event we have nowhere near the money required to use Longue Hougue South as a short-term fix.

Paragraph 4.6, the States approved Longue Hougue as the optimum site. Well, that is true. But not this States and no one has been brave enough to put it before this Assembly in the knowledge that it would receive, most likely, a rough ride.

I will finish with just one more snippet from Mr Roussel, when again he emphasises that they could do it very easily and just adds that if we used it for 10 years and then switched to water, it would only reduce the water capacity by 15%. What should happen is that this Assembly should reject this request, even if temporarily I understand the urgency of this, even if temporarily so that we are at least all aware of the matters, whatever these other things are, why have they been withheld from me and others?

For those in the know, when will the rest of us be trusted with this super-secret information? From the STSB, here and now, the STSB should put all of the pressure it can on E&I to do the job they said they would do nearly two years ago, and bring a proper policy letter concerning Les Vardes, without any further delays and excuses. They cannot again miss another deadline, so hopefully we will see that in Q4.

Thank you, madam.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: I am not sure how I am going to follow that one.

I have to say that I think this is the first time a planning application has ever had to actually hit the States, so it is new water for everybody, really, with this and how it is actually meant to be conducted. It appears it is just a policy letter, so it is a free for all, which is quite different when you are on Planning. I have to say I do take offence to say that we did not actually, in our capacity of the DPA, look at it in our *quasi*-judicial role and we just went with whatever political things we wanted to do. I take offence to that slightly, to be honest, because that is not true.

There are not many people in here that have actually sat on the Development & Planning Authority and it is a very different beast to many other Committees. Whenever I weigh up a planning application, I always look at it as a pair of scales and whichever policy is really good, it gets it in there, whichever bad, it sort of does. Whichever policy at the end wins, that is my result.

This application really was not straight forward. Yes, the States had said that can be done. It is not written in the IDP anywhere that that can be done. There are a number of things that it has to jump through to get its permission, whether the principle of development is accepted. That was the first question we actually had to look at, as to say look at would it not prejudice the outcome of a Local Planning Brief?

We are currently doing a Local Planning Brief for Harbour Action Areas for St Sampson's and St Peter Port. Is it going to actually affect what that is saying and look at that? Would it not inhibit the implementation of the approved Local Planning Brief and would the accord with all other relevant policies of the Island Development Plan?

They are the questions that we had to ask ourselves. Then it went on. The impact of the proposal of the landscape and character of the surrounding area. It is a pretty big bund that is put there. Nine metres high this bund is going to be because it can only go in certain areas so that is how high we got told it is going to be. That is not just an, 'it is going to look the same landscape as it was there,' it is changing the landscape.

Environmental considerations. Now there are always a number of those. The biodiversity, flora and fauna, soils, land use, geology, hydrology – I can never say that word! – drainage, flood risk, air quality, climate factors, cultural heritage. All of those are what we have to look at. Then we have got the impact on highway and safety.

Now double handling is not going to not have an effect on the highway. You have got these big lorries, full of dust and everything. Yes, we do make mitigations and we have asked for mitigations to happen with this, it has to go through some water so it gets the mud off the tyres. But a dry, dusty thing, wherever you are travelling it will have an impact on our surrounding areas. So you see, this is not just as easy to say, let us get on with this, why are we taking so long?

2465 Then we have got the double handling. At the moment, the DPA, and I assume E&I, are doing everything in their power to try and lower the cost of building to get them so we can build quicker and we can sort all of that out. Double handling is certainly not doing that. I will say that. We have quite a mixed Committee and I think that actually shows with the outcome with this. The Vice-President voted to approve the application. I thought it had to be deferred.

2470 I think there are a number of issues that needed to be sorted out before we actually gave full approval for this. I am quite disappointed that STSB did not actually come and say, we need an urgent meeting about this, can we discuss and actually see what can be done about that? But there was no such thing that happened. Then we had three Members who voted to refuse it.

2475 I would say they voted to refuse it on the basis of what the officers actually recommended because they were going to defer and then they actually changed their mind to refuse, as per the officers. I think their refusal was really relating to the policies MC10 and IP2. Now MC10 is looking at whether actually it is going to affect the Local Planning Brief and everything is an opinion with the DPA. It is an opinion.

2480 You could have two sets and they could come to different opinions because it is those scales. It is what is in your opinion to be more important than something else. There are no rules about it and all you can look at is the policies and you make judgements on those policies and what it is. Again, looking at that.

2485 Given the scale of the proposed development and the timeframes particularly, I have to say they are just not of minor or inconsequential nature that come to this temporary solution. Three years piling it up, three years decommissioning. That is six years. In my opinion that is not a temporary amount of time. Because we have known that this is filling up for the last 26 years. That did not come into the involvement of this but this has changed now. This is just a free for all, it looks like.

2490 Yes, we need to come to a conclusion but what I do not understand is why STSB could not come and sit around the table with us and actually discuss this. I know you have your own thoughts and we had ours. But there was the GDA also involved in this and the GDA did make representation and I know the GDA, it got changed at the last minute after the application had gone out, it got changed slightly because it was wrong. They would not have been able to do anything that they wanted to do without this minor change.

2495 It is just a shame that we could not have sat around the table and actually talked about it because this could have got done, I think; it would have been sorted out by now. I know people are shaking their heads and I know that Deputy Roffey said it needed an EIA. It did not need an EIA. It needed a scoping. What you are putting there is the same as what is there. So that is all that you would have needed to do and they can be done quite quickly.

2500 It is what it is and it is here and it is a famous saying, we are where we are. We always say this in the States. We do not actually think about it and it never actually changes. I remember when I did vote originally for the waste transfer station, we got put in a corner because that was the last thing we could do. Again, we are put in a corner. When will the States ever learn to actually look at these things and actually prioritise them properly? That is what is so frustrating.

2505 I will be voting to abstain because I still think it just needs looking at more and I do not even know if there should just be a flat refusal here. I am not too sure. But I just think it needs looking at. It needs a revised timescale. It needs looking at in more detail. We need to look at flood risks. We have been told that flooding is going to happen on there. We need to increase the bund size. I just do not know why we could not sit around a table.

2510 Thank you.

The Deputy Bailiff: Deputy Blin.

Deputy Blin: Thank you, madam.

2515 I am just going to pick up a few points, looking from the document to the request to direct the Development & Planning Authority to reverse its refusal. I am just going to refer to a few little parts here.

The States has previously agreed stockpiling would be an interim measure until the new site is available:

If that does not commence now, the island may soon have nowhere to dispose of residual inert waste. This could severely impact the construction sector ...

2520 That is a great line to start with and even before the OPM, when we were having a site visit, we were saying how long have they been looking for sites. It has been a number of years. Again, as has been just mentioned, where has this urgency come from? It has always been very aware that we had this impending situation.

2525 I am not going to go through the policies because I think Deputy Oliver has explained the IP2, the MC10, the GP8. These are the policies where, as Committee Members, we had to give answers and decisions based on policy. So that part is done. But then after that we talk about in another section in the document where it says:

The STSB, regrettably, has no alternative but to ask the Assembly to direct the DPA ...

2530 There are all these sort of no other options. 'Therefore it is likely there will be a need for some stockpiling of residual ...' waste as a mitigating measure. When they talked about the decision was made by the Committee by three votes to the one vote and I must admit, if you look at the transcription, in my particular case and others, I did ask to have a deferral. Our President, Deputy Oliver, did vote for the deferral but I asked the officers and it was not an option. I was not allowed to do that because the easiest way would have been to have the first year, to give us time to do it. I, for one, and I am sure other members of the DPA, would never be wantonly trying to stop the construction industry continuing.

2535 On the contrary, we want to find a solution that is not only based on reason but also gives the best effect for the continuation of what is needed. No one here, and I am sure within the public, would be interested in having a situation where, after two-and-a-half-years, or three years, of piling up waste, then we have to double handle it and pay several millions, in effect, to move it, when actually there are other situations where this could be changed.

2540 It is not for us to be going around on DPA giving suggestions of what can be done, but after the vote has been made, the decision has been made, then there is the opportunity to sit down with STSB, with planning, to find alternatives.

2545 Some of the aspects that are covered there, the logic that the continuation of inert waste and continuing there, looking at it to raising the level, in effect, which also mitigates floods. If it is correct that Guernsey Electricity and the GDA were looking at it, if there is a second interconnector, they would need to put an emergency generator there, then surely the first thing we would need would be the land raised to avoid flooding, or anything like that, which is a practical solution. So that in itself, surely is a pragmatic decision?

2550 The supposed comments about Black Rock, which some people are saying they are aware of, others are not. This would be to those who were at the presentation by the GDA, that was talked about. That is one of the priorities we have got in this Island and Assembly, for building accommodation, and these are some of the areas whereby building the units and reclaiming the land, we would have a number of units to continue with placing the inert waste.

2555 The Assembly now, given the fact this has been brought forward to try to reverse the decision of the DPA, all I can say is as a member of the DPA who initially voted on this, I would say it is really up to you as the Assembly to decide if these explanations are justifications to actually not accept the reversal of it, to keep it as it is. It seems to me, although these decisions to continue putting waste there, even though they said it would be filled by December 2022, later than that actually but it has still continued on longer and now it is at a critical point where it is all about to collapse and we will not have anywhere.

2560 But if we do take the approach of continuing on these other options and looking, then Guernsey as a whole will be in a better place. It will not have to double handle and things will continue. As I

say, it is up to the Assembly to make its decision but I hope that these points I have raised are ones which you could bear in mind to consider when you make your decision.

The Deputy Bailiff: Thank you.
Deputy Parkinson.

Deputy Parkinson: Thank you, madam. Apparently, my microphone is not working. Oh, it is now. Fixed over lunch. Great!

Yes, madam, I am going to start with Deputy Mahoney's speech because I do not think it was terribly relevant but it did contain a number of points, which I think I should address. I start off by saying that I have the privilege on STSB of serving on both the boards of Guernsey Waste and Guernsey Water. So I actually see this problem from two different sides but it all comes together in this planning application and issues around inert waste storage on Guernsey.

I need to start with the suggestion that we should just fill or partially fill Les Vardes for the disposal of inert waste. This of course is not what the States currently has decided to do. It would be perfectly open to Deputy Mahoney or any Members of the DPA who wish to, to bring a requête if they want to instruct the States to look at using Les Vardes for storage or storage of part of our inert waste for disposal.

But the extant States' Resolution is that, until we make a final decision on what to do with this stuff, we should stockpile it, which I think is a very sensible solution to a problem that, frankly, the STSB would rather not have. We would clearly rather that the States made a decision on what was going to happen to inert waste and then stuck to it.

But we are not in that situation, sadly. The States have a Resolution, which has been frustrated by the previous Policy & Resources Committee, and therefore no progress has been made. Committees can blame each other and say, well Environment & Infrastructure were told to go and do a report on water storage and I believe they are coming back in Q4 of this year on that, but the reality is all the time we are generating piles of inert waste, which needs to be disposed of.

As a member of the board of States' Water, I can tell you that States' Water wants the whole of Les Vardes for water storage because they think it is necessary within, or we think it is necessary, in accordance with the Water Storage and Drought Management Plan, with the unpredictable nature of the effects of climate change, States' Water believe they need the entirety of the space at Les Vardes for water storage.

That is not the only reason they would oppose filling, or partially filling, Les Vardes with inert waste. I think there is a problem here that Members generally do not seem to understand what inert waste is. I think probably from the speeches so far Members think that inert waste is loads of stones and bricks and stuff that can be chucked into Les Vardes or anywhere else, which would have little or no effect on the quality of water that might be stored, mixed up with that material. Actually, that is not what inert waste for disposal is.

We take in every year at Longue Hougue, about 120,000 tonnes, gross, of material and of that, about 30,000 tonnes, about a quarter, consists of stones and bricks and other material like that, which is not disposed of. That material is sorted out and is recycled into the construction industry, as aggregate and other materials.

What is left, the 85,000 or 90,000 tonnes that we have to dispose of, is effectively soil. This is what we have to dispose of and this material, basically soil, is probably partially soluble in water and may of course contain various contaminants, which is one reason why Guernsey Water do not want it anywhere near the drinking water supply.

Now, as for Deputy Mahoney's figures, I cannot quite square them because I believe a cubic metre of soil weighs about a metric tonne and he was implying that there were 400,000 tonnes of capacity at Les Vardes for disposal of inert waste, I think that is what he said. He thought that would provide 10 years of disposal volumes. But we have to get rid of 85,000 to 90,000 tonnes of essentially soil every year and quite clearly that space, if there is 400,000 cubic metres of space available, is not going to last 10 years. It would not even last five.

2615 At this point the States as yet, as I have said, have not decided to use Les Vardes for disposal of inert waste and, in my view, the States never would, sensibly, decide to use Les Vardes for disposal of inert waste if the remaining volume of capacity in Les Vardes is to be filled with water that ultimately, we will all drink. You just simply would not mix what will become drinking water with potentially contaminated and partially soluble soil.

2620 Now Deputy Mahoney also referred to the fact, or complained about, what he sees as partial information. He has heard about this Black Rock thing, does not know what it is all about. Deputy Blin has said there were public presentations on this. I happen to know about it because the Chairman of the Guernsey Development Agency sits alongside me on the board of Guernsey Waste.

2625 The Guernsey Development Agency fully understands our problems as Guernsey Waste and we, fortunately, do have some insight into what the Development Agency would like to do. I do not think I am breaching any state secrets when I say that they have ambitious plans for reclamation and redevelopment around St Sampson's Harbour, which include reclamation of land north of St Sampson's Harbour, at a site, which is called Black Rock, but essentially under Vale Castle, on the northside of the fairway, going into St Sampson's Harbour. They have, as I say, exciting plans, in fact, for redevelopment and creation of land for housing and so on there.

2630 So the GDA have said to us that they want all the inert waste we can provide and they probably want it for about 10 years. Now I think that is a very sensible solution. I would have supported Longue Hougue South but I think using inert waste to reclaim land is much more sensible than using it to fill in quarries that potentially could be used for storage of drinking water. So the GDA would like to do this land reclamation, which has not come to the States, on which no decisions have been made in the States, but they would like us to basically store the inert waste until they might be ready to use it.

2640 We are in a position where STSB are under a States' direction from 2020 to stockpile inert waste and I think whatever the eventual solution to the problem is, the final solution for inert waste, then we will need to be in a position to stockpile it and, in fact, from the point of view of people like the GDA the more we stockpile it, the better, because if they get permission to do the land reclamation and redevelopment schemes that they want to do, when they start reclaiming land, they are going to want to fill the hole as quickly as possible.

2645 From a disposal of inert waste point of view, of course, from our point of view, we would like this to take a long time. We do not want to store it for a day longer than we have to, as Deputy Roffey has said, but the truth is the faster we fill up whatever capacity we have, the quicker we will come to another problem point where we have run out of space again.

2650 It actually happens to work quite well with what the GDA are thinking of doing. If they bring a letter, no doubt through Policy & Resources, to the States, saying this is what we want to do around St Sampson's Harbour, and if the Assembly is minded to approve their scheme, then they will want to get on with it and they will want to build a rock bund around the site where they are going to reclaim and they want us to give them as much inert waste as we can as fast as we can do it.

2655 Actually, if we have stockpiled the inert waste for a couple of years by the time they get to that point, we will have quite a lot of inert waste, which we can just give them straight away. So –

I give way to Deputy Oliver.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, madam.

2660 The GDA also said they would like to see the land at Longue Hougue raised, with a larger bund, as well.

The Deputy Bailiff: Deputy Parkinson.

2665 **Deputy Parkinson:** There may be various solutions suggested. We know there are a number on the table, including of course Longue Hougue South and the States has to eventually make up its

mind and stick to it, stick to a decision, about what ultimately is going to happen to this inert waste. But I would have to say that, even if, let us say, the States approved land reclamation at Black Rock, I think they only need the inert waste for about 10 years. So this problem is going to keep coming
2670 back to the States, to successive States, because we generate 90,000 tonnes of this stuff every year.

Some Members just have no idea what 90,000 tonnes of this stuff looks like. We were treated to entertaining suggestions via a States' email that we should fill in a few German tunnels. *(Laughter)* People just do not seem to have any concept of what 90,000 tonnes of inert waste looks like and that is what we generate every year.

2675 This problem is not going to be solved in one fell swoop. It could be solved for a 10-year period, either by land reclamation at Black Rock or Longue Hougue South or conceivably by filling in a quarry, maybe Longue Hougue Reservoir. But at the end of that period, we will have filled in the hole. Whatever hole we decide to fill in, it will be full. This is going to keep coming back to us.

2680 In the meantime, we are not here to debate the long-term solution. As Guernsey Waste, we receive 120,000 tonnes of this stuff every year through the gates, 30,000 is recycled, as I say, and we have to dispose of the other 90,000 tonnes, and we have been waiting for a decision from the States as to where to put this stuff. But we have not got a decision, or at least not an effective one because the decision the States made in 2020 has been frustrated. And the stuff keeps coming in through the gates.

2685 If you go up there and watch the weighbridge, where the waste comes in, you will see truck after truck just going by. So this is a steady stream of very large volumes of material and it is not us threatening the States in any way to say that if we do not have anywhere to dispose of it legally, then we will have to stop accepting it. It is as simple as that. We cannot let stuff in if we have got nowhere we can legally put it. Yes, of course, maybe you could raise the ground level throughout
2690 the Longue Hougue site. That is a States' decision to be made, possibly a planning inquiry, who knows? But it has to go through a process. We are very close to having run out of places we can legally put this stuff.

So the purpose of this policy letter is simply to say to the States, the States took a decision to stockpile inert waste, pending a final decision on disposal – actually that seems to me quite sensible because there are people who potentially want to use the inert waste and if they do get permission for their schemes they will want a lot of material very quickly and stockpiling will assist in that process – and we are running out of space where we can legally dispose of this stuff.

2695 We are just saying, come on, give us permission to stockpile. I think it will be a sensible thing to do anyway. But the point is, until somebody has come up with a better scheme, which has been through all the planning processes and all the political processes to get it off the ground, we have nowhere else to put this stuff.

2700 So please allow us to stockpile, for a period of time, in accordance with existing States' Resolutions. We have been advised by DPA officers that the application passed all the tests about being compliant with policy and so on. Frankly, this was just a very bad decision and we need to set it aside and get on with finding a permanent solution, or a longer-term solution, for the storage and disposal of inert waste, as quickly as possible.

2705 I would urge Members to support this policy letter. We need to do something because we are rapidly running out of space.

2710 **The Bailiff:** Deputy Dyke.

Deputy Dyke: Thank you, madam.

2715 I will try to be brief but I will try and clarify some of this. The first point is why are we here? Well, the Planning board has made a decision that Deputy Roffey disagrees with. The decision was not immediately to allow the stockpiling on the Longue Hougue site, with a view to further discussion.

There have been suggestions that we had done this for other than proper planning reasons and I can assure we have not. We have been looking at policies IP2, in particular, and MC10, which are

quite long, I will not read them out, but the main point is paragraph B would not inhibit the implementation of an approved Local Planning Brief.

2720 Now we are in the process of making a Local Planning Brief and in the context of that we have been speaking to the GDA and various other people and players in this. One of the considerations in terms of the application, which was to bring the waste onto the site for three years, continue piling it up, and then for the next three years take it away again. The GDA was quite concerned about that and so are we in terms of that question, would it inhibit the implementation of a Local
2725 Planning Brief that we are putting together in consultation, as I say, with the GDA and other people.

This plan would tie it all up for at least six years, with a high likelihood that at the end of the three-year period, we will be asked for an extension, so it would go from three, three-six years to four, four-eight years, and there is no end of where that could go. That was the first planning reason. There were two different sections that apply but they say much the same thing. Those are IP2 and
2730 MC10.

The second one concerned GP8, the effective and efficient use of land. That comes to a similar position. We are trying to do a Local Planning Brief, we are trying to make plans for the east coast, and this effectively ties up a large, vital section of land, for a very long period of time. So we made that decision and the States are now being asked to say that you should overturn that decision
2735 because it was wrong. We take the view that it was not wrong, it was right, and that is why we took the decision.

As Deputy Oliver has alluded to, the majority of us had been inclined to defer the decision but Law Officers said no, you cannot do that, you have either got to approve it or not approve it. Deputy Oliver, at the end of the day, I think made the right call on deferral but the rest of us decided to
2740 turn it down. But it was on officer advice to do that.

So what should we do now? Well you do have to look at this –

Deputy Burford: Point of correction.

2745 **The Deputy Bailiff:** Deputy Burford, what is your point of correction?

Deputy Burford: I think from the way that Deputy Dyke was saying it, it sounded as though the officer advice was to turn it down. The officer advice in this question was that a deferral could not be made on certain grounds, it could only be made on others and some members of the DPA
2750 wanted to make it on grounds which the officers felt were not valid for a deferral. It is just quite important to make that distinction.

Thank you.

Deputy Dyke: Yes, that is quite correct, thank you. That is exactly what happened.
2755 Now we are where we are, as we all say. So where do we go from here? Before making a decision you have to look at things in context. You cannot look at things in a tiny little silo box, without looking at the bigger picture. The bigger picture is the current plan is seriously sub-optimal. We will have, apparently the number is around 140 trucks a day, for three years, if this goes according to plan, grinding into the site, tipping their stuff off, making a huge pile, which will slowly get bigger
2760 and bigger, up to around nine metres. Then for the next three years, the Grand Old Duke of York will be taking it all down again and moving most of it out, apart from some that goes around the bund.

Is that a very good plan? I suggest it is not. The Guernsey Development Authority, it is correct that they did not object to this planning application but they were not exactly enthusiastic about it.
2765 They went along with it after some changes. But what they have said, and this I am quoting from a paper circulated by them: 'It follows that the GDA would welcome and encourage the raising of the bunds and some areas at Longue Hougue on a permanent basis by as much as the region of two metres, to reduce the chances of flooding.' Important point, the flooding. 'Raising the height of the

earth bunds should reduce the possibility of overtopping.’ Then it goes on with other points about planting.

So that is another possible plan, which I had in mind at the time, and would absorb waste for several years if not the full three. I will perhaps go into that in a moment.

So that is one option, if STSB would come back and talk to our Committee. It would appear that Deputy Oliver has already suggested that instead of the three-year stockpiling, as an interim measure, we could approve tomorrow morning, unless anyone on the Committee says I am wrong on this, it is a lesser application than the three years. We could do that instantly, to give you a longer period to work out what to do and look at other options –

Deputy Oliver: Point of correction, you would need three weeks. What I was saying to Deputy Vermeulen was that if they had come back originally, when this got refused, it would have been done by now. It would take three weeks because you have to legally consult with the public for three weeks.

Deputy Dyke: Thank you. So a very short period anyway. We could give that application approval if they wanted to come to see us. It would not require any sort of Environmental Impact Assessment of any sort –

Deputy Taylor: Point of correction.

The Deputy Bailiff: Yes, Deputy Taylor, what is your point of correction?

Deputy Taylor: Even if the scenario that is suggested, where STSB had submitted an application along the lines Deputy Dyke is saying, three weeks ago, and it had a consultation period, it would still be subject to at least screening for an EIA, at which point then the Committee would have to make a decision on whether an EIA would be formally required or not.

And the advice from officers is very much that, although we do not know what the screening might produce, it is highly likely, based on the screening for this particular application, which was refused, a full EIA would be required and therefore they could not just get on with dumping inert waste with a click of the fingers. It is incorrect for Deputy Dyke to keep making that suggestion.

Deputy Dyke: With respect, that is completely wrong. We may or may not need to do a scoping report, but that is something –

The Deputy Bailiff: What is your point of correction, Deputy Taylor?

Deputy Taylor: Deputy Dyke has just said I am completely wrong and that is factually incorrect, if you have seen the planning advice.

The Deputy Bailiff: Unfortunately, we are not privy to the advice that either of you have received. I do not know if His Majesty’s Comptroller is able to give any direction on this or is this a planning officer matter.

Deputy Dyke: In the world of illogic –

The Deputy Bailiff: Deputy Dyke, I am asking His Majesty’s Comptroller whether he has any view on who is the right or wrong in this because we do not have the advantage of the officers being here. Are you able to opine on it –?

Deputy Dyke: Ah –

The Deputy Bailiff: Deputy Dyke, I am asking His Majesty's Comptroller.

Deputy Dyke: Oh, you are asking His Majesty's Comptroller.

2825 **The Deputy Bailiff:** Is it possible for you to opine on this or is this a question for an officer?
Both Deputies are informing the Assembly different versions of what officers were saying.

The Comptroller: I am trying to establish whether anybody from our Chambers did advise. I was
2830 under the impression it was officer advice, although not Law Officer advice. I will try and clarify that.

The Deputy Bailiff: Thank you.
Deputy Dyke.

Deputy Dyke: Thank you for that intervention.
2835 Just bear in mind the original planning application was for three years –
I will give way.

The Deputy Bailiff: Deputy Burford.

2840 **Deputy Burford:** I thank Deputy Dyke for giving way.
I just wanted to say I am becoming increasingly uncomfortable here, in particular with Deputy
Dyke's statement, that if a planning application came in it could be approved either tomorrow or in
three weeks because, to me, that rather seems as though a member of the Development & Planning
2845 Authority is prejudging an application. Bearing in mind that it needs to be put out to public
consultation and the responses to that consultation, were there to be any, need to be considered,
in considering the outcome of the application, I think we are on deeply uncomfortable territory
here.
Thank you.

2850 **The Deputy Bailiff:** Thank you.
Deputy Dyke.

Deputy Dyke: I think if, in a logical situation, the proposal that Deputy Oliver made, that instead
of applying for three years, they applied for one year, that is a lesser thing. It is the sort of thing we
2855 could have dealt with, probably, on a deferral. But it is possible to deal with it –

The Deputy Bailiff: Point of correction, Deputy Roffey.

Deputy Roffey: ... *[Inaudible]* at which point the development control officer said no that is not
2860 the case it would require a fresh application ... *[Inaudible]*

Deputy Oliver: Point of correction.

The Deputy Bailiff: A point of correction to your point of correction, Deputy Roffey.
2865

Deputy Oliver: That is incorrect. If it had just been on the timescale, you could defer. It had been
on raising the levels, that is when it needed a new planning application.

The Deputy Bailiff: Can I just remind Members, the transcript is attached to the Proposition, so
2870 if anybody wants to read and take their own view on what was said at the meeting, the transcript is
there. We have the advantage.
Deputy Dyke.

Deputy Dyke: I thank Deputy Oliver for her helpful intervention.

2875 The point is that that option has been suggested. It could be discussed. It is relatively easy to deal with without making it difficult unless we actually want to make difficulties, which the majority of members of Planning are not people who want to make difficulties in terms of getting things done. We try to get things sorted.

2880 That interim option is there. It will require several planning applications, which will need to go through the process, but as it is a lesser imposition on the site, i.e. only for one year plus one year, as opposed to three years plus three years, it goes a long way to dealing with the issues that we had under MC10 in terms of tying up the site for a very long time in such a way that a vital site cannot be used for a long time. That was the reason, hence the suggested change from Deputy Oliver.

2885 If STSB would simply engage with us and put in a new planning application on an interim basis, that would be a way forward, as opposed to just being stubborn and sticking with a proposal that is very inefficient and expensive. If you think about this, the proposal to stock waste and double handle it over a period of three years is very expensive.

2890 I will give an expense first. It is several million pounds, I forget the actual money. That money then goes on tipping fees and guess where it ends up. It is going to end up on the price of housing, which is already through the roof. People cannot afford them. So that is another add on to the price that people have to pay for houses that they cannot afford anyway.

2895 In that context, just diverting very slowly, I had a conversation with a small developer at one of the IDP meetings, who was supposed to be talking about something else. He had had planning permission for a small development of two or three houses, and he said to me, 'Deputy Dyke, I do not think that I could afford to develop these houses, given the price of building, even if I ignored totally the cost of the land.' So he is sitting on the planning permission. That is the sort of territory that we are in.

2900 We do not want to add more to the cost of that, another £1,000 or whatever it is, when you allocate it on a house by house basis. We do not want to do that. There is a much better option there, longer term, which is one supported by the GDA, who do want to raise the site of Longue Hougue generally, largely for flood risk. I note that recently we had a flood report around, we are going to have to look more carefully on the east coast on flood defences. This area, which is a large area, that is likely to have expensive and possibly electricity installations on it, long term, would be much better off raised.

2905 We have got the waste. It could go there. That is a slightly different planning application that would need to come to the Planning Authority and might take a little longer than the first one I described. But if STSB would simply come to talk to us then we could work our way through all these things.

2910 The GDA's plan, which has not been fully published, obviously on Planning we have seen large parts of it, is largely as Deputy Parkinson has described. What they are saying is they can deal with thousands of tonnes of waste. First of all they would like to raise the level of Longue Hougue, that would be their first option. They have then got plans to do things potentially at Salerie Corner and at Black Rock, which would require the next layer, the next years of fill to do that. So they have got plans, which you have not all seen. They are in the discussion stage and partly published.

2915 To sum up, my recommendation to the States is to vote against this proposal, to leave the planning refusal in place and to allow STSB to come to talk to Planning. You know who we are on there. The majority of us want to get things done and we would work very carefully and helpfully with STSB to get an interim planning permission in place for one year's storage, to take us over the difficult hump.

2920 That would allow further discussions and it would come within the worries that we had and the reason that we turned this planning application down, because of MC10. It went against the idea that we should not tie up a major site with a Local Planning Brief in the offing, for an undue period of time. That was why we turned it down. We could make arrangements to sort this out quite easily,

with a second planning application and that is what we should do, in my humble opinion, and therefore I would recommend turning down this proposal.

Thank you.

The Deputy Bailiff: Deputy Murray.

Deputy Murray: Thank you, madam.

I have made the observation before in a different debate that these are not magic portals that we walk through here that confer intelligence on every subject on every Member and makes us experts all of a sudden in everything that comes before us. It just does not happen like that. What it certainly does do, it gives us supercharged opinions about what we think we ought to be doing in here and that is really challenging because there are far too many of us for that to work. But that is a different debate.

What I am concerned about here, we have heard from various people about what we are stuck with here, what we have been forced with here, is to deal with an immediate problem, and there are lots of long-term opportunities that could help or hinder or be better accessed by the decisions that we make in the short term.

That makes perfect sense. What I am getting very concerned about is that many Members of the DPA seem to be in different places about what they are able to do or not do or would wish to do and that is very unfortunate. I have sat on the DPA for a year but I am certainly not an expert because the DPA, I think as Deputy Gollop mentioned this morning, is a different beast. It is not a Committee in the sense that the rest have actually experienced, it is an authority. It is actually guided very much by laws that actually they have to abide by, and interpret, obviously, to whatever degree they have that flexibility.

So their hands are tied to a certain extent. However, I think it is fairly clear, as also I think Deputy Gollop mentioned and I think also Deputy Roffey, sometimes personal opinions can come into the mix and that can unfortunately influence the direction of travel that things like Open Planning Meetings can go in. That is not to say that any of them are wrong. But the problem is we actually have an immediate problem right now. That is what we are here to try to decide to do something about and I have not heard a coherent plan from anybody at the DPA at the moment about what we can do.

I have heard an opinion, which has been challenged I think by just about every other member of the DPA, bar one, about what that could be. And that makes it very difficult for those of us who have no experience of the DPA at all, to give it any credence. We just do not know. What we do know is what the States actually agreed to do, rightly or wrongly, several years ago.

Several years ago we did not have a GDA. The reason we set up a GDA, and I do not want to go down that particular route, I think Deputy Parkinson has explained it quite well and also it has been touched on by Deputy Dyke, the GDA is there for the long term. Because we cannot deal with that on a term-by-term basis as politicians. That is absolutely the right thing to do.

Their vehicle back into this place is through P&R. So P&R, obviously, are party perhaps in advance to what many of the rest of you can actually see. I can tell you that there is a policy letter, which is imminent, within weeks coming back to you, which will actually give you all the opportunity to see what the GDA have been working on.

I think everybody who has seen it is really quite excited about it. But, as Deputy Parkinson mentioned, and I think Deputy Dyke also, they are going to require endless amounts of inert waste. Endless amounts. That is assuming, of course, that we can agree with what it is that they are looking to achieve. It is for the Bridge, as well as Longue Hougue.

Logically, even without all of these challenges and difficulties that we are confronted with, because of our Committee system of government, and because of our desire to express our opinions, expert or otherwise, it would seem to make an awful lot of sense for what was the originally conceived plan, to store inert waste adjacent to where we are likely to want to use it.

2975 Yes, we could probably find somewhere else. I do not know how many actual original places that
people were describing, was it 20 or something? But it is somewhere else on the Island. That is a
long-term solution if we do not need it for anything else. Dump it. Use it to infill somewhere. But
actually, imminently, we have an opportunity and I think again it was Deputy Dyke that mentioned,
2980 there is a flood report that, again, not everybody has yet seen, but it is imminent to be published,
that the DPA themselves have commissioned, that indicate that we will have to build up our flood
defences. I think we all understood that was probably very likely anyway.

So inert waste is a great material to be considering to do all of that work. We do not want to
dump into a hole, if you know that there is actually going to be a use for it in the future. That is just
being pragmatic. The States, however, is not pragmatic. The States is separated into different
2985 Committees and the only commonality amongst them and their mandates are the officers, whom I
have to accept talk to each other.

They usually, in tandem from having talked to each other, will advise their Committee, the
political Members, about perhaps what other things might actually impact the decisions that they
might be about to make. So I am really quite upset if STSB's officers and the DPA's officers have not
2990 talked to one another. I find it difficult to believe but if that is the case, that is the case. Because it
probably would have short-circuited an awful lot of what we are standing here, talking about today.
(A Member: Hear, hear.)

If it has not happened then it has to happen. But when we leave this place today, we have to
have a decision, where we are going to put this waste in the short term, whether it is for a year or
2995 whether it is for three years or beyond, it does not matter. We need to know where it is going to go
and at the moment the only place that has got the authority and the permissions is actually where
it is being suggested that we store it, in Longue Hougue.

We can do that tomorrow. Within a year we can come back and we can make a complete
difference. We can say it is going to be X, Y or Z, having made lots of other investigations. That is
3000 great. You will all have seen the GDA's plans and you may think they are great and want to go with
that, or you may not. It does not matter. We have got a responsibility now to come out of here with
the construction industry knowing where they are going to be dumping their waste for the
immediate future. That is all we are talking about here. Everything else is longer term and can be
debated at that time.

3005 So, please, focus on the decision before you today. Not whether you think it is good, bad or
indifferent, but because we do not appear, as far as I can see, to have any other choice than to go
with overturning a decision that was made, for whatever reasons, and I completely respect people's
opinions on the DPA. But they have not come back to us as an Assembly, I do not know whether
they have gone to the STSB, I do not know, to say, just a minute, here is a better idea. I have not
3010 heard it. I have heard that they might be willing to consider a variation on what has been suggested
and maybe that can be achieved.

But we cannot do that in here. That is going to have to happen afterwards and I would encourage
all parties to get together, once we have made a decision that everybody knows we can actually live
with for the time being and sort that out. And come back to us if that is the case, if you have to,
3015 that is great. But do not let us walk out of here with no decision, with nowhere to put it, no legal
place to put it. That would be absolutely the wrong thing for us to walk out with. So, please, can we
focus on that, and not the larger picture, because that is not what we are here to discuss today.

Thank you.

3020 **The Deputy Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, madam.

Before today, I thought I was going to say something during this debate and then as things went
on this morning, I thought, no, I will not bother. But now I have decided I will say something and I
3025 will probably say what I was originally going to say. But also I need to comment on the comments
of Deputy Mahoney in particular and also Deputy Dyke.

Deputy Mahoney making out there are people that knew things that other people did not. Well I do not know any more than Deputy Mahoney, from reading the Billet. He talked about Black Rock and ideas about Black Rock. Well if you search Black Rock within the Billet, it is referenced three times and tells you that GDA have got proposals for doing something at Black Rock. That is about it and that is all we do know.

Deputy Murray might have more detail because he might have seen the draft of a policy letter. That has not actually come to the full P&R yet but we are expecting it. We as a Committee have not discussed it in any detail. We have seen a flyover from an early version from the GDA, that is it. I was concerned about the accusation, and I heard this also earlier today by another Deputy, that P&R had told the GDA that they could not make a presentation before this Meeting. That is not the truth at all. We have not said anything like that. I have no idea where that came from. Deputy Gollop is shaking his head, there.

Anyway, Black Rock, whatever, and what the GDA's future plans are, are irrelevant, as Deputy Murray just said and others have said. What we are talking about is temporary stockpiling, which we absolutely need to do. Where else do we put it? It is something we need to do temporarily, now, so that we can get on and do stuff, which we do not seem to have managed to do.

I was confused about Deputy Dyke's reasoning when he said he purposely did not like the stockpiling for three years, as that will be four. I just did not understand that side of it all. I was also concerned –

I will give way to Deputy Dyke.

Deputy Dyke: To clarify, the planning application is to build up the stockpile for three years and then to take it away again over the next three years –

Deputy Parkinson: Point of correction.

The Deputy Bailiff: Deputy Parkinson, what is your point of correction?

Deputy Parkinson: It is not an application to stockpile for three years, it is an application to stockpile a certain quantity of material in a certain profile.

Deputy Dyke: It is actually over a three-year period and then to take it away again, over the next three years. That is the gist of it –

The Deputy Bailiff: Deputy Moakes, what are you seeking to do?

Deputy Moakes: I was asking the Deputy to give way.

Deputy Soulsby: He cannot give way, it is my speech! *(Laughter)*

The Deputy Bailiff: Deputy Dyke is giving way to Deputy Soulsby, so we cannot give way on a give way. So Deputy Soulsby, back to you.

Deputy Soulsby: Deputy Moakes is happy to sit down.

I was concerned about some of the things Deputy Dyke said because it did not sound to me like issues that were of a planning matter. They seemed to go further than that. Just by the fact that he does not like filling a hole and then emptying a hole, why is that a reason why planning permission should not be given?

I was confused about that but, anyhow, I think I will go to the meat of what I was thinking about saying, was not going to say and now I am going to say and people might wish by the end of it that I had not said it! But I am going to say it now. This just demonstrates to me the absurdity of the system we find ourselves in.

For the avoidance of doubt, I am not criticising members of the DPA or STSB in this, other than questioning why we had an Open Planning Meeting when there had been no representations and why getting around a table could not have been done before now, although I do appreciate, our officers seem to be all happy with it, so that is probably why it did not and nobody saw the need, certainly from STSB.

But these are minor points in the scheme of things. To me, the issue is bigger than that. We have created a monster of a planning system. Or, rather, adopted a system designed for a jurisdiction of 93,000 square miles rather than one of just 25. It is neither nimble nor meeting the Island's current needs and our principal need, which this Assembly knows, they know what I am going to say, is around housing.

Now, whether or not more should have been done in the previous States to get more houses built, it has to be said that things got substantially worse after the pandemic, which has seen levels of immigration not seen for decades and has resulted in the crisis we are in now. However, the planning system just has not adapted to it.

I noted Deputy Oliver spoke about trying to streamline various aspects of the system in her update and I do welcome that but I actually think we need to look at doing things differently. We need to bring back a can do, get things done, focused attitude that we managed in the pandemic, but seems to have withered away with time.

I am not saying that the whole system needs changing. But the real ridiculousness of all this is the huge amount of time and effort that goes into one part of Government trying to justify its proposals to another, putting aside the optics of this, especially when what is proposed is rejected, it means there is no alignment with the priorities set in the Government Work Plan.

Whatever the merits or otherwise of our Machinery of Government, I believe the problems we are experiencing are down more to the processes we put in place and the powers we have delegated to such an extent that we, as a representative body, appear powerless to do anything. There was a time Government did not need planning permission.

I am not saying we go back to that but surely to goodness, given the position we are in, if this Government, through its Committees, believes that a development is a strategic necessity, such as we are discussing today, this Assembly should have the power to fast track them if it so desires, without all the processes that it currently has to go through that cost an inordinate amount of time, money and resources, in a system that does little to support easy and meaningful public engagement.

Of course, that might mean some of us will not like the decisions., Indeed, I can think of some sites that had they been brought before now, I definitely would not have supported. But perhaps better they come here than for Committees to spend years on an application, only for it to fail, or not even be presented at all.

This is not something I want to see continue indefinitely but certainly until our current housing situation has eased. Madam, I have only been sitting on the Housing Priorities Group since early this year but just in that short time it has convinced me that the system needs to change and to change now, if we have any hope of building anything meaningful in the next few years. I am happy to work with anyone in this room and outside to try and make that happen –

Deputy Burford: Point of order.

The Deputy Bailiff: Yes, Deputy Burford.

Deputy Burford: I am not sure about the relevance of housing to this debate. Thank you.

The Deputy Bailiff: I assumed it was because of the cost that was suggested there would be if –

3130 **Deputy Soulsby:** It is housing but I am talking about matters of strategic importance. We know that inert waste is because it is all tied up to other developments that we need to do, which does include building more housing. At the end of the day, why are we doing this? It is because our biggest priority is housing.

3135 So, as I say, I am happy to work with anyone and outside to try and make that happen. Let this be the last time we have to adjudicate over something that should have been done and dusted years ago. We need to think differently and act differently in so many ways and nowhere more than when it comes to our planning system.

I will support the Propositions. Doing otherwise would just be can-kicking and I think we have had just about enough of that over the last few years.

3140 **The Deputy Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, madam.

3145 I understand under the Rules of Procedure, the Members of the DPA who voted to refuse the application have to declare a special interest. So, under Rule 17 I declare a special interest, it still allows me to vote in debate. I believe my colleagues will have to do the same.

3150 Although most of my colleagues have spoken, I feel I need to go into further detail to explain further some of the reasoning of why the DPA and my colleagues ended up refusing the application. It is very much centred around the Local Planning Brief process. When the last IDP was approved in 2016, one of the key outstanding items was to develop the Local Planning Briefs for the harbours. Again it is a real shame that this is only happening now, eight years into the IDP review.

3155 But the Local Planning Briefs are quite important because they are seen as the planning frameworks to unlock development in the harbour areas. They have been quite important because there has been a perception, including from our colleagues in STSB, throughout certainly this political term, that in the absence of the Local Planning Briefs the DPA would not approve any planning applications that the absence of Local Planning Briefs was acting as a deterrent for development.

3160 Actually, this Committee has worked extremely hard to be able to, through the policy MC10, which is trying to unlock development in harbour areas, to really try to progress development. We have been working very hard, for example, with Quayside and without political intervention we would not have seen this substantial development take place. I can give other examples.

3165 The Local Planning Briefs, which the Deputies will be able to see in detail in a couple of weeks' time, together with the very important work that the GDA is doing, and again it is very unfortunate that all of us have not seen those exciting plans, they show how crucial Longue Hougue is to any regeneration of the Bridge, because it is going to be the central place where a lot of the industrial uses could be moved, together with concentrating the marine industry and allowing it to expand.

3170 So in terms of strategic medium- and long-term use, it is absolutely a critical area. What has been interesting, again is the policy letter goes into a lot of extent saying that the GDA did not raise any objections. Actually, I want to really clarify what had happened. Actually the GDA was not consulted the first time around when the first application came through. They were not a part of the stakeholder group that was consulted. Yes, they themselves did not look at the application when it was live. A small organisation, maybe it was an omission but the first time round, when STSB brought the application to Planning, the GDA was not consulted.

3175 The first application from STSB included using the whole of Longue Hougue for stockpiling, which would have been disastrous to the Local Planning Brief process. It was purely due to political intervention, when we realised the GDA was not consulted and it was literally at the last minute –

Deputy Parkinson: Point of correction, madam.

3180 **The Deputy Bailiff:** Deputy Parkinson.

Deputy Parkinson: The Chairman of the GDA sits as a member of the Guernsey Waste Board. It is nonsense to say that they were not consulted.

3185 **The Deputy Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: I can confirm that planning officers did not specifically reach out to the GDA during the consultation process and sought, through the planning process, their official response. It was literally at the last minute and after the political intervention that consultation took
3190 place with the GDA, who were firmly against the proposals to stockpile across the whole of the Longue Hougue zoning. It was literally through a last-minute redrawing of boundaries that the application was amended in early July.

That application, which we considered, still encroached partly into the area that the GDA was hoping to safeguard for future development of marine industry and other users but they were happy
3195 at least to work in a compromise. It is quite important to note that if it was not for the political involvement and our real push to consult with key stakeholders who are responsible for delivering development in these areas it would not have happened.

It is also very important to say that the local planning process, obviously, supersedes any past considerations and decisions that might have been taken on inert waste. It is definitely a key
3200 planning material consideration that we have to take into account. As Deputy Oliver, I think, said, we did not consider it to be short term because three years of stockpiling, three years of decommissioning, with potential extension of that application further; six years of locking a key part of Longue Hougue that would not be available for the crucial development of the harbours until the next decade.

3205 As a Committee who have been absolutely trying to get development going this political term we really were worried about such serious implications of holding development for the St Sampson's area.

The second point that was absolutely crucial that came through the Local Planning Brief process and the technical reports developed through our consultancy were around flood risk. This was
3210 alluded to in the Statement that the President of P&R made earlier today and Deputies will have just received a press release announcing effectively the outcomes of the work that came through the Local Planning Briefs of that crucial importance of having short-, medium- and long-term flood strategy, which will be absolutely essential to enable and to support development in those areas.

The flood risk is an extremely serious issue for Guernsey, going forward. We could not reiterate
3215 it more and Members will see more and more is going to come through the technical reports in the next couple of weeks. This is for this reason that the GDA suggestions that potentially, instead of the inefficient double handling of waste, what could be considered as an alternative is the raising of levels of the area.

We thought that was quite an interesting alternative suggestion and should continue to be
3220 explored. This is when we outlined the decisions in the policy areas of refusing the application, that designing a stable development of things that we did not think was captured appropriately.

As my colleagues also described, we tried to explore whether a deferral was a possibility for this application, rather than refusal. As Deputy Burford outlined, on officer recommendation and the reasons we were giving for refusal, it was not considered appropriate to defer the application. That
3225 a refusal would be more appropriate and a new application would have to come through.

This is what we were hoping would happen, that that Open Planning Meeting would allow for further discussion with the STSB to come, find an alternative solution. As Deputy Murray said, there is no alternative that has come forward; actually I think here are some really possible alternatives that are on the table and those are to shorten the exiting application, to really prioritise looking at
3230 alternative solutions and to look at the long-term inert waste strategy.

Unfortunately, and I am not ashamed to say that, we had no political approach from STSB whatsoever and all the decisions on how they wanted to approach this situation were made without political involvement with the DPA. In that, I really share Deputy Soulsby's concern that we have got

this system where the Committees have to play out this system of government in the States of Guernsey.

Deputy Roffey, in his opening speech, told us about the situation as the logjam and a bit of a car crash. I very much agree with him because we seem to be in this system of government, which is totally incapable of making decisions in the right time to avoid wasteful decisions, such as the completely inefficient, double handling of inert waste that we are faced with.

We are being cornered and effectively blamed for this decision but we are acting within the remit of what we have got, on policy areas that we have to consider and all the evidence that we have got in front of us, such as the Local Planning Briefs, the flood risk reports, what we are considering, this is ultimately due to the States' ongoing delay in coming up with the next place for the inert waste strategy.

We understand from the updates from the President of E&I that this piece of work was due in Q1 2023. We are obviously nearly two years on from that and we are expecting that to come. But this is where these kinds of logjams and inefficiencies come from because as a States and Deputy Roffey said they started working on the inert waste new site process more than 10 years ago so, yes, here we are, 10 years on, still unable to find a solution for inert waste. Again, I very much agree with Deputy Soulsby that although I want to extend it further, this is not just about the planning system and the Committee system, it is our existing system of government.

Deputy Roffey said he hoped someone, after all the updates and concerns he has raised over the last few years, and I absolutely remember all of them, no one within our system of government could step in and say, 'Come on guys and girls, we know this hole is going to be filled in. We have known it for a very long period of time,' but no Committee with our system of government, said, 'Do you know what, I am going to make sure we prioritise a piece of work, through the Government Work Plan, or whatever means, to ensure we make the decision when we need to,' instead of making what is a completely inefficient decision.

It is already costing the construction industry additional gate fees and it will cost even more when the double handling kicks in. A completely inefficient decision. Why? Again, I do not know who to ask. Maybe Deputy de Sausmarez from the Committee *for the* E&I, because this policy letter was viewed 20 months ago, or someone else, I do not know. But this is the state of Government we are in. Unable to make the decisions on time to avoid complete inefficiencies, delays, costs, etc.

So I do believe we have got a solution. The solution is to allow for a shorter application to enable alternative solutions to come through with proper consideration. If that application then needs to be extended that is fine. We still have not been able to come up with a solution. But today you would give the wider States a *carte blanche* for six years to block a key strategic part of Longue Hougue and make it unavailable for key strategic development for this Island and I think this is a really terrible decision.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, madam.

On the issue of stockpiling, we have debated inert waste so many times in this Chamber. The first that I was involved in personally was in 2017 and it was made very clear in that policy letter, and it was a very big feature of that debate, that stockpiling was extremely likely. Actually the cost of stockpiling, which has been mentioned by a few people, double handling, etc, was a very big factor in, actually it is, multiple debates. So the decisions of the States have been made in the full acknowledgement that stockpiling is something that we want to minimise as far as possible.

Now, to be clear, even though stockpiling has been unavoidable now for a few years, absolutely unavoidable, the biggest route or most likely route to be able to avoid it would be to progress the planning inquiry on the preferred solution. But that was not supported by P&R. Instead we agreed as an Assembly, we supported to work on the future of Les Vardes Quarry, which looks at things in a more joined up way and takes into account the strategic future needs of both water and inert waste so this is something we can make in a full decision. I would not want anyone to get the

impression this is the first time that anyone has realised that stockpiling is really quite expensive and would be a great thing to avoid.

3290 There were ways, that we possibly might have been able to minimise it, even though it has been highly likely, and we have known that since 2017. It has been absolutely, categorically unavoidable for a few years now and actually Deputy Mahoney mentioned Les Vardes as an option, it is actually P&R, of which he is a member, that ruled that out. So it is confirmation that stockpiling would take place at Longue Hougue, it was his P&R that actually made that.

3295 I am not going to go into any detail on various points that he raised because most of them are irrelevant to this particular debate because they very much conflate the long-term use of Les Vardes, with the situation we are supposed to be debating now, which is the short-term stockpiling situation. Les Vardes is, I am afraid, not an option for stockpiling.

3300 Obviously, as I would expect, people involved in Ronez made a case that is in their best interest. We have to take into account a whole range of factors but ultimately make the decision on the best interests of the States and therefore, by extension, the taxpayer, and that decision was indeed taken, in fact by the P&R of which Deputy Mahoney was a member.

3305 So I think it is important to focus on the difference between the long-term options and the short-term situation we are facing. This has been conflated in many of the speeches we have heard in this debate and Deputy Vermeulen, in his speech, he was talking about that it is a real shame that this is the only option. To be clear, this Proposition, as a short-term measure, stock piling at Longue Hougue is, as far as I am aware, the only viable option for the short term.

However, the long term is totally different. Long term there are a number of different options that we have considered and those will be brought to the Assembly so they can have a full debate on exactly that.

3310 Deputy Mahoney and Deputy Kazantseva-Miller brought up the issue of the delay in that work and I am happy to explain a little bit more about why that work was delayed. The most important point is that it is highly technical work. It is very technical engineering work, lots of feasibility studies that have to go into it, and also you are comparing two quite different things. You are comparing water and you are comparing inert waste. So it is a very technical process, which does take time.

3315 Actually, the main reason for the delay relates to the procurement process and my understanding is that procurement, which I know to be really struggling with resource, the procurement process, essentially, I do not know if I want to put a number on it because I do not think it is fair to do so, but it took a very significant amount of time to complete that procurement process. There are a number of different factors relating to different parts of that procurement process that I have mentioned before that we are impacted by procurement being under-resourced, this is exactly one of those examples.

3320 We did raise it with the P&R who have responsibility for the procurement function. Again, it was the P&R of which Deputy Mahoney was a member while this was going on.

3325 To segregate again the short term and long term, which is really what we need to focus on in this debate, all the factors that have been mentioned by various people, whether it is land raising, whether it is the Local Planning Brief, whether it is Black Rock, whether it is flood defences, these are all long-term options and none of them negate the need for stockpiling in the short, indeed immediate term.

3330 A one-year version of the application, as has been suggested by Deputy Dyke, I am afraid does not appear to me to be a viable option. We know because it would not buy the time necessary to develop a long-term site, because there are processes that need to happen before a site can be ready to accept inert waste, even once you have made the decision about the fact that it is going there.

3335 Again, I totally agree with Deputy Kazantseva-Miller, it is incredibly important, it has been a major focus for us, we are really glad that we are able to progress at a faster rate now, working with P&R, well hopefully if the Assembly supports, but again it does not have a bearing on the need to stockpile.

In fact, actually, it is quite helpful to have a stockpile. The same with whatever the GDA are planning. It is helpful for them to have a stockpile and even, as Deputy Parkinson says, there are two sides to the story: on one hand stockpiling is expensive and we do want to minimise it; but in terms of things like flood defences, and in terms of the GDA's longer term need, actually there is a slightly more nuanced perspective you can take.

I do not think that it is the planning policies that are at fault here. Either in terms of ... *[Inaudible]* actually, I think the evidence of that is that fact that we got loads of planning permissions. We have got more than enough planning permissions that were they to be completed would meet the Island's housing needs. The problem is that those planning permissions have not been converted into units that can become people's homes.

So I do not think that planning policies themselves are a problem in that respect, either in relation to housing or indeed to inert waste. I stepped out and I do not intend to run through it because I think much of it is relevant to the Proposition before us. I have run through a lot of detail, the timeline of how we got here in terms of the States' decisions on inert waste.

I do think it is important we debate the right long-term strategic decision on that and I do think it is important that Members of this Assembly have got a chance to make an informed decision and that involves doing a proper job, dealing with the engineering work, making sure we have done the necessary environmental assessments, etc.

Then this Assembly can make a full decision on the long-term options. We are progressing with that as quickly as possible. There has not, even though there is a delay in terms of the procurement process, a very technical engineering work analysis has to get into that to prepare us for things. But that work is going to come back to the Assembly as quickly as we can possibly get it back to this Chamber.

However, none of that changes the fact that right here, right now, unless you want to inflict a very significant problem on the construction sector, we need to find the solution to stockpile our inert waste on a temporary basis and the only viable option that I am aware of is the one that is being put forward by STSB.

So I really would urge Members to please support this Proposition to make sure we are not shooting ourselves, as an Island, in the foot here and then we can move on and I am really delighted to see there is so much interest in the longer-term strategic options. That is great. But that is a debate for another day. The debate we have to have now is really can we move past this hurdle and can we put in place a solution that will enable the construction centre to carry on because I dread to think what might happen if we do not support this Proposition. I really would urge Members to please support it.

Thank you.

The Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, madam.

I have furiously been writing notes throughout this so forgive me if there is a couple of breaks. Let us be very clear, we are about to run out of space to store inert waste. It is not going to happen in three years, or two years, one year. It is going to happen imminently. This is not something we can put off.

This policy letter is about a short-term solution because there is no medium- to long-term solution there at the moment. There is nothing, so we have to do something. This debate has quickly moved on from solving this short-term problem to trying to identify medium- to long-term solutions. Longue Hougue South, Les Vardes, Black Rock – new to many of us – raising the height of land to prevent flooding and probably there are people who have got more ideas as well.

Those things are not going to happen tomorrow or imminently, so you really have two options. One is to vote for this policy letter, for a short-term solution. Or the second is to vote against it. But you need to believe that the people who are saying that they can come up with a solution really

quickly, I wish you good luck with that. We do not have a great track record of coming up with ideas quickly or getting them past this Chamber quickly.

3390 So this policy letter is about –

Deputy Dyke: Point of correction.

The Deputy Bailiff: What is your point of correction, Deputy Dyke?

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Deputy Dyke: My point of correction is that if there is to be a short-term solution along the lines that Deputy Oliver and I have suggested, it is not a matter for this States, it is a matter for STSB to come to Planning with a revised planning proposal for the lesser period. That is what it is about. It would not come back to the Assembly.

3400 Thank you.

The Deputy Bailiff: Deputy Moakes.

Deputy Moakes: Thank you.

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This policy letter is about a short-term solution because we are going to run out of space for inert waste. If we vote against this there will be nowhere for waste to go. That will have catastrophic consequences for the construction industry. We keep on talking about how important building homes is. How does that work in connection with this? Are you just going to stop things from being built, including houses?

3410

It is not ideal, I appreciate, but until we have a longer-term option there really is no other choice. To Deputy Dyke's point, once we have approved this policy letter, we should then immediately very urgently move on and agree upon a longer-term solution, one of the many perhaps that have been suggested today. That will limit how long inert waste is then stockpiled and how much is double handled.

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But let us be honest, how long that takes is really down to us here, the States' Assembly. But what I do not want to do in the meantime is risk closing down the construction industry and stopping housing being built. So I would recommend to everybody, please do vote for this so that we do not suddenly run out of space, and then focus 100% on finding a medium to long solution but do not let us bite our noses off to spite our faces.

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The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam.

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I have been grateful not to have been called earlier because that has given me a chance to listen to debate and listen to the varying sides, which has been very useful for me in trying to formulate my way through this and to come to some form of conclusion. I would like to raise two specific points really, in what I am about to say.

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Firstly, it is the approach to the debate. Notwithstanding the fact that actually this is a really good policy letter and thank you to the officers for the quality of the output here, I think the approach has been really unhelpful in this instance. Just walking back through the timeline, I am not sure whether we are being broadcast through the BBC – I understood this morning we were not – but just for listeners and to take Members back through this, the DPA decision was publicised on 22nd July, there was some noise in the media thereafter, I was actually on leave at the time, so I have caught up with this afterwards.

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On 19th August, the policy letter was lodged and today we are 4th September, which is two weeks after the policy letter has been lodged. We normally have six weeks with which to familiarise ourselves with the proposals in front of us. I have gone back through my emails on a couple of occasions so I may have missed something from Deputy Roffey announcing the submission of the policy letter, all I can find is something in the media and I have called Deputy Roffey out on this on

3440 countless occasions, please do not speak to your colleagues through the media. It is really helpful to speak to us directly and to that extent it would have been, really helpful to get us all in a room, call a presentation, do a hybrid where some of us could have logged on virtually if we needed to, and talk to us about this. Explain some of the nuances behind this.

3445 Again, as I mentioned to Deputy Brouard this morning, let it land with your colleagues and let us absorb it so we can think really carefully about some of these really technical propositions in front of us. I for one, my planning knowledge is to the extent of an interested lay person in the street. I have read the IDP, I have tried to get my head around some of the technicalities and we are being asked here where we are of the opinion, in respect of the application, for planning permission for the temporary stockpiling of inert waste material at Longue Hougue, to reverse a decision from
3450 the DPA to refuse the application.

Now there is a huge amount of technical detail contained within the 120 pages so when I received my hard copy, which I have to for these long policy letters, Monday evening, the first thing I did was turn to the transcript to familiarise myself with actually what the DPA had talked about because that was essential. If people have not read the transcript they are immediately on the back
3455 foot with this policy letter.

That was really revealing in talking to the points that Deputy Oliver, Deputy Blin, Deputy Kazantseva-Miller, Deputy Dyke and Deputy Taylor have alluded to today, which otherwise we were almost just eavesdropping in on a Committee meeting. It seems to me, what has been revealed in the transcript, is their real concern was does temporary application actually mean temporary? In
3460 practice, how on earth are we going to force that temporary application if, in six years' time, we have not been able to move this stockpile? What options do we have available and the planning officers' response was there will have to be a new application. That did not seem to satisfy the members of the DPA.

Obviously, we are now at a stage where – I will come to my second point – we are in Hobson's
3465 Choice, here. There is a moral imperative to make a decision around the stockpiling but, equally so, Deputy Kazantseva-Miller and colleagues on the DPA, Deputy Oliver, have said quite rightly, actually we could have a short-term solution, which is what we need, and they cannot be blamed for knowing what they know as politicians. It is very difficult to park information that you know. They cannot un-know it, and come back to us, speak to us.

3470 I do not understand why that was not done by the STSB in this intervening period. They have worked incredibly hard at breakneck speed to get a quality piece of work out but actually that was only just part of it. There should have been talks behind the scenes. There should have been conversations with us as Members that would enable us to have a well-prepared, less protracted, less confusing debate, which we have had today, which is unedifying for us as a States.

3475 I ask Members, please speak to each other. Speak Committee to Committee, because we are not serving Guernsey people well with these protracted debates.

I am just looking at where actually we did get told from Deputy Roffey that something was coming and it was buried in amongst an email, you have got to look quite hard, there were 19
3480 responses to one thread and another thread on the same email with four responses, and it was buried within there. I do not think that many people knew this would have been coming unless they had caught the news. I do not want to be involved in doing Government business like this. It is not acceptable in my view.

I think we have been short changed in a lot of ways during this debate. We are clearly not sighted
3485 on information that would be really helpful. I am very grateful to Deputy Murray, who I think outlined the moral imperative very well, and also for giving us further information that we could have well had in advance of this and people might have felt a little bit more comfortable sharing in a closed environment and we could have been a little bit more circumspect about what we then were able to say in this Chamber in the public environment.

Suffice to say, I am very torn about this. I understand what the DPA have said and the Committee
3490 members that have stood up, but I think for me the moral imperative is too strong in this instance

and so my vote may well be in favour, though I am loath to make it for this particular proposal. But I will still listen to debate and reserve my judgement until the nth minute.

Thank you.

3495 **The Deputy Bailiff:** Deputy Taylor.

Deputy Taylor: Madam, similar to Deputy Kazantseva-Miller, I just want to start at Rule 17(16), a declaration, pursuant to 17(16), it is only that I am a Member of the DPA and involved in the decision, I do have shares in Guernsey Waste by some convoluted way but anyway.

3500 I would like to start with a quote from a gentleman who is not in this room, goes by the name of Deputy Inder, and at the time of him saying these words, you were chairing, madam, I am pretty sure I shook my head here, I tried to ask him a question on it and you ruled it out of order. But I will read this quote:

I am not entirely sure why we have got politicians anywhere near Planning any more, to be perfectly frank with you. If we have planners and a policy to match applications against, within reason, I just do not like the idea of politicians just getting their colouring crayons out and deciding that they want a community centre in that corner, four trees in that corner, and the height of the buildings.

3505 The last couple of words are not really relevant but I think, I begrudge to say madam, with hindsight he had a bit of a point, based on my experience of this particular planning application.

Next madam, I want to read a quote from the Proprietary Guidance, which is guidance that all us DPA members should have read. It is given to us on how we should conduct ourselves in an Opening Planning Meeting, what particular situations may give rise to legal challenge and there is, paragraph 21:

3510 Are there any special considerations, which apply when the Authority is considering an application made by another States' Committee or which is effectively States' development?

You will not be surprised that there are important considerations. First up:

It is important that the Authority treats the application in the same way as any other ... The process is open.

This is largely irrelevant but I will read the important paragraph:

It is important that the decision is made having regard to the relevant planning considerations, in particular the policies of the Island Development Plan, and not any other issues, such as States support for the project, or financial considerations, which are not relevant to the relevant policies of the Development Plan.

It is interesting, it also goes on to note:

A decision would be quashed if the Court were to decide, looking at its determination of the application as a whole, that the Authority had determined in advance to allow the application.

3515 I would love to know what the Court – madam, I think you could give an indication – would think, having heard from Deputy Dyke's mouth, that he does not believe an EIA is relevant for an application that has not yet been submitted. Nothing smacks of predetermination more than that, in my view.

But nonetheless we have heard today –

3520 **Deputy Dyke:** Point of correction.

The Deputy Bailiff: Deputy Dyke, what is your point of correction?

3525 **Deputy Dyke:** My point of correction is suggesting that I have suggested an EIA is not necessary for an application that we have not seen. We have seen the application. What I was referring to was

an application for a lesser period of time, thus a lesser invasion of the property. So if one has done an EIA for the bigger amount then it is clearly, if one is remotely sensible, not necessary to do another one for the lesser application. In a sensible, real world, where anyone wants to get anything done –

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The Deputy Bailiff: Thank you, Deputy Dyke, it is just a point of correction, remember. Deputy Taylor.

Deputy Taylor: Thank you, madam.

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Let us carry on. Let us look at the – where is my tab? I have got so many tabs here, but I do not need them – refusal reasons. If this was an appeal of a regular planning application that went to the appeals tribunal they would simply look at the reasons for refusal and that would be the challenge, to basically prove those reasons were wrong. The appeals panel would have access to all the transcripts, the same as we do, they would probably provide comment on the conduct of the meeting, which I think in this case it would be rather damning, but I cannot speak on their behalf, it is just my view.

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But they would look at the reasons for refusal. They may even, they have in the past –

Deputy Oliver: Point of correction.

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The Deputy Bailiff: What is your point of correction, Deputy Oliver?

Deputy Oliver: They do not just look at what we have said, they look at it from scratch.

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The Deputy Bailiff: Thank you, Deputy Oliver. Deputy Taylor.

Deputy Taylor: If I clarify, then, madam. They look at the entire application but the challenge is to overturn the reason for refusal. That is the key point. So, in this particular case, if this was a traditional appeal, we would be looking to overturn reasons one, two and three. So you would be looking at the policy –

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Deputy Oliver: Point of correction.

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The Deputy Bailiff: Yes, Deputy Oliver.

Deputy Oliver: I am really sorry, I am actually right on this occasion. They look at it from scratch.

The Deputy Bailiff: To be fair, Deputy Oliver, he said they would look at it from scratch and then would look at the reasons why it had been refused. So I do not think that is a valid point of correction.

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Deputy Taylor, please carry on.

Deputy Taylor: Thank you, madam.

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So, in this particular case, they would look at the policies that had been referred to and the main policies here, IP2, MC10, which there is lots of writing in there but lots of the IDP repeats itself and the reason for refusal on both those policies is, essentially, the same, it may prejudice the implementation or the proposals within a Local Planning Brief, in this case the St Sampson's Harbour Action Area.

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That would be the test if you were looking to overturn that. They could look at precedent, so policy MC10, have the Authority previously considered applications under this policy and how did they reach their decisions? And conveniently, we actually considered an application against this

policy quite recently, for Quayside. And there are some good comparisons that we can make because the Guernsey Development Agency also commented on Quayside. I will not read out their full comments but the application for Quayside very much were contained within the Quayside site, as I am sure most of you are aware of that site.

Paraphrasing, the GDA took issue because they would like to see pedestrianisation of the road in front of Quayside and they felt it would be better to move the vehicle access, do some changes, to enable in the future, some time, pedestrianisation. Now, that was sort of pushed aside on the basis that that is just a nice idea they have got in the future. There is no actual proposal on the table. So it is not really a relevant consideration and, as it is further down the line, changes could be made. It was considered that Quayside, even with the objections from the GDA, did not offend policy MC10. Now it did not include policy IP2, that was not relevant. But as I said the wording is very similar, so it is a similar test.

Now then you look at the GDA's comments on this particular application. I was going to stand up with a point of correction to Deputy Kazantseva-Miller but I thought I have got the right to speak, so I will wait. I have here in front of me, as all of you do, the letter of comment, the email from the Guernsey Development Agency. It is quite interesting to read, because contrary to this assertion that they are in some way unhappy or this application, if approved, will hold them back, they will not be able to realise their dreams, it is not true. They are content with the application.

I will not read their entire letter but I will read the main parts, addressed to the Director of Planning.

We appreciate the revised plan proposed by ...

– I will not say his name –

... and feel we can work with it on the basis that stockpiling ceases after 3 years and all stockpiled material is removed within 6 years from date of the consent.

Then the most important bit. There are a couple of minor bits, pretty inconsequential.

Both of the above are we think obvious and not inconsistent with our agreement to support ...

– important word there, to *support* –

... the waste proposal as set out in Rob's note of last night,

Pardon me for mentioning his name. So whether or not the GDA were consulted first time around is largely irrelevant because they were consulted, their views were taken on board, Guernsey Waste changed the proposals and the GDA were supportive. Now I did not support the GDA being put into position themselves, but they are in position, besides the point, they are responsible for the development of the east coast, and I am not sure who else would come forward. So if they are happy that these proposals would not prejudice the outcome or inhibit the implementation of the Local Planning Brief, who are we to say otherwise? We have handed it over to them and given them that responsibility.

I do not think reasons one and two hold any weight at all. I think they would be easily quashed and I think that is what Members will do today.

The third reason for refusal was on GP8, design criteria B, making efficient use of the land. It said because of the scale of the proposals it would not be efficient use of the land. That does not even make sense. I do not remember that being discussed in the meeting anyway but because of the scale of it. It is a set thing, as Deputy Parkinson told us, there is a certain amount of material that needs to be stockpiled temporarily and the most efficient way of stockpiling material is to make a pile, not spread it out everywhere.

How could you possibly say, if the intention is to stockpile, that piling it up is not an efficient use of space? Especially when you have got one of the Members, or several of the Members now, suggesting it would be better to spread it out. That is not an efficient way to stockpile. So those three reasons, I think, at an appeal tribunal, would have been overturned quite easily.

I am just going to have a quick sip of water. The next point I want to address, it is slightly separate to the planning application itself but Members keep talking about it and it is this inference that the DPA and STSB, maybe E&I, are all working in silos. That we did not speak to each other. I just want to put this to bed. There was no need, or it seemed there was no need for meetings. No one had raised any problems, there were no objections. The Members of STSB and Guernsey Waste were under the impression that everything was going along.

It was on us, as Members of the DPA, if we had reservations about this such that we were going to refuse this application, it was on us to go to them. Not the other way around. There was no need for them to come and see us because they thought everything was fine. If we were going to refuse this, it was us that should have gone to them. Us being the DPA, not the other way around. I do not like this, if only you had spoken to each other –

Deputy Kazantseva-Miller: Point of correction.

The Deputy Bailiff: Yes, Deputy Kazantseva-Miller, what is your point of correction.

Deputy Kazantseva-Miller: As Deputy Taylor previously said, we have to deal with every application on policy merit. If we deal with private applications we do not go to someone who we are going to refuse an application and try to negotiate some kind of new application. It is totally inappropriate what Deputy Taylor is suggesting that prior to the OPM we should have gone out to STSB to seek alternative solutions. Totally against the planning policy that Deputy Taylor very well knows all the ins and outs.

The Deputy Bailiff: Thank you, Deputy Kazantseva-Miller.
Deputy Taylor.

Deputy Taylor: Thank you, madam. I appreciate the compliment from Deputy Kazantseva-Miller. I would not go as far as saying I know all the ins and outs, I am not a professional planner, but she is incorrect to say that the Development & Planning Authority, or its officers under delegated authority, do not go back to applicants. If it is looking like an application will be refused and there are minor changes to be made, planning officers will absolutely go back to the applicant with comments and they will seek, if it is possible, a resolution.

It is not –

Deputy Kazantseva-Miller: Point of correction and order, I think.

Madam, I believe Deputy Taylor is completely misleading the Assembly, I do not recall any one instance when we have gone out as a political Member knowing something might be refused –

The Deputy Bailiff: I do not believe he said political Member, Deputy Kazantseva-Miller, I think he said, at least this is what I have heard him say that officers will go and speak to applicants in order to see if they can resolve issues in relation to their planning application. That is what I heard.
Deputy Taylor, if you will continue, please.

Deputy Taylor: Thank you, madam.

The Deputy Bailiff: Yes, Deputy Oliver.

Deputy Oliver: ... *[Inaudible]*

3670 **The Deputy Bailiff:** As I understand it, what Deputy Taylor was suggesting was that officers meet with applicants in order to discuss their applications and try and resolve things before the hearing of the application. I think that is what you said, isn't it, Deputy Taylor?

Deputy Taylor: Yes.

3675 **The Deputy Bailiff:** Deputy Taylor, please carry on.

Deputy Taylor: Sorry, with all those interjections my laptop has gone to sleep. I do not think there is anything on there anyway, let us carry on.

3680 There has been a lot of talk about the alternatives. I do not have much to say about that, you will be pleased to know. I clearly missed the requête that was distributed with all these ideas written down. Of course there will not be a requête because if you have paid attention, I think less than seven people have put forward alternative solutions, so they have not got the numbers for a requête and even in that sub-seven number, there does not seem to be an agreement on where they would put the inert waste even if they were going to come forward with a solution. So I think all those
3685 alternatives could be put to bed just for now. They are not real considerations.

I will not go into the Environmental Impact Assessment, because it is largely irrelevant, but basically if you are going to be raising the ground level by about three metres on a site of several hectares, you are going to need an EIA. It is probably the largest geographical change we have made to the Island, I think it would need looking at properly.

3690 So the next part of the proprietary guidance that we get given as DPA Members is about material planning considerations. What you can take into account but more importantly what you cannot take into account. The second one of those, it reads 'You may not take into account the character or the identity of the applicant or the objectors.' This is probably my most controversial part, madam. Because I do not know what Members are thinking. When a Member speaks, whether in
3695 here or in an Open Planning Meeting, you kind of have to take at face value what they have said. But sometimes you are party to other bits of information.

In this particular case, I feel like Deputy Roffey is almost to blame for this just by being himself and having involvement in this application. Why do I say that, though? That is not my view because I know that the application was made by Guernsey Waste, but I just want to read from a letter
3700 penned by Deputy Dyke, posted in *The Guernsey Press* on 26th or 27th July, just a couple of days after. It refers:

The Planning Committee has not just turned down the sub-optimal application from Deputy Roffey.

It then talks about all the things that Deputy Roffey needs to do. This was not an application from Deputy Roffey. It was the STSB. Why am I raising that? You might think, so what, it is a piece referred to in a letter. But I am going to read from a WhatsApp conversation, which I think gives an
3705 indication that this application was going to be refused by one of our Members, irrespective.

So having considered the refusal, STSB decided they were going to take this action and bring it back to the States, so Deputy Oliver messaged us to say, 'Just to let you know that STSB are taking the planning application to the States for appeal, I had a call from Deputy Roffey.' I replied, 'They have already issued a media release, good on them.'

3710 John Dyke replied, 'Imbeciles.' (*Laughter*) He then went on to say, 'This could be fun. Roffey creates Mount Trashmore, Mark Helyar is onto his nonsense.' (*Interjection*) I am reading it. Next message, 'I am in the Airport in fog, I only have access to this.' Next message, 'I am sick of that bearded twat!'

I am sorry to have to –

3715 **The Deputy Bailiff:** Deputy Taylor –

Deputy Dudley-Owen: Madam, point of order.

3720 **The Deputy Bailiff:** Deputy Dudley-Owen, please let me deal with this.

Deputy Taylor I am not sure it is assisting this debate in reading that WhatsApp message. I think we all need to be aware of what we put in writing and there is always a risk if you put things in writing that they are going to be read out. I do not think it is helpful for debate. I do not think it is helpful for this Assembly to deal with matters in this way, so I would ask you to cease reading those elements of the WhatsApp that appear just to be insults, please.

3730 **Deputy Taylor:** I will refrain from reading any further, madam. To paraphrase the rest, I pointed out that was inappropriate. Deputy Oliver said that we should be kind but no other Member actually stood up against that. So this is a colleague who has put forward an application and at the very same time, this was the way he was spoken about behind the scenes. I think that was wholly inappropriate. I do apologise for having to read it out in here, madam, but I wanted to get that off my chest because I just do not think it was appropriate.

In closing, madam, I just want to pick up on a point that was made by Deputy Soulsby about how successful the IDP is or how it is causing issues. I just do not think the IDP is the issue here. I think that is a red herring –

Deputy Dudley-Owen: Madam, point of order.

3740 **The Deputy Bailiff:** Yes, Deputy Dudley-Owen.

Deputy Dudley-Owen: I need to ask the question. Is what Deputy Taylor has just done in reading out a personal WhatsApp message acceptable in terms of sharing personal data? I fear –

3745 **The Deputy Bailiff:** Deputy Dudley-Owen, I am not going to make a ruling on the Data Protection rule. If you want His Majesty's Procureur to deal with it in that way we can but I do not think it is helpful for this debate. If it is something you want to deal with afterwards, you are very welcome to. I have already spoken to Deputy Taylor about it. He has apologised for it. I think we need to move on with this debate.

I think it is a lesson to us all, as I have already said, that if you put things in writing of that sort of nature, there is always a risk that somebody is going to use it.

Deputy Taylor, can you please carry on.

Deputy Taylor: Yes, thank you, madam.

3755 **Deputy Soulsby:** Point of correction, sorry.

The Deputy Bailiff: Point of correction, Deputy Soulsby.

3760 **Deputy Soulsby:** Deputy Taylor was talking about the IDP, I was talking about the wider planning system, not just the plan that links to it.

3765 **Deputy Taylor:** Thank you for the correction from Deputy Soulsby. Largely, my point remains the same. Irrespective of the plan, the policies, the process, the system that we adopt, it is the people in it, who are working in it. The professional planners have considered this application and their professional view was that this application accords with planning policies.

We could change the policies, we could call an Open Planning Meeting, it would not change the outcome if Members decided to consider irrelevant considerations, we would end up in the same place. I think it has been a display of poor conduct by the Development & Planning Authority and I hope Members will do the right thing and support STSB to pull us out of a rather sticky situation.

3770 Thank you, madam.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Madam, thank you for your interruption, your comment before because I think it has turned out in some ways to be a personalised debate and it should not be.

3775 Let me say what I think. I think and I read, you directed Members' attention to Appendix 2, which has the transcript of the Open Planning Meeting. Can I say, although they took different views and they took different views, some of them, from the planning officers, I think all five Members conducted themselves entirely appropriately. The fact that they came to different conclusions does not mean that any of them are bad people or that they adopted the wrong policies.

3780 Where I also disagree, and my experience goes back rather longer than Deputy Taylor's because I am older than him, I am older than anybody here except for Deputy de Lisle. No disrespect, of course. In relation to that, my experience is that it is not uncommon for political representatives to treat as they should their planning officers with considerable respect but come to a different conclusion. Otherwise, they would not be part of the planning process.

3785 If it was thought that it should be kept away from the politicians, then the Law could be changed. But the Law is not changed and I have attended a number of Open Planning Meetings over the years where the planning officer sets out his or her views, the political Members then speak, some support the planning officers, some do not. That does not mean they are criticising the planning officers, it does not mean it at all. They just take a different view because that is their responsibility. They are not there as a rubber stamp for the planning officers, albeit in the overwhelming number of cases they do follow what the planning officers say.

3790 Also, before I became President of Policy & Resources, I appeared in a number of appeals before the appeals body, under the new Law. I used to do lots of them in the Royal Court, but that source of income was stopped when the Law was changed and I had to find something else to do! So thankfully I did those.

3795 I can only say, from my experience ... and I have not done some for a time, I am going to be doing some relatively soon, Deputy Taylor will be pleased to know, because I am not the Chief Minister any more so I do not have that conflict. You have a professional planner, if I can call it that, they might be an architect or whatever, who sits as the chairperson and they are flanked by two other persons. Every chairperson that I have appeared before, the approach is the same, they look at it afresh, as the Deputy Bailiff has said, they look at the planning policies that have been recited but I have also had instances in those planning appeals where they have looked at other policies that have not been cited by anybody, because they think they are relevant to the issues they have to determine.

3800 So it is not as straight forward and as straight-laced. I can only speak from my experience, which goes back now in dealing with planning matters a mere 40 years so perhaps I still have enough experience. I also talk about the planning system. I am not saying it because there is an election nine months away but I feel so righteous today, so righteous. We started off with Deputy Trott rightly saying, he talked about international matters first. Quite right, it was an excellent summary of what we had to do both domestically and internationally.

3805 That means we have got really big considerations. We are almost a *quasi*-independent state. Not quite, but we have got lots of independent things. But sometimes we take ourselves too seriously in relation to what we are trying to do. It takes us onto Deputy Soulsby's point. I made it years before she has made it, which is that we have got a planning system that is too cumbersome, it is too unfit for purpose. It is a system that is dealing with twenty-four-and-a-half square miles and 64,000 people, not 60 million or 70 million.

3810 I was told when the Plan was promulgated, it would be more flexible, it would be more efficient, it would be more user friendly. I said, no, no, no to all of those and I have been proved right, right, right in my considerations. It is a monolith that people just cannot see through.

When I came back to Guernsey in the early 1980s, we had a Law called the Island Development (Guernsey) Law, 1966, which had come into force in February 1967 and in about 30 sections. It was a lovely Law, you could read it in an hour and I knew it almost by heart. Now we have got something different.

3825 When I came, there was still the outline development plan, which was a really sketchy document, and it talked about the Island being divided up into development plans. Now they were always out of time, they were not united, they were inconsistent and they did not do the job properly. So the next step was to have a rural plan and an urban plan. That did not work either, because they were inconsistent and they were never done in time.

3830 Now we have got an Island Plan, which is inconsistent, and is not being reviewed in time and is out of date too soon. We have also got a SLUP, which we should have got rid of, but anyway that is by the by, I am not here to talk about planning matters.

3835 What I am so pleased, having sat through patiently all the various debates and question times we have had today, is just how right I have been proven. I said previously we would have a fall down in income. We have got £16 million worth short of income, that Deputy Trott talked about. I said we would run out of income. Deputy Trott said in June, when he was giving an update, that the Budget –

3840 **Deputy Gabriel:** Point of order, madam.

The Deputy Bailiff: Deputy Gabriell.

3845 **Deputy Gabriel:** As much as I enjoy the history lesson and rehashing what we have heard already, Rule 17(6) I believe has come into play. Not relevant.

The Deputy Bailiff: Deputy Ferbrache, you are going off topic.

Deputy Ferbrache: I will just come back. I just wanted to say how right I was on so many of these issues and I am going to move on.

3850 Because it has proved I am right, we will need more income, we have got more expenditure. This is focused in relation to the debate, a point made by Deputy Parkinson. I have been in favour of the Guernsey Development Agency, I was one of those that promoted it. We had political opposition, 'You should not be spending this much on this Development Agency, you should not be spending that much, it is a waste of time.'

3855 It is not a waste of time. But I would support their proposals but as sure as eggs are eggs and I bet all the Premium Bonds I have not got that, in relation to their proposals to take up 10 years' worth of inert waste, that has got no chance. Because we are not going to do the Black Hole – what is it called, Black Hole, whatever it is – the one out near Vale Castle.

3860 **The Deputy Bailiff:** Black Rock.

3865 **Deputy Ferbrache:** That is a part of the Island I am not familiar with, particularly. But in relation to that, that is not going to happen. Their views are not going to be accepted. Deputy Moakes is right. We have run out of runway. He did not use that phrase, that is Deputy Helyar's phrase. We have run out of runway in relation to where we are. We have got to store our waste soon. Where I disagree with Deputy Moakes, but I am going to come to the same conclusion as him, when I vote, is that this will not be a temporary solution. It will go on and on because we have failed. I agree with Deputy Roffey, we and our previous Assemblies, not just this lot, the previous lot, have failed to make difficult decisions. In relation to this issue, amongst others.

3870 So I think the three years could be six years, could be eight years. As Deputy Dyke has said, that is not a temporary solution. But it is a practical solution. We have got nowhere else to put this stuff. Two particular comments, I thought Deputy Kazantseva-Miller made a brilliant speech, although I

am not going to come to the same conclusion as her, but her speech was a good one. She highlighted the considerations, she put it forward in a balanced, intelligent, cogent way.

3875 But the comment that probably provoked me to vote the way I am more than anyone was actually Deputy Inder, when he said that it was the email, got at some time just after 5 p.m. on 23rd July, and within a few hours, he had got somebody from the construction industry to say effectively, this is going to bring us to a halt.

3880 We cannot bring the construction industry to a halt. In fact, we want to advance it. We want to get it to do things, we want to get it to actually build houses. But what I would have liked, we have built systems in, not only the planning, all the other stuff, which are too cumbersome. We cannot make decisions. Some of us do not find it difficult to make decisions but most people here do find it difficult to make difficult decisions but we are not helped in some regard by the process. I have heard the Law Officers, I do not mean it as a criticism of the Law Officers, I have heard officers in
3885 other departments say, 'You cannot do it because of this, you cannot do it because of that.'

I would rather we had a, 'Yes you can do,' and if I had ever been President, and I think Deputy Oliver has been a very good President, if I had ever been President of the DPA or the IDC, as its predecessor, I would have said to officers, I only want to know those applications you are going to refuse. I do not want to know those you are going to grant. That is for you to deal with. You go
3890 ahead and grant them because those you refuse, we might be able to sort it out, we might be able to grant permission. There are some clearly we cannot. You do not want to build an office block in Torteval. I do not want to offend Deputy Aldwell!

In relation to that, you do not want to be doing things like that but other than that we should be the yes, yes society. We are a no, no society. And because we are a no, no society, Deputy Roffey
3895 was referring to 2015 when we had 54 sites, I think he said, that we were considering – I was not in the States, then, I think he was. He was not, that is fine. He came about the same time as me, 2016. We were not literally holding hands together, perhaps figuratively holding hands together walking through the States' Chamber at the same time.

In relation to all that, 50-odd choices and he is right, the only extant Resolution is Longue
3900 Hougue. I was part of P&R and the reason that P&R made the decision not to fund it was because it is never going to work at Longue Hougue cost-wise and otherwise. But we have got to have a long-term solution.

The fact is we have not got a long-term solution, so as much as I have concerns, I have always respected the officers at the STSB, I worked with a lot of them for a period of time when I was the
3905 President there, they did a great changeover that time, I do respect the political and the non-political members of that body, and I think they have made the right decision.

Not a decision I would like to make and I do not want to feel the three Members who voted the way that they did in relation to the planning should be criticised. They made a decision based on what they regarded, quite rightly, as the relevant policies under the IDP. I think they might have
3910 been right in a pure planning sense, I have to say, but sometimes you have got to just have – and I think it is following Deputy Dudley-Owen and then I will sit down – Deputy Dudley-Owen's point, you have just got to grasp the nettle and make a practical decision and not necessarily be too bothered about theory.

Thank you, madam.

3915 **The Deputy Bailiff:** Deputy Burford.

Deputy Leadbeater: I would like to move Rule 26(1).

3920 **Deputy Burford:** I am already there! *(Laughter)*

The Deputy Bailiff: There are joint calls for this debate to be guillotined. Anybody who still wishes to speak in debate, would they stand in their seat?

3925 There we are. You could read the runes. Everybody has spoken who wants to speak so I will just turn to Deputy Roffey to reply.

Deputy Roffey: Sorry, madam, just putting my reading glasses on.

3930 **The Deputy Bailiff:** I am just going to ask you to turn on that other microphone, because we have got microphone problems, so we can maximise sounds.

Deputy Roffey: Righty ho.

3935 Deputy Vermeulen, I think I will start with. He said I should have picked up the phone to the DPA, between us we could have just had a chat and found a better place to put inert waste. (**Deputy Vermeulen:** Exactly.) No, not exactly. I did pick up the phone to the President of the DPA. The only suggestion forthcoming was to put an almost dishonest application in. Deputy Ferbrache does not believe that the three-year application is going to prove to actually be ... [*Inaudible*], it is not going to morph into something more permanent than that. I hope that is not going to be the case, that is down to this Assembly, if it has got the will and it wants to find a permanent solution. I hope it does.

3940 But, I think we were quite clear that what we were putting in was probably going to be the minimum amount of volume and therefore that relates roughly to time, because there is a rate that the waste comes in, that would be practical in order to see us over from where we are now to where we are going to need to be. We did not want to be dishonest and try to get just our foot in the door, we wanted to be quite clear.

3945 But, it is not down to either the STSB or the DPA, or even in a joint meeting, to find alternative solutions in the sense of coming up with sites that this Assembly has not in any way, shape or form authorised for the use of inert waste and say, you know what, you voted in 2020 that, if there is to be any stockpiling it ought to be on Longue Hougue South but we are going to go and put it, I do not know, in Les Vardes instead, despite the fact that there is a policy letter pending from E&I and
3950 the States have not given any approval for that whatsoever. This is a nonsensical approach to politics, quite frankly.

Talking about Les Vardes – sorry I should not pronounce the ‘s’ should I – Deputy Mahoney was very keen on its dual use and also suggested that Ronez had said operationally Les Vardes could receive waste from October. Well, operationally, from their point of view they may be able to, but
3955 that does not mean it can actually happen.

First of all, I think there is an issue that it is not owned by the States and I have to say it absolutely bemuses me why, when we gave the rights to Ronez to actually mine on Chouet headland that was not tied up with some kind of arrangement for ... (*Interjection*) It was tied up? My understanding is the negotiations are still going on and I think they should have been all a part of a piece, but I am
3960 going off at a slight tangent there.

More to the point, Deputy Mahoney said that planning requirements and licensing requirements are all in the gift of the Assembly. Well, they are not. Planning and waste licensing are legal requirements and the process is set out in Law. That is in the hands of this Assembly in the sense that we could go back and change all that legislation, but if you think that is going to be a quick
3965 solution to actually getting waste going into Les Vardes, even if it was a good idea, it is not. It would be a very long process indeed, at least the two-and-a-half to three years that we are going to need, I suggest, for stockpiling at Longue Hougue.

I am in danger of falling into debating the longer term solution but I very much agree with my Vice-President that there are quite strong reasons for not putting waste into Les Vardes. I think that
3970 water is the basic requirement of humanity. We know that weather patterns are changing and people sometimes say, ‘Why do you need all this water storage? Look how much it is raining at the moment.’ I turn around and say, ‘Yes, and it is running straight to sea because we have got nowhere to put it. Then when the drought comes along, that is when you suffer.’

3975 This Island pretty much ran out of water in the 1990s, as recently as that. And our population is going up steeply. I have no idea what it is in that policy letter but I think we need as big a hole as

possible for water and the idea that you try to mix waste and water when a reservoir is going to be there for 200, 300 years and no membrane in between, is ever going to be guaranteed to last that long, I think would be a very big mistake but I am making no mistake by falling into the Mahoney trap of debating long-term solutions instead of what needs to happen now.

3980 Deputy Oliver, I was slightly surprised because she made quite an impassioned speech about habitat, biodiversity, hydro-geology. None of those, as I understand it, were in the reasons for actually refusing the application. They were certainly all dealt with very carefully in the application and the satisfactory way they were dealt with was highlighted in the planning officer's report.

3985 Also, listening to a number of Members, you would think hold on, we had better not reverse this decision because the Guernsey Development Agency will not be very happy if that happens. Deputy Taylor is right. Their words are in black and white. They support this application. They will be pleased if the States vote to overturn this rejection.

3990 I am going to try not to take too long. A number of people, including I think Deputy Oliver and Deputy Dyke, suggested land raising, raising it across the whole of Longue Hougue and that could be really quite a rapid solution. We were desperate when the refusal came through. We talked to planning officers. I know, not everybody will agree with planning officers' advice. But they basically said not only, it is probably best if I quote it.

What would we have to do if we wanted to put in an application along those lines? This was what came back:

The first step would be to request a scoping opinion to determine whether the proposed works would constitute EIA developments. Although a scoping opinion cannot be predetermined and will be based on the information submitted and the associated impacts of the individual case, given the coastal location, and the surrounding heavy industrial usage, it is likely that an EIA would be required for raising the levels of land, particularly given the extent that is likely to be required.

3995 As Deputy Taylor says, this is a massive change to our whole topography. It would probably be the biggest change to our topography since, Doyle, God bless him, sorted us out to make sure that the French could not invade at Pembroke and had nobody able to march down and deal with it.

4000 Deputy Blin, I thank him very much for proving my point that the DPA was effectively pushing an alternative inert waste strategy when voting against our application. Deputy Dyke also went on about the GDA and I think that I have answered that in relation to Deputy Oliver. He also said that they would welcome the bund being raised to help against flooding. The only permanent part of this application, the stockpiling, but there is also building a bund around the outside, and that is going to remain permanently. That is there. That was a permanent part in order to protect against flooding and provide visual screening.

4005 Deputy Kazantseva-Miller said that Guernsey Waste's original planning application horrified the GDA because it covered the whole of the Longue Hougue. That is just simply not true. In fact, the amended application involves only a very slight reduction to the footprint and the location from the original proposal. But it is a bit irrelevant really because we have listened to their concerns, we have adapted it and what we are asking you to ask the DPA to approve today is an amended scheme, with which the GDA are absolutely content.

4010 Deputy Dudley-Owen pointed out this was a very quick process. She is right. It had to be. I am sorry it had to be. Frankly, if this was coming in October, we would have been right up against the wire. We absolutely had to crack on as quickly as we possibly could in order to make sure there was no disruption to where people can actually put inert waste.

4015 She said she was fed up of hearing things through the media. She did not need to. When, on 25th July, and I accept she may have been on holiday, having been scolded, almost, for not directly communicating with States' Members, I think I ought to point out we did issue a media release but we copied it to all States' Members and it confirmed that the STSB, at a meeting I think the day before, had agreed to appeal the DPA decision and to bring a policy letter to this Assembly. So we did directly inform all of our colleagues that that was going on.

4020

Deputy Ferbrache, I agree, my point today, the reason I am slightly passionate, has got nothing to do with personality politics, I am not attacking or criticising or castigating the three Members of the DPA that voted the way they did. I am sure that their motivation was absolutely pure. What I am worried about is not the politics, it is the economy, it is the impact on Guernsey if we do not do this. It is as simple as that. Madam, I think we have to vote for this policy letter and I hope to see an overwhelming vote that way.

The Deputy Bailiff: Thank you.

States' Greffier, would you open the voting for the Proposition that is on everybody's screen.

Deputy Oliver: Madam, sorry, I did get told that we had to stand up just before the vote to say that the DPA had a special interest. I do notice that some Members have already said that before their speech. I got told to, so that is me saying it.

Deputy Dyke: Madam, I think I have to say the same thing. I have just seen the memo. I think I have a special interest as I am a member of Development & Planning. I do not have any personal interest.

Deputy Blin: And likewise myself.

The Deputy Bailiff: Thank you. I think Deputy Kazantseva-Miller and Deputy Taylor have already indicated their interest. Thank you very much for doing that.

States' Greffier, will you open the voting, then, please?

There was a recorded vote.

Carried – Pour 30, Contre 0, Ne vote pas 7, Did not vote 2, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	Blin, Chris	Helyar, Mark	Haskins, Sam
Brouard, Al		Dyke, John	Le Tocq, Jonathan	
Burford, Yvonne		Kazantseva-Miller, Sasha		
Bury, Tina		Mahoney, David		
Cameron, Andy		Oliver, Victoria		
De Lisle, David		Roberts, Steve		
De Sausmarez, Lindsay		Snowdon, Alexander		
Dudley-Owen, Andrea				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Inder, Neil				
Le Tissier, Chris				
Leadbeater, Marc				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

4045 **The Deputy Bailiff:** There voted in relation to this Proposition, Pour, 30; there were 7 abstentions; 2 Members did not vote because they were not in the Assembly at the time of the vote and we have 1 absentee. I therefore declare the Proposition is passed.
Thank you. States' Greffier, what is the next item of business, please?

Billet d'État XIII

POLICY & RESOURCES COMMITTEE

3. OECD Pillar 2 GloBE Rules – Proposition carried

Article 3.

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "OECD Pillar 2 GloBE Rules", dated 18 June 2024, they are of the opinion:-

To specify the OECD Pillar 2 GloBE rules, together with associated commentary and administrative guidance, including the OECD (2022) Safe Harbours and Penalty Relief: Global Anti-Base Erosion Rules (Pillar Two), as an international tax measure under section 75CC(1C) of the Income Tax (Guernsey) Law, 1975, to enable the Policy & Resources Committee to make Regulations implementing the rules, commentary and guidance in domestic law and thereby introducing an income inclusion rule and domestic minimum top-up-tax for large in-scope multinational enterprises from the 1st January, 2025.

4050 **The States' Greffier:** The next item, madam, is Billet d'État XIII, Article 3, Policy & Resources Committee – OECD Pillar 2 GloBE Rules.

The Deputy Bailiff: Yes, Deputy Trott.

Deputy Trott: Madam, thank you.

4055 If approved, this policy letter will see Guernsey taking the next steps in its plans to implement the OECD's Pillar 2 framework, one of the major current BEPS workstreams in the OECD to address the tax challenges for the digitalised global economy.

4060 Now Pillar 2 establishes the framework for a global 15% minimum effective tax rate for large, multi-national groups, those with global turnover over 750 million euros *per annum*. Once fully realised, it is estimated that implementing these proposals will raise additional revenues of *circa* £30 million *per annum*. I hope Members feel able to support this States' report.

The Deputy Bailiff: Deputy Gollop.

4065 **Deputy Gollop:** I certainly support this States' report. One day, I was walking along in the sun and I had a phone call out of the blue and it was from somebody in Jersey from Channel Television and I thought it would be, I do not know, some important issue, but it was about the debate that Jersey were having to have on this and he wanted to know if Guernsey was as well. I said, of course, legislation would come to us at Policy but there is not going to be a debate in the sense that we
4070 would be for or against.

Of course, this is a useful summary and preparation and of course I support it. It is interesting we have spent a worthwhile day, I hope, on the Statements, and the planning issue with the stone,

which as Deputy Moakes said, if we had voted the wrong way it might have been catastrophic for our building sector.

4075 But this is of equal, if not greater importance because it is very much working with our sector on international changes. One can be confident that, as outlined in the recent Government Work Plan debate, it is estimated that implementing these proposals will raise additional revenues of *circa* £30 million per year. So hopefully it will be an optimistic prediction, unlike Deputy Ferbrache's prediction.

4080 Nevertheless, they are unlikely to be fully realised for two or three years and I think an important point is how it is applied in countries where those same entities might face also tax. Policy & Resources are clearly wanting to engage with affected stakeholders but there are narrow areas where alternative approaches are permitted.

4085 We want to continue to offer an attractive and globally competitive investment environment for business so as to retain our tax base, whilst maintaining Guernsey's position as a responsible international finance sector. There is of course a balance there. Because on the one hand we want Guernsey to have the maximum amount of economic and industry development; at the same time, we also want to see the £30 million, rather than £5 million.

4090 Of course, for years I have been aware of base erosion and profit shifting (BEPS), and how it is important for Guernsey to have key decision makers here because hopefully any business that migrates will come to Guernsey rather than leave.

4095 One unusual element in this, I did not quite know what safe harbours were, I thought they were to do with boating but they are actually to do with this process and it now very much looks as if it will happen and we have to come up with the regulations and measures. How much of that will be legislation that Deputy Dyke and his Committee will review and how much of that will be based upon regulations and guidelines, perhaps is not certain at this stage. But the consultation, surely, will be meaningful.

4100 I also draw Members' attention to page 8, paragraph 4.6, because that reinforces the earlier point in the summary, that implementing these proposals will raise additional revenue but the additional revenue is dependent not only on how the legislation is applied in Guernsey but also how it is applied in countries where entities in Guernsey might also base tax, or in jurisdictions where business might relocate if they feel there is an advantage for doing so.

4105 That means there remains a degree of uncertainty about the estimated revenues but, by the same token, there may well be, and hopefully will be with Guernsey Finance and other agencies, a very much can-do attitude to not only working with the industry here, within the margin of flexibility that is required, but to attract business that may be elsewhere at the moment, so our economy, payroll and general professional opportunities will increase.

The Deputy Bailiff: Deputy Dudley-Owen.

4110 **Deputy Dudley-Owen:** Thank you, madam.

4115 I realise that this is a matter that is still quite under consideration and that the devil will be in the detail, so to speak, and I wonder what of that detail Deputy Trott is able to give us in his summing up, because if we look at page 6, paragraph 3.4, the last sentences that the top-up tax will be provided for under the existing Income Tax Law 1975, as amended, therefore will rely on existing tax administration mechanisms.

4120 I think that reading that might raise a lot of questions for the public and also for those of us in this room, who are aware that Income Tax collection and administration has been far from plain sailing in recent years and the poor department, the long-suffering department, has come in for an awful lot of criticism in relation to being timely and straight forward with tax collection, especially as we move from one ICT platform to another.

So in relation to this, I think it would be helpful to provide some form of reassurance around that detail and when it will come. For example, cost of training, how are we going to gear up for this, because the GloBE Information Return (GIR), is going to be very complex for companies alone

4125 to be able to have to get that expertise or knowledge in to try and adhere to the requirements, but for us to be able to handle that, what are our plans and when will P&R be able to talk about those plans in some more detail?

Thank you.

4130 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Just to say, madam, I support the proposals unreservedly and they are well put forward. But in relation to income, Deputy Trott is right when he said we are not going to get any for two or three years. It could be four or five, it could be two or three, we simply do not know. 4135 Deputy Parkinson was a lone voice for a long time, saying we were going to get more than £10 million and I did not believe him, not in the sense that I thought he was misleading us, I just thought he was wrong and he was not.

What I would say, when we talk about these figures is we do not know. We just do not know. We – me and the four Members who were my colleagues in the Committee when I was President 4140 of P&R – were told day after day, week after week, that the most we would get was £10 million. We challenged it and challenged it. Off we went into the sunset. Five days later, the very same officers that had told us time after time that it would be £10 million, were now saying it was £30 million. I hope it is £40 million or £50 million. I certainly hope it is a lot more than £10 million. I just caution anybody who thinks it is going to take us to the promised land, in early course, but it is not. Of 4145 course, it is an absolutely gilt-edged policy letter that we have got to vote in favour of.

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, madam.

4150 I support this proposal but we have had estimates from £10 million to £30 million *per annum*, which could be raised through these additional revenues. But this morning we had a downfall of £16 million in terms of revenues from the businesses that are implicated and I am just wondering whether, in fact, of course there was no mention of the business, we do not know which it was, but that £16 million, if it is one of those businesses, could have an effect on this £30 million and I just 4155 would ask Deputy Trott to perhaps give us some sort of indication as to whether now the £30 million no longer exists in terms of the numbers placed forward.

I think that is an important consideration. We need to know whether that £30 million still stands as an estimate or whether the downfall this morning has affected that particular number.

Thank you.

4160

The Deputy Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, madam.

4165 I support the Proposition. Having read the policy paper, I have to say even I, I used to be a tax lawyer in London, found the proposals absolutely incomprehensible and I am sure the Policy & Resources Committee are having some trouble with them. I suppose I have got two points. I do worry what effect it is going to have when people see this level of complexity. Are they going to, as Deputy Parkinson would say, say it is easier to do this in Croydon. I guess we just do not know.

One point I would say, in terms of drafting, is perhaps it would be best if the regulations leave 4170 P&R/the Income Tax Department with as much flexibility as possible, to determine how to apply these rules in every given case, given how convoluted they are bound to be. That is just a drafting point that I would make, that is all.

Thank you.

The Deputy Bailiff: Deputy Le Tocq.

4175

Deputy Le Tocq: Thank you, madam.

I will just make a few comments, really on the back of Deputy Ferbrache's and Deputy de Lisle's comments and I guess the Chief Minister may well say some more. Firstly, to point out to Members of the Assembly that what we are voting on today has been in play for quite some time. I attended
4180 a ministerial OECD forum some years ago, alongside my Jersey colleagues and we have a full seat at that and we are part of that and it is one way in which Guernsey can demonstrate that we are at the forefront of international standards and influencing those standards.

It is part of the process that our voice is heard in that environment. We are not today voting on the potential of extra tax coming in. That may well be the case. I lean more to Deputy Ferbrache's
4185 view that we should not rely on those things, as we have heard today and this is where Deputy de Lisle referred to, even our existing business taxation is under stress, potentially, because of the banking sector. There are some changes in that.

We know that we should not rely on this particular piece of legislation, which will come forward, to solve all our problems. Having said that, it is vital, however, for business, that we do move forward
4190 and I share Deputy Dyke's view that, if we are going to create new legislation that fits within these regulations, it should be as simple and as flexible as possible and I think our officers have that in mind very much.

That is why we have chosen this route. There is a degree of flexibility in terms of the way forward, how we implement our own legislation to abide by these new international standards. We certainly
4195 want to demonstrate that Guernsey is at the forefront of ensuring that our standards are at the highest level for business, not only for business security but for the reputation of the Island as well.

The Deputy Bailiff: Deputy Soulsby.

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Deputy Soulsby: Yes, madam.

Very briefly, just on the realisation of the proceeds, Deputy Ferbrache is right that we might not get the cash very soon but, in terms of accounting, we will be accounting for that much sooner in terms of the period in which it relates under ISPAS so Members might see something, the tax take going up hopefully, but that is not necessarily going to be realised in cash terms for a year or two.
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The Deputy Bailiff: Does anybody else wish to speak in general debate? I would ask you to reply, Deputy Trott.

Deputy Trott: Thank you, madam.

There were three questions raised. I thought that they were all entirely legitimate and appropriate because I would have asked similar questions myself. In fact, we did ask similar questions ourselves.
4210

That was we started with Deputy Dudley-Owen, who understandably talked about resources and there is a resource implication for this. But because the amount of additional tax is such a size, such a quantum, we should not worry too much about the additional resources and the training that
4215 would be needed. But a lot of this will be managed using IT and in some cases even AI. But it is a complex area.

Deputy de Lisle asked about this. He said, look, how much can we rely on these numbers when we can have a shock like the one we reported this morning. The two things are completely unrelated,
4220 of course, insofar as this has yet to be in place and the bank in question was paying tax under Zero-10 at 10%. The matter arose because of a computation error by a professional adviser, not anyone from within the Revenue Service. But the consequences of that correction were material.

Probably the most, I think, significant question, not surprisingly came from Deputy Ferbrache and he wants to know how accurate these numbers are. One of the reasons why the numbers are

4225 likely to be more accurate now and will continue to be refined over the next few weeks and months is because of the manner in which the engagement with other tax authorities has been ongoing.

So we are reassured that a proven approach has been taken because revenues are dependent not only on how the legislation is applied in Guernsey, the decision we are making today, but also how it is applied in countries where those same entities might also face tax. So our Revenue Service
4230 know who those entities are and they also know how the revenue services in those other countries, where those entities are, are going to be behaving. These help inform the accuracy of the numbers.

But we could be in for a surprise. It could be a positive surprise, it could be a negative surprise. The reassurance is that those discussions suggest those numbers are probably about right but I think we should realistically add in a 10% to 20% variance ratio. That would seem reasonable, based
4235 on the information we have received.

Deputy Soulsby covered an interesting point and that is if we pass this today, and I am sure we will, the tax will be implemented, together with the various manners in which that is calculated and topped up from 1st January and we will start accruing in our accounts for these monies. But in cash terms it is, as she rightly said, some years off. We may not see the first cash come in until 2027
4240 because of the delay in accounts being audited and international discussions being concluded between the various revenue agencies.

But we are legitimately able to account for this in the way in which we are because IPSAS rules dictate that we do. So Members will see that makes quite a good and positive impact, obviously, on our revenue account. If it was only that simple, because it is the demands on the expenditure side, both from a cash expenditure perspective and long term infrastructure investment that are
4245 causing the challenges.

But this is good news. It has been a long time coming. My friend Deputy Parkinson will not mind me having a little bit of fun with him. He never thought Zero-10 would last. I always thought it would. This has come in slightly earlier than I expected. I was two years out. I did not think it would
4250 be in place until 2027. He was 12 years out in terms of the duration of Zero-10. There we are. It is good news for Guernsey and that is the important thing.

The Deputy Bailiff: Thank you, Deputy Trott.

States' Greffier, can I ask you to open the voting on the Proposition, for Members.

4255

There was a recorded vote.

Carried – Pour 38, Contre 0, Ne vote pas 0, Did not vote 1, Absent 1

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Helyar, Mark	Haskins, Sam
Blin, Chris				
Brouard, Al				
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				

Mahoney, David
Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Moakes, Nick
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roberts, Steve
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

The Deputy Bailiff: There voted Pour the Proposition, 38; 1 Member was absent from the Chamber at the time of voting and we have got 1 absent, so therefore I declare the Proposition has been passed.

Well, ladies and gentlemen, I think we have come to the end of today's session and we will reconvene again in the morning.

States' Greffier, would you close the Meeting?

The Assembly adjourned at 5.34 p.m.