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States of Jersey
States Assembly



États de Jersey
Assemblée des États

Environment, Housing and Infrastructure Scrutiny

Panel

Quarterly Hearing

Witness: The Minister for the Environment

Tuesday, 17th December 2019

Panel:

Connétable M.K. Jackson of St. Brelade (Chair)
Connétable S.A. Le Sueur-Rennard of St. Saviour
Connétable J. Le Maistre of Grouville
Deputy K.F. Morel of St. Lawrence

Witnesses:

Deputy J.H. Young of St. Brelade. The Minister for the Environment
Ms. L. Magris, Director, Environmental Policy
Ms. J. Burns, Eco-Active Programme Manager
Mr. A. Scate, Group Director for Regulation
Mr. S. Skelton, Director of Strategy

[11:42]

Connétable M.K. Jackson of St. Brelade (Chair):

Good morning, everyone, and welcome to the Environment, Housing and Infrastructure Scrutiny Panel. Obviously, welcome to members of the public who have taken the trouble to come along. I will start by introducing ourselves for the record.

Connétable J. Le Maistre of Grouville:

Constable John Le Maistre of Grouville.

The Connétable of St. Brelade:

Mike Jackson, chairman of the panel.

Deputy K.F. Morel of St. Lawrence:

Deputy Kirsten Morel.

Connétable S.A. Le Sueur-Rennard of St. Saviour:

Constable Sadie Le Sueur-Rennard.

Director, Environmental Policy:

Dr. Louise Magris, Director of Environmental Policy, S.P.3 (Strategic Performance and Population).

Eco-Active Programme Manager:

Jane Burns, G.H.E. (Growth, Housing and Environment) and S.P.3.

Group Director for Regulation:

Andy Scate, Group Director for Regulation in G.H.E.

The Minister for the Environment:

Deputy John Young, Minister for the Environment.

Director of Strategy:

Steve Skelton, Director of Strategy, S.P.3.

The Connétable of St. Brelade:

We have just been talking with your colleagues about climate emergencies and such like. I am going to ask with regard to the Government Plan and the Climate Emergency Fund, we proposed to reduce the rise in fuel duty from 6p to 4p per litre and the proposal was defeated. As you know, the panel has concerns about the impacts that this might have on businesses who operate large vehicle fleets. Will you commit to measuring this impact and consulting with businesses who may be adversely affected?

The Minister for the Environment:

Can I have a little bit of clarification of what you mean by measure the impact on their business or the impact of costs or the impact of climate change as a result of the measures?

The Connétable of St. Brelade:

The impact on the public because in practice most businesses will pass on their costs to the public. We all agreed to carbon neutrality measures but there needs to be a measurement of the impact on the public or perhaps many of the public who cannot afford it.

The Minister for the Environment:

I think I would have to check with the Stats Unit because we obviously do have systems whereby costs are monitored routinely.

[11:45]

I would imagine fuel costs by industry are monitored and obviously we will get, I would assume, from them information of the effects of all those cost changes over a year, obviously in terms of apportioning them between to what they are due. I am happy to have that discussion with the Stats Unit and see if we can make sure that that information is available. But as for doing a kind of separate job, I do not think we are geared up to do that adequately. I would certainly rely on them very much.

The Connétable of St. Brelade:

What incentives do you propose or will you be proposing going forward to encourage businesses generally to adopt electric vehicles where this is feasible for their fleets? Would we be balancing the carrot and stick type policy to achieve this?

The Minister for the Environment:

You know very well my preference certainly is for carrot and stick arrangements. Obviously which comes first. I think what we have got is a complicated scenario here. You have got the Climate Change Fund and you have also got the sustainable transport policy, both of those are pretty well in their final throes and ready to be published and debates are due. I want it to happen very soon. In terms of which particular element is in where, I think this is more likely to be in the sustainable transport policy. Perhaps I could ask one of the officers to pick that up, if I could please.

Director, Environmental Policy:

You are asking about a specific policy measure and that makes sense. I think at the moment the carbon neutral strategy will not be proposing a policy pathway - I think we have discussed in the other meeting - to neutrality because part of that will be about the timescale for neutrality and that has yet to be decided. So the sustainable transport plan will also be looking at how we can transform and decarbonise our fleet. There is some fundamental work that needs to be done to define which precise policies. So at the moment we are not discounting any particular policy so we are not, at the moment, in a position to say that we definitely will be promoting an electrification grant, which I

think is the question. But I think those are certainly measures that you would look to help the industry. If I could take it back a step. You were asking about commercial drivers and the impact of fuel duty rises. I think that is a very sensible question. One of the things we will be doing in this coming year is re-running our eco-active driver training, which is about helping drivers, professional drivers, who are normally very good but there are quite often techniques they can adopt to increase their fuel efficiency, which helps insulate them against exposure to rising fuel costs of any type, be it duty or just R.P.I. (retail price index) rises or just exposure to fuel costs. We are providing support to those sort of drivers to help make sure that they are using fuel as efficiently as possible and therefore not exposed to the maximum of the full rises.

Deputy K.F. Morel:

Are you discussing with Treasury ways in which increased electrification of the vehicle fleets will result in a decrease in tax take by the Treasury, so are you speaking with Treasury about how to fill that hole?

The Minister for the Environment:

Me, personally, I am not involved in that ongoing discussion. I have made it clear in all of the discussions I have had both with the Council of Ministers on the draft work so far and in the States on the decisions made that I absolutely expect those measures to be part and parcel of the fiscal work that is done. There is, I believe, a ministerial steering group, which I am not a member of, and to be frank I think I would prefer to be a member of it so I could have answered your question more thoroughly. But Deputy Guida, who was intending to be here but sends his apologies. Sadly he has got circumstances at home that prevents him from coming here. He is on that group and I would be absolutely confident - you know Deputy Guida as well as I - he is absolutely meticulous on the money and very focused on the costs and benefits of things. I would be extremely disappointed, to say the least, if we do not get some clarity on specific measures because everybody wants to know this. But I am quite clear that the approach we have taken, certainly on the Climate Emergency Fund because that is the one that falls to myself rather than then the sustainable transport falls to Minister for Infrastructure, that we are setting out a route map because of what is the huge economic significance and very substantial costs and the real need to make sure that we make those choices with the community and with business and so on, all stakeholders in that. That is the approach that I feel with climate change is right. Those decisions I expect to be made in time for the various measures to be included in the update on the Government Plan which in the law ... the law allows, I am told, us to bring amendments as part of propositions to the Government Plan to factor in for 2021 and later. But those decisions obviously will not be mine, but the Minister for Treasury and Resources. But that is the machinery, I think. The way I see it - sorry it is complex - but this really is a step-by-step task and your point about estimating or measuring the costs and benefits throughout is ... I agree, I will do my best to achieve that.

The Connétable of Grouville:

The States have declared that we want to be carbon neutral by 2030, do you think that is achievable and indeed is that timeframe desirable?

The Minister for the Environment:

I think it is desirable myself. That is only my personal opinion. I think one has to look at the exact words of the States proposition. I think my reading of it is the States did not confirm and say for definite that would be the dates. What they wanted was a plan to achieve that. That plan is ready and coming before the States. I think clearly the drafts that I have seen, and they have been discussed with the Council of Ministers in an early draft, show that there are choices; the cost is related to the timescale that you choose. Ironically I think there is a kind of an argument that I have heard that Deputy Guida would have made this, that the later you leave it the more it may cost you because you have got this question of sequestration payments and so on, which potentially ... he has voiced that. But there are equally contraindications. I think those are the areas for debate in the States and indeed the way we plan to work with the Citizen's Assembly and so on in those choices. I personally think it is absolutely important for the Island not just ... I think it is international reputation. I think there is a massive opportunity for Jersey to really excel in our external reputation and there are, I think, potential benefits to be had in terms of ...

Deputy K.F. Morel:

Sorry, Minister, why should we excel?

The Minister for the Environment:

Sorry, I struggle with hearing in here because my right ear is not very good.

Deputy K.F. Morel:

Why should we excel?

The Minister for the Environment:

Look at us now, we are definitely an international player.

The Connétable of St. Saviour:

In what?

The Minister for the Environment:

In financial services.

Deputy K.F. Morel:

Why should we excel on the climate side?

The Minister for the Environment:

Because I think it goes with our international reputation that we have got opportunities on the renewable energy, both domestically and otherwise. I think there is a knock-on effect between the international reputation that the Island has and the way in which the Island identity is seen by ...

The Connétable of St. Brelade:

Some might say that this is more for the benefit of the ego of the Council of Ministers than the general public of the Island, to be number one ...

The Minister for the Environment:

That is why we are setting up a Citizen's Assembly. I think it remains to be seen what the appetite of the public through that and the States Assembly; as I have always said that is still to be seen. There is an international journey taking place of all ... I think it is pretty international although there are some major exceptions, like the U.S. (United States) and so on.

The Connétable of St. Brelade:

I do not think anybody would deny that but to be quite realistic we are a pinprick on the whole scale of things and unless the larger continents apply themselves more diligently to the process there is very little that Jersey could do. What would be your comment to that?

The Minister for the Environment:

Obviously it is logical that we are relatively small players in the global system of emissions but I still think the Island is able to exercise greater influence by setting good standards in all things environmental.

Deputy K.F. Morel:

I am intrigued though, Minister. Greater influence over what?

The Minister for the Environment:

Our colleagues. We already have found, for example, that in discussions that take place with the British-Irish Council, and indeed fellow Crown Dependencies, and I believe that the reaction of communities such as ours have been seen to be very significant.

Deputy K.F. Morel:

In achieving what, Minister?

The Minister for the Environment:

In achieving a commitment to try and do things about reducing our carbon emissions to the point at which they are net zero.

Deputy K.F. Morel:

But you said that has given us greater influence over others. You have not yet told me what that influence is and what that influence achieves?

The Minister for the Environment:

How does politics work? Nobody is an island, none of us are islands individually and I do not think communities operate as if there are no other neighbours, no other communities. We all live in the same planet and what we have is a global movement, led ... I do not think it has been led by politicians. I think it has been led by people. Led by people, led by young people, and we have got international conferences that tell us how critical this is, and politicians are responding to that. Jersey is one of those that is on the journey. The decisions are yet to be made and I believe it is the right direction. How fast ...

Deputy K.F. Morel:

Do you accept that speed and cost are combined?

The Minister for the Environment:

Absolutely. Speed and costs are highly related, yes.

Deputy K.F. Morel:

So the faster we go, and I appreciate what you are saying, but the faster we go the more immediate the cost will be?

The Minister for the Environment:

What it will do is it will frontload the costs.

Deputy K.F. Morel:

Yes, on to us all today.

The Minister for the Environment:

If I was doing an economic assessment or attempting one, because I am not competent to do that, I will look at the cash flow and the impact over time.

Deputy K.F. Morel:

Over people's lives and how much, given this is a highly expensive Island already.

The Minister for the Environment:

I think that is outside my scope as to what the period you would do it.

Deputy K.F. Morel:

It is not outside your scope.

The Minister for the Environment:

Well it is because we had employed economic experts, and maybe I might ask Louise to give us a little bit of information. I have asked for economic experts who are well-experienced in this type of thing to help us with this journey and do the assessments because the number one concern was that we were going into something without knowing what the costs and consequences of it were. I said so in the States. I argued against adopting the timescale being proposed and said we should take longer to do it, we should take 2020. But I accept the vote went ... that there is almost unanimity that we should try and aim to do that journey faster. So we have speeded it up, we have taken advice and I am really very pleased in what I have seen in the draft. For the first time we have got some numbers and we give ...

Deputy K.F. Morel:

Can you give us a number?

The Minister for the Environment:

Hopefully in your briefing you have had the numbers. Can I ask: have you had the numbers or do you want me to do it publicly? Is that what you are asking?

Deputy K.F. Morel:

I am asking you to give us a number for 2030.

Director, Environmental Policy:

Do you want me to pick that one up?

Director of Strategy:

What the number is, is quite important.

The Minister for the Environment:

I think it is. Personally, I believe that the numbers should be in the public interest and I will ask, if I ask through you, if ...

The Connétable of St. Brelade:

If Dr. Magris can just confirm the numbers for the record, I think it is important.

Director, Environmental Policy:

The approach that we have taken is to get some economic advice on the type of policies you would sensibly employ in a jurisdiction like our own with our particular energy market characteristics that we might include neutrality. The analysis so far has been illustrative and it is not a recommendation; it is to give people a concept of the type of costs. We have not been able to cost everything in, in the time available. So, for example, you were asking strongly before about the benefits to the economy, if there are any from going early, reputationally, that sort of thing. We have not been able to numerate if those exist yet so those might be balancing numbers at some point. But those are not available to us yet. So at the moment we have a package of measures that, depending on the horizon, you choose for neutrality have different costs associated. It is not unexpected that these are more than £100 million. So we are looking at a range of about £200 million to £500 million depending on the type of policies you would choose to implement at that time. But we are not recommending those particularly because we accept and understand completely that the decision so far is to aim to be carbon neutral and, as the Minister has said, the importance is about having a conversation with the community about where the balance of those costs lie and whether we feel as a community that that is what we want to do. The Minister made the point about frontloading some of the expenditure so we have also done some analysis into the long term as to what might happen if we did not go early, if we waited a little bit.

[12:00]

Depending on the global picture and the requirement to reduce emissions to net zero by 2050, which is where we believe the international community will be going, so there is an argument that says whatever happens we will probably wish to be net neutral by 2050 regardless, because that is likely to be the next iteration of the Kyoto Protocol, to which we are signed up, then one has to look at what the potential costs of that will be. Will it be more or less than going early or middle or late? So there are a range of figures that come into this equation. That will be for the public to talk about and decide as part of the Citizen's Assembly and community discussion in the new year. Like I say, what we have is an illustration of what it might cost. It is not definite in any sense because there are different groups and different policies which we have got.

Deputy K.F. Morel:

£200 million is a lot of money to just call yourself a world leader,

The Minister for the Environment:

It is a very substantial cost and I have always said that. I think the figure that I spoke about in the States debate, I thought the number was certainly north of £100 million and I believe the estimates we have shown, have shown that to be the case.

The Connétable of Grouville:

That is over the 10 years, just to confirm that?

Director, Environmental Policy:

That is right, yes.

The Connétable of St. Brelade:

Or 30 years.

Director, Environmental Policy:

Depending on what the choice is. As you would expect, it looks different depending which timescale you look at. But interestingly, the likely cost of offsets, if that is what ends up being part of the carbon neutral process, those are very likely to increase in time to come. So the cost actually potentially could be much higher to be carbon neutral in 2050 than it might be earlier, depending on what global markets do.

Deputy K.F. Morel:

Minister, Jersey has very expensive housing, has very expensive food, has very expensive clothing, has very expensive everything. Will you be taking that into account when looking at the costs of the carbon neutral strategy?

The Minister for the Environment:

I was determined that the report that we come back with should help people, States Members and the public, understand the scale of this. Both the scale in what the potential cost is and the scope, just how wide it is. It is absolutely game-changing and I think people, when they look ... I am also clear that in setting up this Citizen's Assembly, that help arrive at recommendations because the task for the Citizen's Assembly, that if the States go with the strategy we will be lodging shortly, is to make recommendations to the Assembly; the decisions will be States Members. I am determined that that process will be properly informed and therefore the type of rigorous analysis that has to be done and if it is not done will be available, and that will require economic experts. People that I am absolutely sure would be working on this all over the planet at the moment because we are not alone

in this task. That information will be there. All the complexities of the figures, the assumptions, the likely changes in the ranges and then I think that is the best I can do as Minister. This started out as a public vision. It has been translated into a political vision and now the task is ... what we have done is set in train some very ... an amount of money is seedcorn money, if you like, to kickstart that process and allow the community to make those choices. Some of those things will fall to Government, some on the private citizens and I think we will have to see to the extent to which people have the appetite to be able to make those judgments that this is a cost that should be or elements of costs that be borne. But as far as I am concerned, we need to make sure that we give people the proper information, that is the best thing I can do.

The Connétable of St. Brelade:

I think there will be a lot of further discussion to be had on this matter.

The Minister for the Environment:

I am absolutely sure. I think what we are doing is starting the process off.

The Connétable of St. Brelade:

In a parallel process, we have a presentation later on the sustainable transport policy but can you advise for the public record when this will be finalised and further information on specific initiatives made public?

The Minister for the Environment:

On the S.T.P. (sustainable transport policy) I am going to have to ask one of my colleagues because it is not within my ministerial brief that one.

Director of Strategy:

I think the question was when will it be finalised and specific initiatives. So the proposition 52 requested that by the end of the year so we will have an initial document lodged by the end of the year. That will include specific initiatives we believe for 2020 but it requires further work to plan forward the initiatives that might follow throughout the length of the policy.

The Connétable of St. Brelade:

Good. We look forward to hearing more on that as time goes on.

The Minister for the Environment:

Can I just clear up one thing because I think for the record it is important? Have you had a discussion in your private briefing when we plan to lodge the climate change? Can we know when that date is please?

Director, Environmental Policy:

The intention is before the end of the year as well for carbon ...

The Minister for the Environment:

I was hopeful it was earlier than that. My expectation is that we ...

Deputy K.F. Morel:

Minister, it is our practice to ask the questions.

The Minister for the Environment:

All right, I accept that.

The Connétable of St. Brelade:

We are aware of that. I want to take us on to the Island Plan. How is this progressing and can you give us an update on the progress?

The Minister for the Environment:

I am very pleased with the way the Island Plan is progressing; the huge amount of work that has been done since we commenced in July. The thing is very, very complex because there are so many different threads running through it. We have completed the initial public consultation exercise and only yesterday published the results, which we are communicating to people. All that information is openly on a website and available and is already generating a lot of interest and a lot of questions. In parallel with that, work has been done with our external ... the network on the consultation has primarily been done with internal resources. In parallel with that, work on both looking at the landscape requirements and so on, the update of the LUC countryside appraisal is ongoing. I do not know where that is and I will ask the officers to tell you in a moment but certainly that is a start. Also the urban character appraisal being carried out by Willie Miller. As well as that, the component parts of the effects of the changes in sea level. There has been a separate study on that, which is factored in and that has now been completed. So we have all these elements in. There are remaining elements still to come which I regard as really important to the next stage, which will be plan drafting. One of those is the work of the Housing Policy Group, which I am a member of and so is Deputy Guida, which I think is doing extraordinarily good work and is already producing very, very significant draft recommendations for planning policies and the direction of travel. I think we will see that work published very, very soon. Certainly in time for plan drafting. The other area which I think is crucial is the migration policy where ... this is where I have to make it clear this is my personal view. My personal view is there is a need to ensure we put in place a more robust framework for addressing population numbers.

The Connétable of St. Brelade:

You mentioned at the last meeting that you were trying to get the Council of Ministers to dovetail the Island Plan into the population and immigration timetable. Is this still the case?

The Minister for the Environment:

I think it is looking quite positive in that respect, yes. We had a meeting of the Council of Ministers on Friday where we had that early run discussion, just to start to get the Council of Ministers into that. I had a meeting with the Chief Minister yesterday and I emphasised that clearly, and I publicly made it plain that we need to have that draft policy in the very early part of the year so we can work on it, and the commitment I got from the Chief Minister is that in time before the draft plan is published and it goes to public consultation that process will have been completed and therefore the plan that is put forward can be based on the new migration policy.

The Connétable of St. Brelade:

You are really gleaning quite a lot from the consultation processes so far?

The Minister for the Environment:

Already this issue about the importance of population has come strongly out of the consultation work already. Not just the numbers, we kind of promised the percentages, but in terms of the comments that people are making. Those comments have all been captured and certainly I am taking note that that is not just something I am saying, it is something that our consultation responses are saying loud and clear. That has been communicated very clearly. I think I am very hopeful, I suppose should it be hope or positive? I am one Minister in the Council of Ministers, but I do think they recognise the problem.

The Connétable of St. Saviour:

Could I just ask: in an Island that is sinking with the amount of people we have on board do you think the 2,000-plus people who replied to your survey is a good number?

The Minister for the Environment:

I do, yes, because this is just the start. The 2,000-odd, when one looks at that there are nearly 1,000 responses where people filled in the full technical document, and this was huge. I was really surprised at that because, I will be honest, I was going to have a go at putting one of those in. I thought I am also not just a Minister, I am a person, I should be able to put one in. I was daunted by it. I thought: "My word this is just too ... I should need hours and hours if not days to complete this" and so I have to say, regrettably, I did not. But nearly 1,000 people have.

Director of Strategy:

Just to clarify, nearly 1,000 questions answered on the technical survey. The actual number of fully completed responses was a smaller number than that.

The Minister for the Environment:

Oh, I am disappointed at that.

Deputy K.F. Morel:

May I suggest though if the document had been easier to fill in then you would have had more responses? At least that is something you can learn from.

The Minister for the Environment:

It is not the only method. What we also had was a summarised version and also using other techniques and methods we were able to take responses on individual items. My briefing was that there had been 800-and-something responses on the technical document. Obviously the briefing note I have had is wrong.

The Connétable of St. Saviour:

Could I ask then who compiled this?

Director of Strategy:

Who compiled the document?

The Connétable of St. Saviour:

Who compiled the document if it was going to be ...

The Minister for the Environment:

Not me.

The Connétable of St. Saviour:

No, this is why I am asking. You are saying yourself it was difficult to answer so who compiled it to make it difficult?

Director of Strategy:

The question document was compiled by the Island Plan review team. It was provided in several formats so we acknowledge that the technical consultation was thorough and we expected that to be filled out by people who had a detailed interest, so groups of people or people who have a professional interest in some of the questions that we listed there. That is why we published a

summary version, which was our main consultation document, which was shorter and simpler and it is also why we provided individual questions in a much more accessible format so that people did not have to wade through the detailed ...

The Connétable of St. Brelade:

What were the numbers back on the simpler questionnaire?

Director of Strategy:

That was the higher numbers. I do not have them.

The Connétable of St. Saviour:

So it was put into groups, intelligent, non-intelligent or one of us.

Director of Strategy:

No, the entire survey was available to everybody and people were able to choose how they wanted to engage.

The Minister for the Environment:

In my briefing note there were about 200 of the summary. I do not have it here.

Deputy K.F. Morel:

Could we have these figures? How many entities filled in the technical document and responded?
How many different entities?

Director of Strategy:

My understanding is that is the 2,254 number.

Deputy K.F. Morel:

2,254 different entities filled in the full technical document and responded.

Director of Strategy:

No, sorry.

Deputy K.F. Morel:

That is my question to you.

Director of Strategy:

That was much less. That was more like 30.

Deputy K.F. Morel:

Thirty.

The Connétable of St. Brelade:

Perhaps, Minister, we could ask for the accurate ...

The Minister for the Environment:

I will provide you with a briefing note I was given on the numbers and then there will be supplementary information from the team.

The Connétable of Grouville:

I was just going to go back to the population policy. When do you expect it to come in, then?

The Minister for the Environment:

I think that is again for a States decision. I think there will be a recommendation from the ...

The Connétable of Grouville:

That is what I meant. When are you going to get the recommendations?

The Minister for the Environment:

As far as I am concerned we need the draft recommendations early in the new year and that is the undertaking I have been given. In terms of that there is obviously an intention that in order to be able to give a firm base in time for roundabout the end of June 2020 that there would have been a States debate to agree the new policy, so inevitably that will be between, I would say, March and May probably. Then the timing of that will need to be factored into the phasing over the 10-year plan so whatever those decisions are will be taken account of in the plan. It will not be instant. There will not be an instant change.

The Connétable of Grouville:

You will not know how many houses you will need until June 2020.

The Minister for the Environment:

We have numbers. What we have at the moment, and we will carry on doing this, is every single population scenario one takes, the numbers are subjected to a modelling assessment so what we have is tentative modelling at the moment then that modelling process will continue.

[12:15]

The Connétable of St. Saviour:

But we are still playing catch-up from the last 10 years so we are now in this 10 years.

The Minister for the Environment:

There is absolutely no question that there is a legacy issue to be dealt with and I think that is one of the choices the States will have to make. How far are they going to go to meet the legacy issues and what from that point on are they going to have to do things in order to meet what is forecast? I think my expectation is that core information will have to be very much part of the information that is presented to the States when that debate happens.

The Connétable of St. Brelade:

What are your views on providing houses versus preserving the environment on the Island?

The Minister for the Environment:

I was elected on the principle of 2 things. Firstly, my personal view is that I believe the rate of migration is absolutely unsustainable. The Island Plan set the figure of 325 a long time ago. That has proven absolutely unrealistic and from what I have now learnt, and I did not know at the time ... what I am told is that number was set on the basis of purely ironing out and maintaining the working population at a zero change level. In other words that number was on the basis of people leaving the working population would need to be replaced and that was the basis of that number and that obviously has proven to be entirely unsatisfactory.

The Connétable of St. Brelade:

That number is proven to be unsatisfactory in terms of an increase to what number, do you think?

The Minister for the Environment:

I cannot give a number now. I have my own personal views but please can I prevail upon the chairman and the committee not to force me to that number at the moment. But I know one thing ...

The Connétable of St. Brelade:

But it is in excess of that.

The Minister for the Environment:

I think it needs to be because that number is just absolutely ... I have heard no single argument that that argument can ever be sustained in any sort of logic whereas I absolutely know that what we have seen over the last 10 years of completely I believe uncontrolled migration at 1,400 a year is totally unsustainable and will change the nature of Jersey for ever if it happens. My personal political

commitment when I was elected is I would do everything I can to make sure that does not happen. But equally between that and the 325 I think we have to recognise that we have allowed a housing crisis to occur where I think there is morality that comes into it when we have no choice but to set a level which we can at least improve things and also we have to live as an economy and we will have to make those choices. I do not think - and I have said so again publicly - it can just be allowed uncontrolled growth in our economy because I do not think it can. I think the key factor that Members might bear in mind is the evidence that we have seen is that our average number of houses built per year going back at least 10 years and possibly more is around 400 a year. We have an issue of what is the capacity of our construction industry to do more?

Deputy K.F. Morel:

Can I ask, Minister, which employer brings over more people to Jersey than any other employer in the Island?

The Minister for the Environment:

Which employer? The figures I have seen on migration, I cannot go to employers but I can go ...

Deputy K.F. Morel:

The Government of Jersey, Minister, is the answer to that.

The Minister for the Environment:

Is it? Thank you.

Deputy K.F. Morel:

How do you feel being a member of the Government of Jersey that is increasing the unsustainable immigration to Jersey?

The Minister for the Environment:

I can tell you as a member of the Government of Jersey there are a number of things that I do not like and I do not feel proud of. That is me personally but I was elected with a promise to the people that I would do my best to make sure the environment of Jersey was as good as it can be and we try to move towards sustainable policies. That is what I can do. As a Minister, I try and put my contribution to the way we operate on a broader platform but I equally know that we have huge problems, huge needs in terms of education, for example, and health. I hear not only do we have a bigger population but it is an ageing population and I am told one of the big demands for the future is more healthcare workers. Are we going to say to people we are not going to meet that? What about educating our children? Government does those things. I am not at the centre of Government. I think those issues you need to put to the chief executive and the D.G (director general).

The Connétable of St. Brelade:

Can we rest assured, Minister, that you challenge at the Council of Ministers and you are very well placed to do that?

The Minister for the Environment:

Absolutely, and I am no great fan of the direction of travel we are now on in terms of what I call a highly corporatised, centralised system. The jury is out for me on whether we have yet to see that change affect improvement in public services that really counts to the people.

The Connétable of St. Brelade:

Travelling back to St. Helier, Willie Miller Urban Design has done a consultation on St. Helier that is running until the end of the year, I understand, and we expect a report early next year that will be used to develop urban design policies in the Island Plan. What do you expect to achieve from this consultation? What outcome do you expect?

The Minister for the Environment:

On the urban character framework?

The Connétable of St. Brelade:

Is that what it is called?

The Minister for the Environment:

If that is the one you are referring to. My political expectation, and I will start with that and if I may ask the officers to give you more detail, my concern is that we have had a one size fits all policy in the urban areas and I wanted the characters more properly analysed to be able to see if we could identify the different character natures in our urban communities to try to help us develop planning policies that enable to conserve the qualities and the differences in those areas. One of those, I will be quite up front, is St. Brelade's Bay. As a Member for St. Brelade's Bay I brought amendments to policies that have not entirely worked in 2014 and I have asked for that to be included as part of the character study to try to help us develop new policies in the draft plan and also the question of conservation areas as well. I am trying to change the law to do that. Those are my political objectives and I was very pleased that Willie Miller was appointed because his piece of work he did a long time ago is very highly praised and rated by professionals, and I know the Constable of St. Helier is very positive about that too. Those are my political objectives so could I ask the detail to be?

Director of Strategy:

I think the question was what do we have the consultation ask, so if I address that. Assessing the task of character is an art rather than a science and I think the consultation is a key part of making sure that local people's voices are heard as part of that process, similar to the workshops that were held recently, public workshops to literally hear from people what they think about the town, what they think about different parts of it and the built environment they are in, some other means of trying to get that same intelligence. There has been some on-street activity as well asking people how they relate to town, what do they think about it and that sort of thing all informs the character assessment.

The Connétable of St. Brelade:

Consultation is always challenging, I think, for everybody in authority. In terms of numbers, and I think we have heard back earlier with regard to the numbers you have so far in terms of feedback, how do you connect with the public with regard to these areas in terms of St. Helier particularly? How are you getting feedback from parishioners apart from on the street? Are you using any other methods?

Director of Strategy:

There is an online element of the consultation as well and public workshops have been run. The nature of the consultation associated with the urban character assessment is being designed and run by the advisers that we have put in place so they work as part of a consortium with a small agency that has been doing some of this work in particular.

The Connétable of St. Brelade:

Jersey National Park; following on from the Government Plan review can you clarify for the panel what your role will be in the Jersey National Park project? We are aware that the Minister for Economic Development, Tourism, Sport and Culture is the lead Minister but we are keen to learn more about how your role as Minister for the Environment will feed into this specifically in terms of environmental protection and the Island Plan of promoting education and interpretation of the environmental importance of the National Park.

The Minister for the Environment:

I think the economic promotion, making sure we get the economic benefit from tourism and so on, I am very pleased now that not only is the Minister for Economic Development, Tourism, Sport and Culture taking it on, now the funding that has been provided in the Government Plan will give the tools to do that. The environment team do a limited grant to enable some interim measures, for example, the takeover of the Frances Le Sueur Centre by the team. That has at least allowed them to give a good starting point and have a co-ordinator, so I am pleased that has been done. My point of view is I want to separate out or remove the confusion that exists in people's minds between the

Jersey National Park area and a planning zone where we have special protection and these may not coincide. At the moment the Island Plan planning policy gave birth to the vision of the National Park. I think that is fine but we have moved on now. Those 2, the National Park boundaries and the development and exploitation of it, getting the benefits I think will be separate from the planning zones that we look at.

The Connétable of St. Brelade:

You would agree there are potential risks in that overlap?

The Minister for the Environment:

At the moment I think it is very confusing and causes a lot of problems to everybody concerned so I prefer to separate them out. What I have asked to be done in the Island Plan is I want that area in terms of the planning, the special policy because that area of the Coastal National Park there is a planning policy in the current Island Plan which is I think the best way summed up the highest level of protection that the Island Plan can provide. I think in some cases it is probably, not very many, that that definition cannot be sustained but in other places there is a strong case for extending. That is why I have asked to be done the countryside character appraisal because that work was done nearly 20 years ago ... no, over 20 years ago, and things have changed. Look at the biodiversity there, the landscape character and all that and that will then inform those new zones which will, of course, go to consultation. Part of that also means defining Sites of Special Interest areas and as well as that the number of law changes in train to be able to have what I call conservation areas in there as well. I think we are trying to separate it out to ensure that the quality of the areas, the terrestrial part anyway, is conserved. The marine area is more difficult and I know that recently the Deputy Chief Minister has gone out with a proposal called a Marine Conservation Area but, of course, this cannot in my knowledge be done without the full active co-operation of the fishing community. There is no doubt about that whatsoever, or the expertise and experience of other jurisdictions. It has been done in the Isle of Man and it takes a lot of investment in time to be able to do that but the concept is we need a marine zone because there is also the possibility of infrastructure in the sea with regard to renewable energy, which is I think why we need new policies so we will have those new policies in the Island Plan.

The Connétable of St. Brelade:

There was a report in the *Evening Post* a few days ago expressing concern from the Fishermen's Association regarding the marine zone. What would be your comment to that?

The Minister for the Environment:

I was pretty astonished to see and not best pleased, to be honest when I saw the headlines from the Deputy Chief Minister's proposal, because I thought it was fraught with those issues that would

arise. I knew there was going to be an article but I was a bit surprised in the terms and I did not see a draft so I saw yesterday the chairman of the Jersey Fishermen's Association and we had a conversation. I am not surprised. I think the concept of marine conservation is right but we have to work with the industry because we need to make sure we have sustainable fisheries and, of course, at the moment there are enough issues for fisheries as a consequence of Brexit and so on that we do not need any more complications.

The Connétable of Grouville:

Just going back to the National Park, are you considering changing the boundaries of what the National Park exists? The whole of the north coast and east coast is not part of ...

The Minister for the Environment:

I think we treat them separately so, for example, I am absolutely certain that the whole of the north coast and all those special areas will remain special planning zones to protect them, to ensure that high level of protection works. But in terms of where the boundaries of the Coastal National Park are drawn I think that will be a matter for the new team, which is not my team, it is not the planning team, it is the Minister for Economic Development, Tourism, Sport and Culture's, how they want to define those boundaries. They are related very much I think to recreation.

[12:30]

The Connétable of Grouville:

What is the logic of changing that concept?

The Minister for the Environment:

Because they are very confused because they are not the same areas. The characteristics may be different in one area and another. For example, supposing that by way of example we included a lot of the wooded valleys in the special protection zone. Would that be the Coastal National Park? It probably would not, no.

The Connétable of St. Brelade:

Can I suggest, Minister, that there should be some joined-up thinking with regard to the Minister for Economic Development, Tourism, Sport and Culture and your department in deciding on these things?

The Minister for the Environment:

Yes, I agree with that, yes, absolutely. That is part of the Island Plan process and certainly we will be doing that to the best of my ability so that is absolutely valid, yes.

The Connétable of St. Brelade:

Sewage spills; it has been recently reported that there have been 40 instances of sewage being discharged into the sea in the last 6 months. While I understand it all comes under the remit of the Minister for Infrastructure what is your view or your department's view on the impact this may be having on our environment?

The Minister for the Environment:

Before Mr. Scate answers, can I ask: are you talking about the incidents from the S.T.W. (sewage treatment works)?

The Connétable of St. Brelade:

Well, yes, indeed.

The Minister for the Environment:

The regulation is done by Mr Scate. Could I ask ...

The Connétable of St. Brelade:

But also apart from the regulatory side that I understand you manage we want to understand what the impact might be on the environment of these villages.

The Minister for the Environment:

We are talking about spillages with measured E. coli and so on, is it?

The Connétable of St. Brelade:

We have basically, due to the cavern storming and excessive conditions, you get spillages out on to the beaches.

The Minister for the Environment:

The biggest risk we have is the impact on the oyster fisheries in the south-east coast. I am certainly well aware of their concerns about the impact of such spillages because, subject to the results of the monitoring that goes on, it potentially can affect the grading of the products, the standards of the products and the market for those products, so that is a risk. Therefore I have always been very supportive of the capital investments that have been made in upgrading the plants. I think that is absolutely right. But I am equally clear that we have, and I am not the Minister for Infrastructure but I do know the network that plugs into it across the Island also needs investment. I think to state to what extent those plans are adequate is for him and the officers to say. I would support those

investments because we need to make sure our marine environment is as clean as we can and we have not added, Mr Scate, bathing water standards perhaps; we do monitor.

Group Director for Regulation:

Yes, the first impact we are most concerned about where the process tends to be when an incident is happening, if there is a spillage or an overtopping of the system in a certain location we are notified. There is a protocol in place for both the environmental protection team as well as the environmental health team to be notified that an occurrence has taken place. The focus for the environmental health team is about public health effectively, so has it occurred over a long enough period of time? Is it likely to be big enough? Is it likely to be in an area where there are public bathing waters on the beach, that sort of thing? If those things are ticked then we will be, from an environmental health perspective, closing beaches or notifying advice on beaches.. People make the choice whether they then walk along the beach, swim in the waters or not, but it is advisory that we feel a spillage has taken place and we would advise people not to enter the scene, et cetera.

The Connétable of St. Brelade:

Do you feel that in these very wet conditions we have been having, and clearly we cannot fight nature, there will always be a degree of spillage?

Group Director for Regulation:

There will, yes.

The Connétable of St. Brelade:

Do these sorts of conditions stimulate you to close beaches?

Group Director for Regulation:

I think firstly the nature of our drainage and sewage system is not dissimilar to many other places. They are not designed to take into account all eventualities in terms of the amount of water it has to deal with so there is an element of overtopping probably that will happen naturally, depending on the events. Sadly, we have experienced in the last 3 or 4 months a substantial amount of rainfall, very short bursts and the system has been put under quite severe pressure in places that has resulted in overtopping. Some of that is down to how foul sewage is treated versus surface water and there is a mixing of that in places because of the historic nature of the system, so the more work we do from an infrastructure perspective in terms of separating foul and surface the better because then obviously the system can handle that and it is a bit more resilient. The new sewage treatment works, for instance, has more storm-holding capacity in it as opposed to the current one.

The Connétable of St. Brelade:

You would agree that you would work with the Minister for Infrastructure and ensure that you get separation, which in turn will ...

Group Director for Regulation:

Yes, there are regular meetings. One thing I will say in terms of the environmental impact, we have not found any link between any of these and proven environmental impacts that we have seen through our research. The main answer to that is the significant dilution that occurs in our seas and the tidal range we have means that if there is an event that takes place within 3, 4 or 5 tides effectively the problem has disappeared from our shoreline.

The Connétable of St. Brelade:

Would you agree we are in a far better position than Guernsey, for instance?

Group Director for Regulation:

We are in a far more fundamental better position than our neighbours in the sense that our sewage treatment work tackles all our foul sewage. The new plans also give it far more resilience moving forward as well.

The Connétable of St. Brelade:

In the fact that we do have a foul treatment sewage works.

Group Director for Regulation:

We have a number of processes on there, including ultraviolet and other things so yes, we are in a good position.

The Connétable of Grouville:

Is the sewage infrastructure good enough for the population we have and for the increasing population?

Group Director for Regulation:

I think certainly it is a good point. I think the answer is as population increases, as more demand is placed on it, then it will need more investment. The current sewage treatment works replacement is an example of that where we are replacing an outdated piece of infrastructure that has much better efficiency to it, less energy needed to run it but also its capacity is that much bigger. I think, yes, they are directly related. The more population you have, the more of this type of infrastructure you will need.

The Connétable of Grouville:

The amount of rain we get due to global warming, whatever causes that, we are getting these torrential downpours more and more. Are we not going to be spending more money on the infrastructure to protect against the weather?

Group Director for Regulation:

Yes, I think there is the stuff at the end of the pipe, so to speak. The sewage treatment works effectively has to pick up the treatment of this water but also we need to continue and look at the replacement of the in-ground assets, the foul and surface systems we have. In many places there is a combination of that which has happened over the years. We need to separate that. That involves cost and more investment and when we find out that ... the other thing is checking who is connecting what to what, so making sure that when properties are built they are connecting foul sewage to foul sewage and vice versa, so there is a constant checking up on things like that as well.

Deputy K.F. Morel:

Can I ask, and it might be more for the Minister? It is related but it is off at a tangent. We have heard recently Jersey Water talk about the need to build a new reservoir but as we are talking about separation of foul water and surface water it strikes me that one of the problems we have with the use of water is we flush a lot of perfectly good drinking water down the toilet and we do not reuse grey water in any way. In your opinion, is that something we should be dealing with first and building houses that have 2 systems, one for reusing grey water, using that down the loo instead of perfectly good drinking water before we start building a new reservoir?

The Minister for the Environment:

I am not a technical person but I do know the building regulations at the moment require any new construction now or if there are modifications to existing buildings to basically carry the separation. What that means is that instead of surface water going into the foul drains and flooding through and causing all this extra volume it goes into local soakaways that are required to be constructed around on the site and would result in retaining that in the ground water of that area.

Deputy K.F. Morel:

Sorry, Minister, that is not an answer to my question.

The Minister for the Environment:

Your question I think was ...

Deputy K.F. Morel:

About using water to be used back in the home.

The Minister for the Environment:

You are talking grey water recycling.

Deputy K.F. Morel:

Yes.

The Minister for the Environment:

Personally I will be frank. That is not an area I have given priority to. Certainly it is an area I think we will have to think about in terms of examining the options to meet our future water demands. There is the option that I think is maybe something we may be more efficient, is recycling water from the S.T.W. system itself which, of course, is in London. My understanding is that most drinking water has gone through the system 10 times but there are negatives about that, not just public perceptions. I think we will have to look at those options as well as, and, of course, that is part and parcel of the ... yes.

Group Director for Regulation:

I think the issue of water is an important one. I think we need to consolidate a plan around not just water use but water supply and our water resources. Grey water recycling is good in principle but it is quite difficult practically in properties to separate the 2 systems because effectively you have to run 2 sets of pipes for those.

Deputy K.F. Morel:

In the meantime we have lost perfectly good drinking water.

Group Director for Regulation:

You do indeed. I cannot dispute that. We use treated water for many things including watering gardens and washing cars and all manner of things. As time goes on I think we can expect our regulations around water use will catch up with where we have been with energy use and energy is far more important as a concept at the moment and how we demand-manage our energy use and design buildings around using less energy. One of our prime wins first of all would be designing buildings that use less water and looking at appliances and demand management. That is certainly out there.

Deputy K.F. Morel:

I asked my question in relation to requests for a new reservoir from the water company and while I am sure the demands may be so strong we still need a new reservoir, would this not be a good opportunity to start looking at those regulations and building them in so that we do not just build a new reservoir and end up having a new set of concepts in 20 years' time?

Group Director for Regulation:

I agree. I think before we invest significantly we would adopt a reduce, manage and invest approach, so reduction of resource consumption in the first place has to be the first thing we do. The easiest thing we can do is reduce our demand and manage what we have more effectively. That includes our existing water resources, making sure they are not polluted, they are open for use. The investment bit at the end of that equation is the hardest and the most costly, obviously, so we would need to do a lot of things before we invest in a significant piece of infrastructure. I think the public and the States Assembly would expect us to have gone through that equation before we look at vast amounts of expenditure.

The Connétable of St. Saviour:

Do you not think the public would be happier if you had an immigration policy rather than flooding another valley to accommodate people because somewhere along the line - not in my lifetime because I am old - it is going to have to stop? We cannot just keep concreting over everything, building homes and flooding areas to allow people to come in.

Group Director for Regulation:

Yes, I think some of the issues we are facing with water is around ... it is not the fact that we have less water. I think the records will show we are probably receiving more rainfall in the Island than we have been.

The Connétable of St. Saviour:

Yes.

Group Director for Regulation:

It is in the wrong places or it is the wrong type of rain, if that is the right way to phrase it, but we are getting a lot of water but it is running off very quickly.

The Connétable of St. Saviour:

So we are flooding the wrong valleys?

Group Director for Regulation:

So I would say that I think our work has got to be ... we would do it with whatever the population sizes. I think water demand management has to take place whether we have 50,000 people in the Island or 100,000 people in the Island because, ultimately, water is becoming a resource which we need to wake up to as we have woken up to I think the energy resource.

The Minister for the Environment:

Yes, the Connétable is right that the issue of population overrides every single issue we have.

The Connétable of St. Saviour:

Thank you, Minister.

The Minister for the Environment:

It overrides every single thing.

The Connétable of St. Brelade:

I am very pleased you have said that.

The Connétable of St. Saviour:

Yes, thank you for that.

The Minister for the Environment:

Nothing is more significant than that which is why I have given it the emphasis I have.

The Connétable of St. Saviour:

Thank you.

The Connétable of St. Brelade:

We are pleased to hear that.

The Minister for the Environment:

I can give Deputy Morel the commitment to the approach that Mr. Scate has suggested and I will certainly take up.

The Connétable of St. Brelade:

Staying with pollution, the Elizabeth Marina, the firm responsible for the pollution incident there were fined £10,000. What is your view on that result?

The Minister for the Environment:

Who are you asking?

The Connétable of St. Brelade:

You, Minister.

The Minister for the Environment:

Well, we do have a separation between judiciary and Executive. That is I think the kind of cardinal rule. I have to say, as a person, I was quite surprised but, nonetheless, I am told it is the maximum fine and, obviously, the court made a judgment on that; I do not want to be in a position of criticising the courts.

Deputy K.F. Morel:

I think from a political perspective, you can have a view on whether the law needs to be changed to increase the maximum penalty.

[12:45]

The Minister for the Environment:

Well, I am not so sure because I do not know that politicians at the moment set maximum fine levels. I think this is done with the processes of the Attorney General and so on. It is a process which I do not understand. I think, at the moment, this process is done across the laws. Unlike the U.K. (United Kingdom), we do not have a Minister who has that responsibility. We all have our views but I do not see any process to do that.

The Connétable of St. Brelade:

Your department had to carry out the investigation. What was the cost of that? Do you have any idea?

The Minister for the Environment:

£28,000 I think.

Group Director for Regulation:

Yes, I can answer. The Water Pollution Law effectively has unlimited fines in there and up to 2 years' imprisonment so, arguably, there are quite strong penalties if the degree of pollution and degree of breach has been proven. I think in this case, it was very clear which route the event had to take, whether it was a Magistrates' Court or Royal Court, so the result in a Magistrates' Court, I thought, sent a very positive and very strong message to people around the water environment that we cannot see these events happening and people should be taking them seriously because it was the maximum fine in a Magistrates' Court.

Deputy K.F. Morel:

Sorry, may I butt in? I do apologise.

Group Director for Regulation:

Yes.

Deputy K.F. Morel:

You say that people take it seriously.

Group Director for Regulation:

Yes.

Deputy K.F. Morel:

How much profit do you think the developer is going to make on the Horizon development?

Group Director for Regulation:

It will be many fold more than the fine received.

Deputy K.F. Morel:

So do you think £10,000 will have made them think twice?

Group Director for Regulation:

I think it sends a clear message to the community as a whole that these issues are prosecuted when there is evidence to do so. I think the specifics in this case dictated which court it was heard in. The specifics in terms of the impact of pollution and the environmental impact of what it was dictated it was heard in the Magistrates' Court. If it was more serious and there was greater impact, it could have well gone into the Royal Court.

Deputy K.F. Morel:

When you say "impact", do you mean human impact?

Group Director for Regulation:

There would be either environmental biodiversity impact or, yes, a variety of impacts so, in this case, we saw predominantly an amenity impact on the marina. If there was greater evidence of higher levels of impact, I think we would assume the case would go to the Royal Court and I think the penalties for that could have been a lot higher.

Deputy K.F. Morel:

But just to be clear, that was not the maximum fine under the law. That was the maximum fine because that is the maximum in the Magistrates' Court.

Group Director for Regulation:

That is correct, yes.

Deputy K.F. Morel:

I think that is a really important distinction to make. So the law itself does enable larger fines, Minister. I think you should look at that.

The Minister for the Environment:

Yes, I looked at that.

Group Director for Regulation:

Or imprisonment, yes.

The Connétable of St. Saviour:

Of course.

Deputy K.F. Morel:

Or imprisonment, indeed, and do you think it was appropriate that the developer did not have to pay their costs for the action?

Group Director for Regulation:

What I will say, it is always disappointing. We do incur costs obviously in doing our work and investigations. If a defendant pleads guilty, I think the cost awards are therefore unlikely to be seen. I think there is an element around how the court works. There is a bigger question about then who gets cost awards, whether they are awarded, who gets access to the fines and that sort of thing. So the work of the department effectively is funded through Treasury. It is like any other investigation. If the police conduct a big investigation, obviously the costs of that investigation often are very high. The benefit of that investigation is to the public as a whole and society as a whole.

Deputy K.F. Morel:

But often those investigations are against individuals without much money and not against large corporations with millions of pounds at their disposal who could easily have paid for the full cost of that investigation.

Group Director for Regulation:

Yes, I would say I do not disagree with the sentiment. We certainly incur costs, we incur time and we incur pressures on our workload as a result of it. Going back to the first question, we thought it was a very positive decision for the environment and the work the team does because it is a

validation of that investigation that we were right to take the prosecution further. Yes, it would be very nice if we saw our costs reimbursed, so to speak, fully but we do not see that reimbursement on a regular basis.

The Connétable of Grouville:

Are you saying that the incident was not that serious or if it was more serious, it would have gone to the Royal Court?

Group Director for Regulation:

I think if we had seen more environmental impact on sea life and water life, that sort of thing, we would have seen higher penalties possibly in a different court route, yes.

The Connétable of Grouville:

But that decision is not made by your department?

Group Director for Regulation:

It is not, no. So we have to put together a case file in terms of we think an incident has occurred. This incident was reported to us so it warranted a lot of investigation, witness statements and testing. With the body of evidence that we had, there was enough to take a case file forward to the law officers. Then obviously it goes through the mechanism of charging and so on and so forth, so depending on the scale of the offence, what the evidence is saying would then dictate what view the Attorney General's office takes on route.

Deputy K.F. Morel:

Sorry, Minister, with all this in mind, will you be seeking to review the existing law in terms of the allocation, not of court costs but of investigatory costs with regard to company property developers?

The Minister for the Environment:

Yes, there is a case. I looked at the law myself yesterday, I have to say for the first time, to look at the wording on this and absolutely the Deputy is right. This question of imprisonment occurred to me that there is obviously an intention and it does not specify the number of fines. It just says: "A fine and imprisonment." Obviously, the circumstances in this case and the way it has been dealt with through the judicial process has resulted in that fine and that is why I said: "Not being party to that, I do not think it is right for Ministers to try and engage in those processes because that is the end result." I also noted that, in the law, there is a provision for claims for compensation if somebody's interests are damaged or affected as a result of the pollution. One can think of a number of possible scenarios where there is a procedure in that law for that to happen. Now I think there is a case at the very minimum to reviewing the Water Pollution Law 2016 ...

Group Director for Regulation:

It is 2000, the Water Pollution Law.

The Minister for the Environment:

Really? Was the one I looked at wrong?

The Connétable of St. Brelade:

Maybe it has been amended.

The Minister for the Environment:

Well, it is Article 17, is it not? I wish I had brought the law with me but there is a case for reviewing it and I will certainly have that discussion and seek to review it.

The Connétable of St. Brelade:

Minister, would you consider applying for compensation in this particular case for the costs that the department have incurred?

The Minister for the Environment:

Yes, what I am not clear of yet is whether we can make a case. I am certainly prepared to take that up, yes, as to whether or not we could because I think it is morally wrong that the taxpayer has to pay to effectively subsidise the profits of a private company.

The Connétable of St. Brelade:

I suppose to conclude on that one, do you remain satisfied that there is no further pollution being discharged at the Elizabeth Marina?

The Minister for the Environment:

Well, I have to rely on the advice of my officers that that is the case.

Group Director for Regulation:

Yes, we are.

The Connétable of Grouville:

Another question. What will stop it happening again?

Group Director for Regulation:

On this particular site or anywhere else?

The Connétable of Grouville:

On the waterfront right around to the sensitive ...

Group Director for Regulation:

I guess the honest answer to that is there is nothing stopping this happening again. However, we would expect contractors, when they are looking at how basements and buildings are being constructed, to do full ground testing and acknowledgment of what that water environment is. They have to plan well enough in advance to understand what may or may not happen. There is always a risk of something happening. There is always a risk of something untoward occurring on site. Sometimes it is about contractor behaviour, sometimes it is about just the unknown being encountered on a site but I would expect future contractors to pay attention to this case and the fact that we are not shy of bringing a prosecution, so I am hoping it will focus minds going forward.

The Connétable of St. Saviour:

Sorry, I do not think the fine of £10,000 is a deterrent to anybody. Sorry, we know you did not set it but it is nothing.

Group Director for Regulation:

Yes, and, again, that goes back to the scale of the impact that the evidence was pointing to. I think if the scale of the impact was greater, I think we would have had a law officers' decision to take it to the Royal Court rather than the Magistrates' Court.

The Connétable of St. Saviour:

A better case, yes. Sorry, Constable.

The Connétable of Grouville:

Well, just to say this development must have had some kind of plan as to how it would do its ground works.

Group Director for Regulation:

Yes.

The Connétable of Grouville:

Something went wrong, presumably.

Group Director for Regulation:

I think it was just the unknown encounters on site. By what I know about it, there were various ground conditions encountered on site that were unexpected. Of course there was a lot of ground assessment done prior to the development taking place but I think there is always a case of the unknown and I think part of the case from the other side was effectively that they encountered unknown conditions and it happened in a space in time. They went then on to rectify that but, needless to say, the pollution had already occurred.

The Minister for the Environment:

Can I just add that when I read the law yesterday, there is also a defence available that the person doing the pollution has made steps and made all reasonable efforts and so on to be able to do that so I think the court again will have looked at that or should have done. But I agree to take forward the question of a review of that law because obviously lessons learnt is important and also this issue about whether or not there can be some claim to reimburse the public for their costs that we had to incur in dealing with this incident.

The Connétable of St. Brelade:

We carried out, some time ago, a review on reducing the use of plastics. At our last meeting, Minister, you told us that work was ongoing but you were unable to give any sort of timescale for the implementation of the recommendations. Can you give us an update or maybe your officer can give us an update in that respect?

The Minister for the Environment:

I wonder, with your permission, Chairman, I might ask Jane Burns to take us through this because, obviously, there was a long report that you produced and I think there were a number of things which were all operationally applicable to this. Could I ask Jane to talk us through those please?

The Connétable of St. Brelade:

Absolutely, yes, please.

Eco-Active Programme Manager:

So a lot of the recommendations fall under the Minister for Infrastructure so I will talk through the ones that we have been dealing with, if that is all right. So if we look at recommendation 6, it is about a public awareness campaign and that it is important to give the right messages about what to recycle and how to recycle. So Eco-Active is still delivering a campaign for these messages alongside our colleagues previously at Infrastructure with the Rethink Your Waste remit. So even last week, I went to the Parish of St. Martin Parish Assembly where they were discussing potential cuts like recycling and we were ...

The Connétable of St. Brelade:

Can I just interrupt there and ask how you got on? What was the response at St. Martin?

Eco-Active Programme Manager:

I would say it did not progress because there were questions around how the proposition was worded so my understanding of that process is that they were looking at having an initial discussion about whether they would like to have it brought formally to the Parish rates meeting in the summer but the parishioners could not agree on the wording of the proposition so they were unable to take a vote in that meeting. However, the feedback was generally they were supportive of the idea but they did not like the working or how the Constable had put it to the Assembly.

The Connétable of St. Brelade:

I gather that the Constable is very enthusiastic where perhaps one or 2 parishioners are not so, hopefully; they will progress.

Eco-Active Programme Manager:

There was an indicative vote and the indicative vote suggested it would be received favourably by a majority but certainly not by everybody. There were quite a few questions about the weights of bins. That was an issue. So they will be having a Special Parish Assembly purely to discuss that issue.

The Connétable of St. Brelade:

Good. Sorry to interrupt.

Eco-Active Programme Manager:

No, that is fine. So we are still using any opportunity we can to talk to people about what we recycle, why we recycle, what we do and how to recycle properly. So recommendation 6, I think is kind of permanently ongoing but we are certainly still trying to talk to people as much as we can about that one.

The Connétable of Grouville:

Do you know if the amount of plastic being recycled is going up because it was very low when we did our report?

Eco-Active Programme Manager:

Yes, to be honest with you, I do not know that and I was not sure if Emma was coming today with those figures so I do not have those figures, sorry.

The Connétable of St. Brelade:

Would you agree that until we have any sort of sorting process, that figure is unlikely to change?

Eco-Active Programme Manager:

I think we will see a change in the figures this year because, obviously, some places have come on with kerbside collection and St. Peter started at the start of this month the kerbside collection. We know that when Parishes have kerbside opportunities for recycling, the amount does go up. So people are more likely to put it in a box at home than they are to drive it to somewhere else so I think we will see an increase but I do not know what the numbers are at the moment, I am afraid.

The Connétable of St. Saviour:

I think the big thing with the recycling is to know it is okay for the public to just put everything separate but they want to know what happens to it.

Eco-Active Programme Manager:

Yes, absolutely. You did a really nice visual as part of your report and we use that quite a lot in our messaging because it was really clear to people to see what was happening, particularly to their plastic bottles.

The Connétable of St. Saviour:

Yes.

Eco-Active Programme Manager:

So we have been using that, thank you, a lot.

The Connétable of St. Brelade:

So with regard to target dates, can you give us any idea of revised target dates for achieving the recommendations?

Eco-Active Programme Manager:

Yes, so recommendation 6 was by quarter 3. We have been doing it so I would say that we are not going to stop doing that just because we have hit quarter 3, so it is ongoing for us. Recommendation 6 was around some collaboration work with Jersey Dairy.

The Connétable of St. Brelade:

Sorry, which 6 again?

The Minister for the Environment:

It is 8.

Eco-Active Programme Manager:

Sorry, recommendation 8. I think I need glasses but I am in denial. So we have been doing quite a bit of work with Jersey Dairy and we are fairly confident that they will be making an announcement in the new year about some changes to what they are doing at the moment which I think you will be very pleased with but I cannot go into that, unfortunately, at the moment. We have also seen Classic Herd have a milk vending machine up at their dairy.

[13:00]

The Connétable of St. Saviour:

Yes, fabulous.

Eco-Active Programme Manager:

They have also installed one inside Grand Marché in St. Helier so we are waiting to get some feedback from the Co-op about how they are finding that and how popular that is proving to be.

The Connétable of Grouville:

Do you know if Jersey Milk is going to have vending machines?

Eco-Active Programme Manager:

I think at this point, no. I think it is a really interesting piece of research that is being carried out and I think there are questions around if you take your bottle to a vending machine and fill it up and then perhaps your bottle was not as clean as it should have been and you become ill, I think there were some questions that they are looking into. So at this moment in time, no is the answer but I think Jersey Dairy are really receptive to change and are doing what they can at the moment. The recommendation was looking at the milk cartons and that is very much what they have been concentrating on. Then we had recommendation 13 which was with Jersey Water, a public water fountain, at quarter 3. So we did feedback at the last hearing I believe that the research that they have carried out would be that water fountains would not be a favourable route for Jersey because obviously, in the summer, our water gets hot and it would be stagnant for a while. So what they have done is they have worked with lots of the pub chains, cafés and restaurants and they are encouraging people just to be able to take in a water bottle and get fresh tap water rather than something that has potentially been stagnant. So there is an app that is available for free for people to use. It is the same app that the water companies in the U.K. are encouraging people to use for the same reasons, so they feel that is a better solution for them to make sure that people have access. Rather than just a limited number of water fountains there are a lot more places so, for

example, Liberation Group have signed all of their pubs up and, for us, that was quite a positive outcome, we felt.

The Connétable of St. Saviour:

So you are seriously saying that, in the fountains, the water would be stagnant when it is coming, theoretically, from the mains all the way up. So when you visit the Continent and you use the water fountain ... sorry, I just do not grasp that reply. I know you have not made it but I just do not grasp that reply.

Eco-Active Programme Manager:

Yes, so my understanding is that is why water fountains were initially removed, because they were not getting used enough so obviously, because they were on water meters, they could see the amount of use they were getting and they were not getting used enough to be flushing through. Lots of the schools still have water fountains and in fact schools are working hard to put more water fountains in.

Deputy K.F. Morel:

Sorry, where were these water fountains. I have never seen water fountains in a street in Jersey.

The Connétable of St. Saviour:

No.

Deputy K.F. Morel:

Which water fountains are they talking about?

Eco-Active Programme Manager:

I do not know. I really do not know, but I can ask.

Deputy K.F. Morel:

I know you are not there, I appreciate.

The Connétable of St. Saviour:

Well, maybe we can find out for next time. That would be interesting.

Deputy K.F. Morel:

But these are questions I would expect you to challenge them with or whoever is challengeable.

The Connétable of St. Brelade:

The only fountains, I believe, that are in position are at the top of slipways for washing feet off from the beach.

The Connétable of St. Saviour:

Yes, there is one on the coast road.

Director, Environmental Policy:

Sorry, through the chair, I have certainly seen a water fountain at the airport.

Deputy K.F. Morel:

I did not know that.

Director, Environmental Policy:

So, yes, we can find out.

Deputy K.F. Morel:

There is one. There you go.

Director, Environmental Policy:

So we found one.

Eco-Active Programme Manager:

Two.

The Connétable of St. Brelade:

I think most of our public fountains have gone.

The Minister for the Environment:

I am going to put my hands up and declare a total lack of knowledge.

The Connétable of St. Brelade:

All right, we have got to 13.

Eco-Active Programme Manager:

Yes, we have got to recommendation 13. Recommendation 14 was the Jersey Fishermen's Association, boat owners and yacht clubs and to work out how a fishing filter scheme could operate effectively. We have run late with that one because we have spent a really long time engaging with the fishing sector so we have a report which will be presented to the Minister in the new year with a

number of recommendations. So it was quite a slow process because we had to kind of strip back conversations to quite basic levels to begin with so we now have a list of things that we could do quite quickly, so simple things like they need more bins on the pontoons. We have also unpicked some far more complicated issues, particularly around weighted rope, so a lot of the weighted rope that they use is a mixture of plastic and lead and there is not really an outlet for that rope at the moment. It has to be cut into one metre lengths and obviously disposed of.

Deputy K.F. Morel:

Sorry, is having lead products washing up on our beaches a good idea?

Eco-Active Programme Manager:

The weighted rope will not wash up.

Deputy K.F. Morel:

Yes, but it will be in the environment and the last I checked we did not like lead in the environment.

Eco-Active Programme Manager:

It is industry wide. It is a global issue this and the research we have done will be fed into the British-Irish Council.

The Connétable of St. Saviour:

We could be leaders in that.

Deputy K.F. Morel:

Yes, we could be leaders in that, yes. Absolutely, we could be global leaders in lead removal.

Eco-Active Programme Manager:

The type of rope is the type of rope that is used by all commercial fishing sectors globally so, yes, absolutely I get your concern about lead. So we are looking into ways that the plastic and the lead can be separated so that it can then be recycled or repurposed or something done with it which will then give fishing people the right incentives to bring it back to shore.

The Connétable of St. Brelade:

I would suggest that the other areas mentioned, the boat owners and yacht clubs, could be targeted through, say, from May onwards when the boating season starts.

Eco-Active Programme Manager:

Absolutely, so even down to things like the bait bags in the fishing boats coming in, they are looking at alternatives as to whether it can be ...

The Connétable of St. Brelade:

I think you are focusing very much on the fishing industry.

Eco-Active Programme Manager:

Yes, at the moment. We are looking to broaden it out.

The Connétable of St. Brelade:

It is a small part of boating in Jersey and these people will contribute significantly if in fact they are brought into the loop.

Eco-Active Programme Manager:

Absolutely, yes, so the bait suppliers are one of the people who would have an impact on the recreational fishing sector as well as boat owners.

The Connétable of St. Brelade:

All right, 14. Anymore?

Eco-Active Programme Manager:

Then the last one for us was recommendation 18 that we should continue to engage and support businesses and we are continuing to do that. Obviously, Rethink Your Waste is the primary outlet for that. We go and deliver a lot of engagement and awareness sessions with businesses and we will continue to do so. We collaborated with a couple of our local businesses who ran a business briefing in quarter 3 on waste management and that included plastics, it included I.T. (information technology) equipment so what to do with the casing, and we are continuing to do that and that workshop is also attended by the waste regulator.

Deputy K.F. Morel:

Could I just ask: I take it are doing a lot about other Eco-Active business?

Eco-Active Programme Manager:

Yes.

Deputy K.F. Morel:

Do you have increased resources or more people to help you do that?

Eco-Active Programme Manager:

My resource has been increased yesterday.

Deputy K.F. Morel:

It has, excellent. That is good to hear.

Eco-Active Programme Manager:

Yes.

Deputy K.F. Morel:

To, if I may ask, how many full-time equivalents?

Eco-Active Programme Manager:

One. That is an improvement.

Deputy K.F. Morel:

So that is now 2.

Eco-Active Programme Manager:

No, I am part-time.

Deputy K.F. Morel:

No, that is just the one because I was going to say you were part-time last I chatted with you.

Eco-Active Programme Manager:

Yes, so it is part-time and full-time.

Deputy K.F. Morel:

Part-time. Well, it is doubling the resource.

The Minister for the Environment:

I am delighted you mentioned that because what Jane said speaks for itself in the success of this Eco-Active business. The Outreach project has been extraordinary successful in doing things by agreement with people so that is a great way forward.

Deputy K.F. Morel:

Thank you.

The Minister for the Environment:

I will do my best to make sure you get more and more resources to keep it going.

The Connétable of St. Brelade:

Thank you, Jane, and thank you, Minister. Soil health strategy. You told us at the last hearing that you would have a plan in place by May 2020 of how to take things forward with perhaps a Ph.D (Doctor of Philosophy) student to analyse samples. Is this still a realistic timeframe?

The Minister for the Environment:

Right, I am having some difficulty because Deputy Gregory Guida was going to deal with this. I am looking at my team and I think everybody is giving me a blank look so I have been provided with a note of where we are, so if I may take you through that, if I may.

The Connétable of St. Brelade:

If you would, Minister, or you could always answer the question in writing, yes.

The Minister for the Environment:

As you remember, Mr. Peggie led on this but Gregory has the really good science background on this. We have engaged Cranfield University and obviously the note I get says that soil organic matter is not always the best measure but, nonetheless, the soil from various Jersey soil types have been taken by Cranfield this month and are going to be used to assess pesticide fate, i.e. residues and regarding leaching of those pesticides through it. So those tests are awaited and that model is going to be used to assess new pesticide products where we have leaching concerns. The full monitoring programme will be worked up by the end of quarter 1 2020. The initial assessments of our soil organic data have been made and Cranfield are not unduly concerned and I have some numbers here. I do not know if you want me to read them through.

The Connétable of St. Brelade:

I am happy for those to be sent through to me.

The Minister for the Environment:

All right, thank you. So there is a small decrease in Island-wide soil organic matter since December 2016 but the professor, Professor Kibblewhite, who is working on that is not unduly concerned because of the variety of variable factors which are determining it; base, geology, texture, pH, climate, rainfall, various uses and so on. The samples can vary from a single field.

The Connétable of St. Brelade:

Can I suggest that once the results are in, you could send those through to us? We would appreciate that.

The Minister for the Environment:

Yes, very well, Chair. That is fine, yes.

The Connétable of St. Brelade:

The Draft Wildlife Law, could you give us an update of where you are currently with lodging the proposed new law? We were expecting it to be available by the end of this year.

The Minister for the Environment:

Yes, so was I, Chairman. I have been advised that it has been delayed and this is not good news. I have only recently had that news. It has been delayed by the drafting of the Public Finances Law. But also the difficulty I have here is of course the lead officer who was leading in this project is leaving us, which is John Pinel, so it has been taken on by another member of staff. I have, in another area, been advised that environmental legal work is being delayed because of the impacts of Brexit. I only learnt that at a meeting the other day. Louise, do you want to add anything to that?

Director, Environmental Policy:

Just to add that my understanding is that the work although, as the Minister said, is slightly delayed, the expectation is that you will be presented with something to scrutinise in quarter 1 2020, so within the next period. So the assumption is, I believe, that the law drafting draftsman will be able to finish off the work. It is very close, is my understanding, and that although we are delayed by a quarter, we should be able to have something by the beginning of next year.

Deputy K.F. Morel:

What was Mr. Pinel's job role or what was his job title?

The Minister for the Environment:

Well, Mr. Pinel was historically ... in Planning and Environment he was head of countryside, so effectively he was responsible for all of the open area, all of the coastal paths, the whole of that area, all environmental ...

Deputy K.F. Morel:

Thank you, my question is: is he being replaced? Is someone being recruited to that role?

The Minister for the Environment:

Do you want to deal with that, Mr. Scate, under the target operating model on the changes made by our leader?

Deputy K.F. Morel:

He used to be chief ecologist, did he not?

Group Director for Regulation:

Yes, so his post directly will not be replaced but there is a restructuring in the natural environment team which will ensure they still have ecology expertise within the team. So there is a restructure within that area around countryside and natural environment so while his post specifically will come out, his management post, we still retain ecologists ...

Deputy K.F. Morel:

Minister, how confident are you that expertise will be retained at the level that is required?

The Minister for the Environment:

The answer is: I am not confident at the moment. I was very disappointed and I would like to put on record the outstanding work that John Pinel has done throughout his career. I worked with him in the 1980s. I think he came to us from a teaching background and he has done dedicated work, well above and beyond, and he will be a very serious loss to the Island. I wish him well in his future career. I think he has come to the view, I think, that the States of Jersey has changed ... and I do not want to say things that would not be right, but I would have loved to have retained John, but it was not to be.

The Connétable of St. Brelade:

I would condone everything you say, Minister. What does concern me, and perhaps you could tell the panel, how many are there in the national environment team?

The Minister for the Environment:

I do not know. Not enough.

The Connétable of St. Brelade:

I am quite keen to know.

The Minister for the Environment:

Can I come back with those figures?

The Connétable of St. Brelade:

Would you, please?

The Minister for the Environment:

I mean one of the things I would like to know obviously ... from what Mr. Scate has said, we are losing a post in the environment and that disappoints me.

The Connétable of St. Brelade:

It is concerning.

The Connétable of St. Saviour:

Yes, it is.

The Minister for the Environment:

I mean this is the point where I feel that people are being pushed and stretched to be able to do more and I think there has to be a limit to that and so I would like to see some numbers on this, because there is no question on this. The Government reform process was started on the basis of a completely inadequately staffed Environment Department, which has been run down. Run down over a very long period of time.

[13:15]

I can remember when it was the Agriculture Department and it was well-resourced and well-staffed and I find it really quite ironic that having gone through that process of stripping out all that expertise and skills, we are all now seeing the need to put it back. I am being waved at by my colleague.

Director, Environmental Policy:

Sorry, I was not intending to wave.

The Minister for the Environment:

But I am in speech mode, I am sorry.

Deputy K.F. Morel:

What you are saying, Minister, is absolutely spot on.

The Connétable of St. Saviour:

Yes, it is true.

The Minister for the Environment:

Yes, I know and I am very concerned that when people that have given their working lives and efforts for Jersey are then finding themselves, at the end of the day, displaced ... I am very unhappy about that.

The Connétable of St. Saviour:

It is completely wrong.

The Connétable of St. Brelade:

I think the whys and wherefores with regard to that will need further consideration but at this moment in time, I think as a panel generally, we feel the Environment Department is certainly under staff. Were you going to come in?

Director, Environmental Policy:

Sorry, we were just doing a tally as you were discussing it. I think your question was how many in the natural environment team. So thinking about the ranger service and ecologists, which I think is team you are most interested in, although there are some part-time people in there, it is about 11 full-time equivalents.

The Connétable of St. Brelade:

So it is about the same as the Data Protection Department in reality? That tells a tale in itself, does it not, Minister. I am going to just talk about trees. I know you have a particular interest in the preservation of trees, I am not sure whether there is a provision in the planning law that lists protected trees, but we are concerned to learn that it is the practice of some developers to fell all the trees on the site they have acquired prior to submitting a planning application for the proposed development. Is the department aware of this practice?

The Minister for the Environment:

I think we are aware of it and obviously I think the recent incident came to light, I think you are aware of it, Chair, in our Parish, which has resulted in a very large number of complaints and reactions from people. Now, obviously the position that we are in is that one has obviously put a great deal of attention, or Mr. Scate has, into what the current law is. The position is that unless trees are protected at the moment by listing orders then there is no requirement for anybody to do anything. They are free to be able to take them down.

The Connétable of St. Saviour:

I have just had that in St. Saviour, the *J.E.P. (Jersey Evening Post)* office was sold and the people who purchased it have annihilated all the trees that were in the car park. When the road was up it

was very fortuitous for them because it went under darkness because nobody could use the road, nobody realised what was going on.

The Connétable of St. Brelade:

Have you any intentions to bring an amendment to the law to prevent this from happening?

The Minister for the Environment:

Yes, very much so. I certainly had discussions with the law officers and the department. I have to say we are in a situation that probably the department and myself have a different view because the resources to do this work is going to be significant. But, nonetheless, Gregory and I have insisted and as a result of that we have a draft amendment included in our Planning and Building Law amendment to include the felling or damaging of a tree within the scope of development in the planning law. Now, obviously that will not apply to every tree because the intention would be to, if that is approved by the States when the amendment goes forward, we would have to have what is called a general development order which will set out the type of trees, the species, the locations and, for example, the situation with diseases, dead trees and so on. Also defining what a tree is because a tree could be just a little small shrub ... all that kind of thing would have to be in the general development order. So that will be done.

The Connétable of St. Brelade:

In the U.K. they bring in the Proceeds of Crime Law in the instances where removal of trees enhances the values of property. Would you envisage going down that route?

The Minister for the Environment:

Wow, that sounds ... that is not something I am aware of. I know that the Isle of Man has a tree law, particularly. They did not do it through planning; they have a special law. Alderney does it through a planning law where any tree more than a diameter ... size circumference of more than 18 inches is protected. Obviously there is no question in my mind that developers now ... what they are likely to have if they come forward with a development application, they are likely at the moment, under current practice, to have conditions imposed on a planning consent to look after, protect those trees and conserve them. So they know that is coming. I think this is generating a practice where developers now seem to be clearing the sites as soon as they can get hold of it. I think this is, frankly, an act of vandalism and it really upsets neighbours and communities. I have made it quite plain that that is a practice that I am going to do my best to stop.

The Connétable of St. Brelade:

Would you agree that not having adequate legislation does not tie in well with the carbon strategy and trying to ...

The Minister for the Environment:

Absolutely not. Of course we are in a bad situation where we have got very few trees listed and that comes back to the issue of resources, the under-resourcing of the department.

The Connétable of St. Brelade:

What is the current process for getting a tree ...

The Minister for the Environment:

It is really quite complicated. We have to go through full legal process, which means notifying the owner, the owner has a right of objection to the Royal Court, then the whole thing is on stay while we go to the Royal Court and have those hearings and so on. So it is a quite legally intensive process to go into a tree listing.

The Connétable of Grouville:

I was just going to ask: how does the process start? Is it a member of the public says: "I would like you to save this tree."

The Minister for the Environment:

No, I think the best way of doing it, in a rational world, is for the department to survey all of the quality trees, identify those and list them.

Group Director for Regulation:

There can be a variety of routes. There could be, for instance, a tree that is threatened by development and the community ... we get a request to list it effectively or put a tree preservation order on or something. It could be something reactive, it could be something from the owner themselves - we get very few of those - or it could be something from the department. There is very often a trigger that we will list a tree or T.P.O. (Tree Preservation Order) for a reason. It tends to be a reactive thing in terms of the tree is threatened and we then look at listing it.

Deputy K.F. Morel:

What I have found interesting about the law when I read it is that there are no kinds of conditions around what kind of tree; any tree can be listed, can be protected. Which was also interesting because speaking to Planning Department officers I was told they thought that fruit trees could not be listed. That is not correct. So I already know that planning officers are in possession of incorrect facts with the statutory situation in Jersey. But following on from the Constable's question, what I also found interesting was that on the States of Jersey website there was no indication of what should ... if I am looking at a tree in St. Lawrence, what about that tree would make me think it

should be protected. There is nothing to say this is the type of thing we think should be protected. While you are bringing a more universal law in, we are still under this regime at the moment. I thought it would be quite helpful just to ... because, believe me, I could go around every tree in St. Lawrence and ask for them to be protected because there are some magnificent ones there in every hedgerow.

Group Director for Regulation:

Yes, the process we will often go through is get an arboriculturist to give us a view on the tree's health, its amenity value, its age and a variety of things I think we would go through. There is an arboriculturist checklist that they will use to assess the value of a tree or otherwise. We could make that more publicly available. There is no reason why that would not be a helpful thing to do. I think the Minister is right, it is quite a burdensome process to spot list individual specimen trees when effectively ... whether it be climate change or amenity or we have had a debate around town trees and trees in the built-up area, looking at protecting trees more effectively. So we are going to be looking at how we do that. I think there needs to be a conversation between officers and Ministers really about the practicality of how we do it so we can come back to the Minister and say: "Look, this is what we think we will need to do this effectively."

The Connétable of St. Brelade:

We believe, according to the information we have, there are only 64 listed as being protected at the moment, what do you percentage do you think this is of all the trees in the Island? Any idea?

The Minister for the Environment:

No, it has to be miniscule. I am pleased that we have money in the Government Plan to do a lot of this survey work. You are quite right, I would not like to try and write a guideline at the moment to say what tree should be looked after, which species and all that. That is the sort of work we are going to have to do. We have money in the plan so the good news is at least we can turn the corner on this. There is no question, the public have really reacted strongly when these incidents happen, of the vandalistic loss of these trees, and of course we have the whole issue of climate change and this is important that we do something about it and we are determined to do it.

The Connétable of Grouville:

What do you do about trees that may be unsafe? Who takes responsibility then?

The Minister for the Environment:

They obviously have to be dealt with. No, they have to be dealt with. If a tree is dangerous or diseased and dying then it has to be removed.

The Connétable of Grouville:

We had an incident in Grouville where a beautiful oak tree fell on our Parish shed and there was another one alongside it; if it had had a preservation order on it and that had gone over the following year, who would have been responsible?

The Minister for the Environment:

I do not think we would have got to that situation because if there was a tree ... first of all, there should not be a tree that was listed that is damaged or diseased or ...

The Connétable of Grouville:

I think it was just wind, it was on the end of a bank. A big gale one night and it blew over, and there was another one right alongside and the people living in the house said: "What are you going to do about that one, it could fall on my house?"

The Minister for the Environment:

My expectation is we would absolutely have to deal with the exemptions for dangerous, diseased and ...

Group Director for Regulation:

I think, yes, the responsibility of the tree and its state, whether it is dangerous, sticks with the landowner and whoever owns the tree. We would advise people who own trees that they check them regularly. If they feel that there is anything untoward that is going to fall then seek some advice. A new regime to control loss of trees would have to take into account emergency situations, disease and those sort of things. It needs to be practical and it needs to be quite responsive as well. It cannot take a matter of weeks and weeks and weeks to give a consent on something when you really need a quick answer on something.

The Connétable of Grouville:

I mean, the tree fell on the car the other month and it did not look particularly diseased.

Group Director for Regulation:

I think in fairness to developers purchasing sites, that is also a process that they go through, they assess the sites they buy. If it has trees on there and it may have been a derelict property or it may not have had a lot of maintenance on it for some time, they will also take that risk assessment and think: "Okay, do I need to clear any trees here pending something." There is a big factor and degree about what goes on. The type of trees that are kept, I think it is a really important bit. There are arboriculturists who think we should not be controlling fruit trees and they are a crop, they grow quickly, et cetera, et cetera. There is a counter view of that as well so you get different opinions.

There is a view about conifers and leylandii and those sort of specimens which ... so the recent case was where there was some leylandii taken out of the site that has been mentioned. There is quite a complexity around what do we try and protect and how we do it.

Deputy K.F. Morel:

It is interesting on the fruit tree front because one of the protected trees in St. Brelade is a fig tree, which is a fruit tree and so clearly there was enough reason to protect the tree.

Group Director for Regulation:

Yes, I had more in mind orchard-type trees, whether it be pears or apples or those sorts of things but I think it just shows the ... it is a complex area. Obviously we have a lot of land under management as well and if you have woodland there needs to be a continual management of that woodland and you do need to do work on your trees. We would advocate planting trees as well obviously but ... so we need to work out the practicalities of what this looks like so we then get some clear rules and have a process to apply.

The Minister for the Environment:

The only thing I cannot do, and I need to put this on record, I cannot yet guarantee a timetable, because I am about to sign the Ministerial Decision with all the changes, there are lot of detailed changes to the planning law. What I do not know, and I am worried about this, is the availability of law drafting resource which one keeps coming back to all the time where priority has been given to Brexit matters and financial instruments rather than social legislation. I suppose the only other thing to mention is that also because of the importance of trees we are looking at the moment of drafting out some new guidance on the question of tree planting on agricultural land. That will be done in consultation with the industry.

The Connétable of St. Brelade:

Minister and your team, thank you for your attendance this morning, it has been very useful. Dr. Magris has something further to add.

Director, Environmental Policy:

I do apologise. Could I make a correction to some numbers I gave you previously; I think it is quite important for the record that the figures are accurate? So the question that you asked me quite a lot earlier on was the cost of carbon neutrality by 2030 and I explained that we had done some policy work and we have a range of costs. The figure that I gave you before in error was £200 million to £500 million was the rough quantification. I apologise, I have just checked the numbers and the real numbers are - I was out - £300 million to £600 million. So it is in the same scale but I misspoke earlier, so if I can correct that for the record.

The Connétable of St. Brelade:

Thank you very much. Thank you for your attendance, Minister, we very much appreciate it.

The Minister for the Environment:

Thank you very much.

[13:29]