



# Environment, Housing and Infrastructure Scrutiny

## Panel

### Quarterly Hearing

### Witness: The Minister for the Environment

Tuesday, 1st June 2021

**Panel:**

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

Deputy S.G. Luce of St. Martin

Deputy G.J. Truscott of St. Brelade

Connétable J.E. Le Maistre of Grouville

**Witnesses:**

Deputy J.H. Young of St. Brelade, The Minister for the Environment

Deputy G.C. Guida of St. Lawrence, Assistant Minister for the Environment

Mr. W. Peggie, Director for Natural Environment / Acting Director for Regulation, Infrastructure, Housing and Environment Department

Ms. L. Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Department

Mr. K. Pilley, Head of Place and Spatial Planning, Strategic Policy, Planning and Performance Department

Dr. P. Chambers, Marine and Coastal Manager, Infrastructure, Housing and Environment Department

Dr. T. du Feu, Head of Land Resource Management, Infrastructure, Housing and Environment Department

[11:31]

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

Welcome to the Environment, Housing and Infrastructure Scrutiny Panel, which consists of myself, Mike Jackson, chair. Other members of the team will come in for voice recognition purposes.

**Deputy S.G. Luce of St. Martin:**

Steve Luce, Deputy of St. Martin.

**Deputy G.J. Truscott of St. Brelade:**

Deputy Graham Truscott of St. Brelade District 2.

**The Connétable of St. Brelade:**

John Le Maistre, Connétable of Grouville will appear. Your team, Minister?

**The Minister for the Environment:**

Deputy John Young, Minister for the Environment. I will let other members of the team introduce themselves.

**Assistant Minister for the Environment:**

Gregory Guida, Assistant Minister for the Environment.

**Director for Natural Environment / Acting Director for Regulation, I.H.E.:**

I am not sure whether I can be seen yet, I have got a bit yellow bit on the bottom of my screen saying "queued" so if I cannot, my apologies. Willie Peggie, director for Natural Environment and acting group director for regulation at I.H.E. (Infrastructure, Housing and Environment).

**Head of Sustainability and Foresight, S.P.3:**

Louise Magris, S.P.3 (Strategic Policy, Planning and Performance), head of sustainability and foresight.

**Head of Place and Spatial Planning, S.P.3:**

Kevin Pilley, head of place and spatial planning at S.P.3.

**Head of Land Resource Management:**

Tim du Feu, head of land resource management.

**The Minister for the Environment:**

Greg Morel is on leave this week so we have Paul Chambers, who has kindly agreed to stand in for Greg Morel today.

**Marine and Coastal Manager:**

I am here, thank you very much.

**The Connétable of St. Brelade:**

Minister, I am going to go straight into Youth Parliament questions to begin with. Across the U.K. (United Kingdom) next year there is an initiative called the “tree-bilee” to mark Her Majesty the Queen’s Jubilee and all school children will have the opportunity to plant a tree. Is this something that could be considered to happen in Jersey as well?

**The Minister for the Environment:**

It is a very attractive prospect. I have to say that I am not 100 per cent familiar other than the principle, so I am going to ask Willie Peggie to lead us through on that, if I may.

**Director for Natural Environment / Acting Director for Regulation, I.H.E.:**

Thanks to Louise for providing some information to this as well. As part of the explorer phase of Jersey’s climate conversation, we started by putting in a tiny forest and that can be replicated again because it is recognised that tree planting is an important part of our sequestration of carbon. It obviously brings biodiversity benefits. Our Eco-Active team, who currently is shared between I.H.E. and S.P.P.P. (Strategic Policy, Performance and Population), met last week, I think, with pupils at J.C.G. (Jersey College for Girls) and talked about the “tree-bilee” which, as the Minister has rightly said, is an attempt to recognise the Queen’s Platinum Jubilee as part of the Queen’s canopy project, which has been pushed forward by both the Queen and Prince Charles. They take forward the concept of a “tree-bilee” and that could form part of their planned planting event for October this year, which is the point at which the Queen and Prince Charles are anticipating the commencement of the project in its wider sense, because that is the tree planting season. Yes, J.C.G. are keen to be involved. We are keen to be involved with them. But it also fits within the context of wider tree related or strategic tree related work that we are doing across departmentally, developing a species and habitat protection project; part of that being a development of a tree strategy which will be delivered by the end of this year. That runs in parallel with amendments to our planning legislation, which seek to bring changes to the legislation for better tree protection and improved enforcement power. We would like to wrap that up if possible then within the wider strategic context. There is a lot of tree-related work coming on this year, funded predominantly by that funding which was released by the chair of the panel, through the Government Plan process in the last iteration. I could go on.

**The Connétable of St. Brelade:**

Yes, we have quite a lot of questions but I am keen to ... first of all, thank you for that, Willie, but we will follow that up in due course because there is, I think, a lot of unco-ordinated tree strategy going

on. We have the J.E.C. (Jersey Electricity Company) with their mini forests and we have other groups wanting to plant trees all over the place so I think a strategy is essential.

**Director for Natural Environment / Acting Director for Regulation, I.H.E.:**

It might be worthwhile, and I do not want to speak out of turn here, a separate discussion on that insofar as all those separate and disjuncted efforts are being brought together under wider ... this is the idea of the tree strategy for later on this year.

**The Connétable of St. Brelade:**

Thank you. While I am on growing things, I am going to diverge a little bit from the plan and we just want to ask you a couple of questions about cannabis, Minister. Steve Luce will lead on this particular part.

**The Deputy of St. Martin:**

Minister, could I ask straight off, who and when was it decided that growing medicinal cannabis was an agricultural thing and not an industrial process?

**The Minister for the Environment:**

Was it decided? I have accepted the advice that I have been given through the officer process that cannabis is a natural plant and growing it de facto seems to be part of agriculture, and I have accepted that advice. But of course what I have always made clear, and we try to make clear, that if the activities become industrial in nature, and that means that they are going to require all sorts of plant equipment and infrastructure to operate, not only does that have to meet all the individual regulatory requirements under the various laws it also needs to have the impact of it assessed. Frankly, I am not currently au fait where we are with the particular businesses that are operating in the Island now. The licences are not given through my Minister, they are given under an arrangement through the Minister for Health and Social Services and the project is being led by the Minister for Economic Development, Tourism, Sport and Culture. Up to now, I have seen my part as trying to slot that into a regulatory framework. But I do accept that if we do appear to be on a journey towards greater industrial processing, and if so then that decision will need to be reviewed. But at the moment I have acted on the basis of advice that it is agriculture in principle.

**The Connétable of St. Brelade:**

Thank you for that, Minister. I have to say to you, and you may well be aware, that inside glasshouses we have people putting up rooms, plant rooms, changing rooms, training rooms, toilets, canteens, offices and they are doing that under what they are claiming to be permitted development into the general development order and yet greenhouses are agricultural land and are heavily protected. It is a real confusion to many Islanders as to why this is being allowed to happen.

**The Minister for the Environment:**

The Deputy has given me details of a project that he is obviously familiar with personally and I am not. Obviously those uses do sound to me as if they are ancillary uses. They would sound to me, if they become so material that they are not ancillary, they require consent - the changing rooms, plant rooms, and all these type of things - then there should be an application process. But in order to answer your question a little bit better, I think ... we have not got the development control planner on the call but we do have Kevin Pilley who has very substantive planning experience. I wonder, Kevin, you would like to assist the panel with your view about where the boundaries lie between an agricultural process and an industrial process requiring consents.

**Head of Place and Spatial Planning, S.P.3:**

I think, as the Deputy indicated, Minister, it would be an assessment of the nature and level of development that is being undertaken. Clearly glasshouses are approved for agricultural purposes and are on agricultural land. However, as members will be aware, there are requirements for planning consents for the development of things like agricultural buildings other than things like glasshouses. That invokes a different regulatory regime from a planning perspective. I think it would be useful to secure additional information about the nature and form of development that the Deputy highlights in order that that could be explored in more detail to determine exactly what status that might enjoy under the regulatory regime operated by colleagues at I.H.E.

**The Connétable of St. Brelade:**

Could I just ask one very brief final question before we move on? That is around environmental impact assessments. Is it your view, Minister, that this new branch of Jersey agriculture, if that is what it is to be, this new economic diversion, should these applications be subject to E.I.A.s (environmental impact assessments)?

**The Minister for the Environment:**

It is early days for me on this to define but normally an environmental impact assessment your first task is to say what is the scope, what are the issues that need to be dealt with? At the moment, I am aware that what we have are a number of regulatory processes in place to assess and seek to manage any impacts there and the number of areas. Obviously in water consumption, through extract licensing, also if there are any discharges of any waste material through the water law, also through emissions of noise and fumes and so on, hazardous materials into the air, would need to be dealt with to the Public Health Nuisance Law. Whether or not the processes are sufficient I think is a good question. The expert again on environmental impact, I think we have on both Willie Peggie and Louise Magris, again if I could ask officers to support me. In fact or Dr. Tim du Feu, I think maybe, but this is an emerging industry and ... I give this commitment. If it is that we need to extend

the range of activities that require a split by law and environmental impact assessment through the change to the support and legislation I will do so. At the moment, I have not been advised that that is necessary, that we are working on current regulatory regimes. But I am open to looking at this as this industry develops. Could I please ask the officers to see if they can add to what I have said or put right any mistake there?

[11:45]

**Director for Natural Environment / Acting Director for Regulation, I.H.E.:**

I think you are right, this is more of a policy discussion or evolving policy for future discussion but we have to obviously have the regulatory functions in place to deal with those impacts that we know are existing. The Minister has outlined what those might be and we know that that is part of the work that the department is involved in. The other part being the ergonomics and the evolving plant-based advice through Scott Meadows' officers, which is ongoing too. In terms of an uplift in the environmental impact assessment process, it is quite prescriptive. How we would go about modifying that is probably a question for policy colleagues depending on which direction we take and the scale of the industry. Do we need to consider those elements that Deputy Luce has mentioned as something that is more than just incidental? It strikes me that if there was a traditional farm put in place changing facilities and plant rooms, et cetera, they may be viewed in a specific way and continuity would be required across the piece, in my view. But I do not know whether Kevin has a policy view on that. I do not want to drop you in it there, Kevin.

**The Connétable of St. Brelade:**

Sorry, if I can come in, we have fairly finite time this morning so it is a matter for continued discussion and we will ...

**The Minister for the Environment:**

Yes, it is and I am open to reviewing it as we learn more. Perhaps if Deputy Luce would provide us with more details about this particular location or the details about the activities, that would be helpful.

**The Connétable of St. Brelade:**

Likewise, I have had something regarding another one in the middle of the Island, so I shall pass that on as well. Fishing, an interesting subject with which we are all quite familiar. Minister, could you please update us on the current circumstances regarding the licensing conditions of French vessels and have any changes been made to the licensing regime or Jersey's position to appease the situation?

### **The Minister for the Environment:**

The current position is very clear, that we agreed first of all to deal with over-12-metre boats and under-12-metre boats differently. The point being that the over 12-metre boats are equipped with V.M.S. (vessel monitoring system). Originally we proposed or we took through the States the introduction of full licensing from 1st May for those boats and we spent a lot of effort with the U.K. in devising the way in which we would regulate the nature and extent of fishing effort, which is what the T.E.C.A. (Trade and Economic Co-operation Agreement) requires us to do. The arrangement is that we would base those licences for those boats that qualified in our waters, which meant they had 10 days track record of fishing in our waters in any one of 3 years from, I think it was ... sorry, I cannot remember the dates now off the top of my head, 2007 to 2010, I think. That that information, their licence would be based on the métiers that they had a history of doing, and also the numbers of days at sea. As a result of representations we agreed not to apply those 2 conditions, which is the métier and the days at sea limit, until 1st July this year. That was in respect of the over-12-metre boats. All other conditions of the licences, which were very detailed and published and widely published and circulated, remain in force. For the under-12-metre vessels, the situation is rather different. We have agreed, if you like, to extend the amnesty period for those vessels because, as yet - or at least that was the situation last week, it may have changed today; Paul will update us - we had not received the list of those qualifying records and the details from the E.U. (European Union). So we extended that amnesty to the ... that amnesty is always agreed not to expire until the end of June, some one month away. So that is as far as the licensing and we have maintained that position because it remains. However, of course, there are many interactions taking place between the E.U. and the U.K. on this matter because it is very clear from public comments that the French have made representations to the European Commission on the subject and those representations are being dealt with through the External Relations team. It does appear that some of those arrangements, some of those comments, have become public. My position at the moment is that I am awaiting the results of those discussions. There have been discussions, committee discussions between the E.U. and the U.K., I am not quite sure what formality that is, but those are important discussions. At the moment, I have not been advised of what is coming forward. Although there is plenty of talk, as it were, through the press. Therefore I would not be able to go more public than that on the issue of External Relations matters, which sit with them. If I may say so, what that means is that effectively we have allowed free access to our waters for 6 months to pretty well all those vessels. I do not think it is true to say in any way Jersey is being unreasonable. We need to regulate our waters to ensure conservation of stocks. Our stocks have suffered and it may be that that position is not accepted by the French or the E.U. I would be very hopeful that we have the information to substantiate that and support our need. We do need to conserve our waters by regulating fishing effort in our waters and we just cannot go, I do not believe. If we are to look after our fishery and after our very valuable marine environment we need to do that. I do not know whether any of my colleagues ... if we could ask Gregory.

**The Connétable of St. Brelade:**

I think your point is well made, Minister, and we may come back later. But can I ask: have you consulted with our local fishing fleet and the fishing community and merchants to understand their views regarding the licensing conditions. If so, what were the outcomes of those discussions and have you taken on board their concerns or input?

**The Minister for the Environment:**

There have been separate meetings with the merchants and the aquaculture industry because obviously their interests I think are rather different. The merchants' concerns are about how they have been able to get access to the French ports to be able to ship the produce into the E.U. Of course there have been numerous difficulties and the situation changes very, very frequently. I do believe that the merchants ... sorry, Aqua-Mar, I was told at the last meeting, is they were able to make arrangements to ship via a different route into France rather than going through local ports, and that has led to expense and delays and so on. I cannot give you the up-to-date position on it but that has been our view. Obviously the oyster industry have separate issues, which is really more to do with the E.U. rules relating to bivalve molluscs and the health certification and so on, and the speed of veterinary checks and so on. Those are the sort of issues which are very different to those that are ... now, I have not had an update from our local fishing industry recently. I have been out of the Island now for 2 weeks. The last contact I had with the chairman of the J.F.A. (Jersey Fishermen's Association) was they were very concerned that we may further extend the amnesty because they are very concerned about over fishing.

**The Connétable of St. Brelade:**

Did you think that our fishing fleet ... have their activities been compromised in any way by the restrictions on being able to land in France because if they cannot sell their catch, if the merchants cannot take it because they cannot move it, it has to have an effect on our local fishermen? Are you aware of any implications there?

**The Minister for the Environment:**

Not through personal knowledge but the reports reaching me as Minister, including the meeting I had with Aqua-Mar, it was said at that meeting, which I was surprised to hear, that because that situation that you described had occurred, is that to fulfil their orders Aqua-Mar had to purchase produce from Guernsey fishermen because they were able to operate in a way where ours have run into these difficulties. I think I have to turn to officer advice to be able to update you on what the latest position is but of course we are all aware now that we have no Condor. At one time shipping was taking place through Condor into France. Of course now under the action this weekend British travellers are banned into France and that means there is no Condor for the foreseeable future.



**The Connétable of St. Brelade:**

Is there a commercial Condor voyage still running to St. Malo, are you aware of that?

**The Minister for the Environment:**

I do not know. I do not know if anybody can help me, but I do not think so.

**The Connétable of St. Brelade:**

What about communications, Minister? Have you, to date, been engaging and communicating with the French or the E.U. fishing fleet and involved parties regarding the licensing conditions and has the Government's method of engagement or communication changed considering the current situation we find ourselves in?

**The Minister for the Environment:**

Not me personally, no. Two pieces of work that I think you might like to hear from; firstly from the marine resources team who set up the direct link to be able to communicate with French fishing interests. Secondly, Deputy Guida, who has had media representation in France. I think you ought to hear from both of those please on this subject. I personally have not had that contact, no.

**The Connétable of St. Brelade:**

It would be useful if perhaps Gregory could tell us how the communications have been going.

**Assistant Minister for the Environment:**

There has not been anything recently but we are trying to send a press release to the French media because there are 2 aspects. We have to understand that this thing is much larger than us. This is about the negotiation between the E.U. and the U.K. at a much larger level and whether it can live with the Trade Co-operation Agreement. On our side, the 2 things that we are trying to do are work on the notion of our sovereignty, which has been completely set aside by the French. They just do not even accept that they are talking about our territorial waters. They just call it the Bay of Granville and it is theirs, so we need to be relatively firm on this. The other one, which is also an extremely serious problem that the French have completely side-lined is the conservation issue. They are talking about access. They want the maximum possible access to their vessels and at no point in their negotiation have they mentioned the problem of conservation and sustainable fishing. Those are the 2 main points that we need to put forward. This is quite important because the French have been leading the narrative so far. They have been putting us in the wrong place. They completely lead their media and we need to win this back. We need to step back and mention the fact that these are our territorial waters. They do not belong to the French. We authorise access because we have a contract, because we signed the contract and we need to follow the terms of this contract.

And - the ultimate “and” - and everybody needs to remember it, is sustainable fishing. If we authorise 200 French boats to do whatever they want in our waters we will not have a fishing problem in 2022.

[12:00]

**The Connétable of St. Brelade:**

Notwithstanding your impending press release, do you think there is anything more we could do with regard to communicating with the French fishing fleet who are actively fishing in our waters and the local communities to better relations?

**Assistant Minister for the Environment:**

The fleet, it is possible and we are doing so because they have direct access to us. We have established a hotline with French speakers at the end. So if they have any problems they can talk to us directly and that leaves us a very good hand on their pulse. The authorities, unfortunately it is quite difficult because the French Government actively forbade them to talk to us. So the French Government basically told their Fisheries management: “You do not talk to Jersey. This is a national level thing” and of course when it is national going through the E.U. and the U.K. and back to us. They are actively ensuring that we do not talk to the local authorities and the local fishermen, even though we have opened a channel of communication.

**The Connétable of St. Brelade:**

Have we had much use of the hotline that was set up by French fishermen?

**Assistant Minister for the Environment:**

It started well. I think it is pretty quiet now. Paul can confirm that. I think it is pretty quiet because the first batch of boats, I think their situation is pretty much established so we are waiting for more data. But they have licences and there will not be any problems in extending those licences to the number of days. However, the French are really not helping because they do not accept the concept of nature and extant. Basically their notion of nature and extant is if you fished in the past you must have a licence now. So nature is not terribly important and extant is not terribly important.

**The Connétable of St. Brelade:**

Right, that is something we clearly need to work on. As well as the communications at a Government level, clearly the relationships have been affected. Do you think the present strategy we are undertaking will restore those relationships in the longer term?

**Assistant Minister for the Environment:**

Our strategy has been very, very simple. Unfortunately we have no other. We follow the contracts to the letter. There is no other strategy open to us. Everybody's talking about the negotiation restraints. First of all, we are not a party and France is not a party, and the contract has been signed. You do not negotiate the contract after you have signed it. France and us cannot negotiate something that has already been signed when we are not party to it. So all we are trying to do is establish our understanding of what the extent and nature is and try to enforce it. Also, at the same time, and that is what I keep saying, the French are driving the narrative in their country and we need to change that and make it about conservation and relationships.

**The Connétable of St. Brelade:**

What work are you doing with the Minister for External Relations to develop that?

**The Minister for the Environment:**

If I could come in there. I think Gregory's account is absolutely spot on. My layman's view of it is that we have now become the meat in the sandwich. We are not at the table. The dispute is between the U.K. and the E.U. who agreed this agreement which says that access is based on the nature and extant and access would continue for the future. That is based on a track record and based on the principles of conservation that override that agreement. Now, clearly, what is obvious is that the French were not party to it, they reject that agreement. They do not accept the nature and extant, we know that. What remains to be seen is whether or not the Commission support that position on whether or not the U.K. go along with it. So do not have another strategy. In terms of External Relations, we certainly have regular meetings with the Minister for External Relation and their officers. I cannot remember the last one, it was probably about 7 days ago and we do need to have another one. Because our view, I believe, our situation, does need to be communicated through the diplomatic channels. That is what I think we are entirely dependent on. Frankly, there is no question, your opening question was: has our fishing industry been damaged? Yes. Do you need to manage our stocks? Yes. Does this situation, the longer it goes on, help us to do that? No. You know, my role is to, I believe, manage those fisheries, to put in place a fair system based on the science. What I think we will have to do more of is the investment in science that Mr. Peggie's team and the marine resources team are doing. The evidence they have built up and amassed on the state of those stocks and the degree of fishing and so on I think needs to be recognised and be given crucial consideration in those discussions. We are dealing at the moment in a situation where under the agreement that the U.K. did for the Crown Dependencies, there was supposed to be a specialised committee on fisheries. That is not in place still. My understanding is that is not likely to be there until July. Obviously what we need to have is a voice on that body but in the meantime we are subject to what is taking place, which is frankly a bad situation. There we are.

**The Connétable of St. Brelade:**

Going on to the scientific aspects of the matter, to safeguard our marine resources and improve sustainability we rely on the timely and pertinent scientific data that we can gather from fishing practices from our fishing fleet. What work is being done to ensure that we in Jersey can gather the necessary fisheries data required in a timely manner to support the sustainability and safeguard our marine resources from the French?

**The Minister for the Environment:**

I think this might be where Paul Chambers may wish to come in because we are talking at an operational level there, I think. Paul, are you able to deal with that?

**Marine and Coastal Manager:**

Yes, thank you, Minister. Good morning, everybody. With regard to catch information, which is really what is crucial to all of this in terms of managing a fishery, you need to know what has been taken from it and also the amount of effort that has been expended in taking it. Obviously we get that from our local vessels, through the logbook system and electronic submissions and we will, before the end of year, be moving on to an electronic app which will allow almost real-time reporting of catches and things. At the moment the licence conditions require French vessels that are licensed in our waters to submit returns to us of their daily catches and that is beginning to happen. I would not say it is happening in all instances but the vessels that we licensed are submitting information to us. It is in a rather crude form at the moment, in the sense that they are actually emailing the information to us on these forms that we have created but we do have permission to move French vessels on to the catch app that our vessels will be using before the end of the year. That obviously is another thing that is subject to negotiation through the U.K., E.U. and France, as is the whole issue of data sharing, but one thing we have been absolutely clear on throughout these negotiations is that data sharing is crucial and it really is crucial. We are now tasked with managing our own fishery, it is not under the joint management system that occurred under the Granville Bay Agreement and that means we have to have accurate and timely data in order to be able to understand the limits of the fishery and to make sure that we fish within those to the benefit of everybody, all vessels, not just Jersey ones but French ones as well.

**The Connétable of St. Brelade:**

It is a serious matter, I do not think there is any doubt about that. Minister, in a recent media article concerns were highlighted regarding the impact of dredging on the sea bed and likened dredging to ripping up every tree and plant in the wood to kill a pheasant. What is your view regarding the impact of dredging on our marine life and on the parallel that has been made?

**The Minister for the Environment:**

Well, the advice I have had all along is that it depends on the grounds at which their activity takes place. There are parts of our waters which are less sensitive to damage and areas that are very vulnerable to damage where there is a high degree of biodiversity and what you might see in lower energy environments. Again, I think either William or Paul would do that but my view is we have to manage that and limit or prevent those damaging activities in the most sensitive green areas where the science can justify that, of which one of their most important areas is the bream area, for example. Paul or Willie, could you support me on that?

**Director for Natural Environment / Acting Director for Regulation, I.H.E.:**

Yes, I think Paul is probably in a much better place in terms of the discussions as to the specifics but I would agree that the increase in technology on fishing boats now has allowed much closer fishing to potentially more biodiverse areas and areas which are more sensitive. With an improved ability to manage our own waters within T.E.C.A. and with improved geospatial knowledge we should be able to, in future, spread that fishing out and move potentially damaging activity on to the substrate as the Minister has already described, shifting more mobile sand where you are below basic layers, less seaweed and so there is less potential for environmental degradation. This is work that we have identified. We consistently identify this type of activity through the work of the department. For years we have identified potentially problematic areas on the north and east coast and limited activities there. So this is something that we have a good handle on, we do need to keep it going through and perhaps that is something I could ask Paul to expand on further.

**Marine and Coastal Manager:**

Yes, you have covered the basics of it, the description you gave ... quite often rather than catching pheasants usually the analogy is it is a bit like harvesting apples by chopping down all the trees. It does depend whereabouts the activity is taking place. We do have very sensitive areas, we have very biodiverse areas and we have areas that are used for a different mixture of fisheries and all of that has to be taken into account, both from a conservation point of view in terms of biological diversity but also in terms of things like nursery areas, but also the general socioeconomics of fishing. For example, if the value in a particular area is because it sustains a lot of lobsters and whelks and things like that then it does not make a great deal of sense to send a dredge or a trawler through there to disrupt all of that for something that can take place in other parts of the fishery quite safely but also in the sense it is of lesser economic value. It is almost a matter of economics. Going back to the work and things that we have been doing. We are obliged under some of the international agreements that we have signed to protect certain habitats and things like sea grass, maerl, which is a type of coral, seaweed and kelp forest and things like that. Where we have identified these areas, they have been closed off but work is obviously ongoing and I think the key to all of this is to say it is scientific assessment, it has to be evidence-based. As with everything the Government does, if you have got sound evidence and the dataset and modelling and things to demonstrate the

need for something, then obviously it is much easier to put it in place. That work has been going on, we will have the results for a 3-year PhD published before the end of the year that has specifically looked at the socioeconomic value of those areas, particularly in relation to lobsters, scallops, whelks and crabs. Information like that, together with the survey work that we have been doing over the last 3 or 4 years, will start to build up a picture as to those areas where mobile gear, dredging and trawling may be deemed inappropriate or less appropriate for the environment and the economics and for those areas which are generally offshore and to the west and south of the Island where it can take place with much less disruption. Exactly what Willie was saying, those are deeper areas, they are mobile areas in terms of the sediment and things like that. They can withstand a certain amount of disruption, which some of our inshore area frankly cannot.

**The Connétable of St. Brelade:**

Just moving on to inshore. Minister, it is our understanding that the Action for Wildlife Group have called upon you to designate the proposed marine conservation park in the Bridging Island Plan and urgently make it a reality. What are your views on that?

[12:15]

**The Minister for the Environment:**

I have tried to make clear that the powers that we rely on to manage fisheries are within our various pieces of fisheries legislation, whereas the Island Plan is produced under a law which allows us to control and regulate development, among other things, and that includes our biodiversity and so on. So there is that connection if you like. That connection relates to development and regulating development. Now, in the previous Island Plan there was no ... there was a marine zone but it was a one-size-fits-all washed over the whole of our marine area because the legal advice has been that the planning law powers extend to the limit of our territorial seas. Now, during this Island Plan it was recognised that that needed to be more sophisticated and therefore the draft Island Plan does include for changes in that area to deal with things like reclamation, power cables and any interventions in renewable energy infrastructure, seawalls and so on. Lots of things like that, interventions. But I do not personally consider that that is the law that you would use to regulate fishing. As Paul Chambers just highlighted, it is absolutely in accord with all our international agreements and now the T.E.C.A. that what we do in that area is based on the science. Now, we have had some excellent science work in recent years and I am delighted with the work that is ongoing, Paul has just given you a flavour of it. We were given funding for that but of course that work is going to take some time to come to fruition. But in any event the identification of these special areas of seas where we need restrictions to conserve our marine ecology has to be, in my view, negotiated; it needs to be done jointly with fishing interests. At the moment I think the position is that I would very much like to be able to get that dialogue on that ground but, of course, we are

completely subsumed by the situation where we are not in effective control of our seas at the moment because of the situation we face with the E.U. Therefore, in principle, I am definitely in favour of working with our fishermen in future to try to agree in places where we can have marine conservation measures because evidence elsewhere is that they pay huge dividends. The Isle of Man example I have quoted before and I will do it again. They close certain areas of scallop fishing off and they found that the juveniles in the sea then produced a 30-fold yield in adjacent areas. It was hugely advantaged and that is quite a common experience in as far as it goes. I do not think this is the case for a long answer but a one-size-fits-all I do not consider is appropriate. The Island Plan is about development and managing that. I think we should just give Kevin Pilley a chance to add to that because he is leading that work.

**The Connétable of St. Brelade:**

Before Kevin comes in, can I just link this to the potential to acquire nationally recognised marine park status and if Jersey were to acquire this status how might this benefit Jersey and the marine life and affect our Jersey fishing fleet? That, I think, is linked and the view of Action for Wildlife that a marine park should encompass in the main the shallow waters of the eastern south-east of the Island with all mobile fishing, that is trawling and dredging, being banned in the area and only low impact fishing being allowed really is quite restrictive. So before Kevin comes in or maybe he will answer for that with the views of the departments but it just seemed to me there would be an implication on the Jersey fishing fleet.

**The Minister for the Environment:**

Clearly that proposal ... and I have to say I am not aware that I have seen a worked-up paper on this. I have certainly read press articles about it and I have seen statements, I think, from the National Trust. I respect their goals and intentions but I have not seen a worked-up paper and it is obvious that there are implications for the fishing industry. I do think, though, there is quite a strong common link or theme between what Paul Chambers just said earlier about the work we are doing on marine science and the approach that has already been taken and, if you like, the vision being put forward. Now, is that a worked up one? Is there ... no, there is not. I am not aware of it. At the moment I have to say pursuing that is not - and I will be frank - my immediate priority. The immediate priority is to try and implement the T.E.C.A. and build up the marine science so we know as much about our marine environment as we can so we are in the position to do these things. Of course given the situation we face, which is frankly a dire one with the E.U., which has seriously damaged relationships when it was not of our making. None of us set out on this route but, nonetheless, we are in the middle of it and we have to, I think, respect that agreement having signed up to it. When it comes to the planning inquiry on the Island Plan obviously the proponents of that proposal can make their case to the planning inspector. I would expect the planning inspector to recognise that

management of fishing sits outside entirely the planning and building law under which the inquiry is convened. If Mr Pilley could confirm that, please.

**Head of Place and Spatial Planning, S.P.3:**

Yes, thanks, Minister. The Minister has set out the case very clear and made the distinction between regulation of development activity, which is clearly what the Island Plan seeks to do and the regulation of fisheries. As the Minister said, the draft plan does seek to establish a more sophisticated planning policy regime for the regulation of development activity in the marine environment and we have liaised with the colleagues in the marine resources team to incorporate some of their work and their data on things like marine biodiversity value in parts of the Island's waters which would be considered where development has impacts on that biodiversity. It is recognised that there is a need to develop a more comprehensive plan for all activities that take place in the marine environment, including regulation of development activity and other activities and what the Island Plan does is it contains a strategic proposal in the plan to undertake a marine spatial plan, which would be a broader, more comprehensive piece of work engaging all interests in the marine environment, which is obviously a complex environment that involves different levels and layers of activity throughout the columns of water that exist within the marine environment. That is all I would say on the matter in the sense that I think the Minister has hit the nail on the head and just really to highlight that proposal that sits within the plan which recognises that a wider piece of work would be of value in terms of how we take forward the appropriate management in its widest sense of the Island's waters.

**The Connétable of St. Brelade:**

If I may just extend that point of discussion on shallow waters with regard to defending marine life. It is also suggested it would help with the climate crisis that we are facing as the sea grass has the ability to sequester carbon. What are your views, Minister, in that regard and could this be a step in the right direction for Jersey considering the climate emergency and Carbon Neutral Strategy?

**The Minister for the Environment:**

There are some very exciting reports. I do not know if it is Louise and Paul, because marine carbon fixing has some very exciting reports coming out. Is it Louise or Paul? Louise wants to speak.

**Head of Sustainability and Foresight, S.P.3:**

Thank you, Minister. I am happy to speak on this and Paul can chip in on the technical details if it helps but in principle that is a very good point. Blue carbon is a really exciting opportunity for additional sequestration. We are working to evaluate that opportunity for Jersey and see if that is something that can build on in the future for sequestering local carbon and maybe even entering carbon markets. That is work that is underway and Paul is most familiar with the details. The higher-



level point is that currently greenhouse gas inventories do not account for sequestration that happens in marine waters. At the moment we know that there is sequestration coming from marine biodiversity, we know that, and it is very important but it is currently an equilibrium and it is not accounted for. Any additional biodiversity that is created that has sequestration opportunity currently would not reduce our greenhouse gas inventory budget. Not that that matters because the carbon is definitely being sequestered, which is clearly a good thing, but it is just not being accounted for just yet. The point I make is that this is an active area; international communities are looking to see how our greenhouse gas inventories can be adjusted to account for this. We are carrying out a dual approach, which is to see what opportunities we have in Jersey waters, both for sequestration but primarily biodiversity, but secondary to make sure that we can make best use of those opportunities when they are accounted for in the inventory as well. It is a 2-pronged approach. Did that answer the question for you?

**The Connétable of St. Brelade:**

Yes, that is helpful. I am just going to lead on from that to ask whether you are aware of the High Ambition Coalition for Nature and People, to which some 60 countries have already signed up, including the U.K. and France to commit to protect 30 per cent of the planet's land and oceans by 2030. If you are aware, Minister, what is your view, regarding Jersey becoming a member and committing to the pledge? Would acquiring marine park status for Jersey help make this achievable?

**The Minister for the Environment:**

Chair, you have caught me by surprise. I have not heard of this and no doubt I will get advice from my officers but I am not in possession of that knowledge. Anything concerning our marine environment is important in its own right anyway. Whether it goes along to meeting a pledge ... interesting to hear you mention the French have signed up for it. Maybe we should perhaps remind them of that when it comes to cementing our waters.

**The Connétable of St. Brelade:**

That is what I was thinking. Is Louise aware of this?

**Head of Sustainability and Foresight, S.P.3:**

This is not something that I am aware of. There are a number of things going on internationally of which Jersey would like, I am sure, to strive towards best practice. It is not something I am aware of but Willie looks as if he might want to come in there.

**Director for Natural Environment / Acting Director for Regulation, I.H.E.:**

Yes, I am just reminded by Paul that going back to the nomenclature of protected areas, the international element of the conversation, we are plugged into OSPAR in terms of our marine

protected areas. Paul, thanks for reminding me, we are already committed to 30 per cent marine protected area coverage through our OSPAR commitments and the Convention on Biological Diversity work that we do. There is a bit of an interesting challenge here internationally in terms of who is able to comply with that, both marine and terrestrial areas of compliance, because in many instances the nomenclature of these protected areas are different across jurisdictions. I think one of the challenges is trying to get a common naming regime for all of the protected areas across jurisdictions and then you can compare apples with apples. I think Paul would tell me we are doing relatively well in our own territorial waters, for example, compared with the actual on the ground achievements of other jurisdictions, perhaps some of our larger jurisdictions. There is a bit of work to be done here. We do commit to that longer term, that wider area coverage, but it may not necessarily, at the moment, be called something that you would perhaps hear it mentioned in another jurisdiction.

**The Connétable of St. Brelade:**

Slipping through to climate change and the citizens' assembly and the carbon neutral strategy, now that the citizens' assembly process has concluded, could you briefly summarise, Minister, any challenges or successes regarding the citizens' assembly process and whether in the future the process may be approached differently? In fact, if you would confirm whether you will be accepting the recommendations.

**The Minister for the Environment:**

I think the first thing to say is that is very much the approach that the States took to addressing this vital subject for our Island, in fact for the planet, was entirely new and innovative. An innovative approach to democracy.

[12:30]

I think that recognised the scale of change that we all thought in the States would be required and means this does require a whole citizens' commitment to doing. I personally have always seen this as being not a top down set of decisions but a system where, if you like, which is bottom fed and top led. What we now have, and I think it is absolutely brilliant, is the citizens' assembly have given a huge amount of time and effort and commitment to this. This was not a soft thing, it required a lot of attention and they had to do a lot ... they were asked to absorb a lot of complex information and they stuck with it. They have given us now a set of recommendations, which are definitely going to challenge us. I have not had the opportunity yet ... I have been outside the Island for about 10 days and I heard the presentation from the team, from the chair and members of the Assembly on Friday, as we all did. I have not had the opportunity to go through the report in detail. That has been quite deliberate. I thought it was essential that there was no political influence on them in reaching their

recommendations. What is the point of setting up what is a very elaborate and very demanding and sophisticated, innovative approach if we then go and distort it? I chose not to do that. So I made it plain, and I am very pleased that my colleague Ministers accepted that, and that we are all now in a position as elected Members, and the Council of Ministers is no different as seeing for the first time what they have recommended to us. I certainly want to spend time with the officers as to what they think worked well, what did not, listen to the chair of the Commission, I think that is a task to do. Would we do this in many different circumstances? Well, I think potentially I would not rule it out but it is a pretty demanding task. The nature of this task is absolutely the right decision for the States to do that. So reflective feedback and learning loop, we have got to go and do that evaluation and, of course, your colleagues, members of the Scrutiny Panel, have a chance much more than I did to be ... they were arm's length in the process and so I am very much looking forward to see what Scrutiny members thought, because, you know, you have the advantage over me and I am very pleased that you have done that. It is absolutely the right thing. It was expensive, and I will be frank, what we have ended up with is that the citizens have given us very clear and concise views and they want us to be ambitious in tackling carbon emissions as a priority. The challenge for us now is to work this into a carbon neutral roadmap for agreement in the States and on route to that a key thing we have decided to do is to have an in-committee debate in July on the recommendations of the citizens' assembly and that will give us the first - and it is really important - testing of how our Members ... I take the view that if political member ... I think we were not quite in an absolute ... it was almost completely unanimous that we have this, that it is very right now that I am personally hoping the States will respect what the panel have to say. We all have our own political views and that will be for later, I think.

**The Connétable of St. Brelade:**

I suppose in simplistic terms, in your view did the process achieve the desired outcomes?

**The Minister for the Environment:**

We ended up getting a very clear set of recommendations. We did not get pages of waffle, we got very clear, focused recommendations on the key issues that we know matter to Jersey.

**The Connétable of St. Brelade:**

Are you able to let us know the overall cost of the exercise to date?

**The Minister for the Environment:**

Yes, and this is where I am going to take a deep breath. The figures that I am given total, that is everything, that includes a number of phases, expiration and payments to members of the panel and the advisers and there was a lot of ancillary costs in total, £389,008.

**The Connétable of St. Brelade:**

Right, thank you. In relation to the costs versus benefits, do you feel the process has been a worthwhile one in relation to achieving the desired incomes and the expenditure that has occurred? It may be that you do not answer this one right now but I think it is something that you and your officers will need to consider. Are you able to give a view at this stage?

**The Minister for the Environment:**

I think time will tell. Look, we have a clear set of recommendations so that is the first goal achieved. Now, we are going to have to assess this because - and I will be frank - that cost is higher than what I personally expected and that is not a criticism, it is absolutely not a criticism from me, because this was a completely new thing to do. If you decide a thing like this you have to do it properly, you do not do half measures. Therefore no half measures have been taken, no shortcuts have been taken. This has been done as well as it could be done, I believe, from a first time. Obviously in future we can look at this and see things that make our decisions about ... Louise wants to say something and I think it is important she does.

**The Connétable of St. Brelade:**

Just before Louise comes in, John, you had your hand up.

**Connétable J.E. Le Maistre of Grouville:**

Yes, I just wanted to know what the original budget was. What did you estimate this process was going to cost?

**The Minister for the Environment:**

I am going to say that budget was not within my Ministry, that budget sits within the executive machinery of what is called S.P.3. I have forgotten what that stands for now. Strategic Policy, Performance or something like that. That team sits under the chief executive. Now, as you know, and I will be frank about this, I have complained about the whole structure of the way our States budgets are now structured under the new government structure, whereas I do not believe there is any clear structure that allows Ministers to be able to exercise those judgments and decisions on those level of budgets. I do not know where the budgets for that came from, nor how they were structured in the first place and so I have relied upon systems that have been put in place by our executive structure.

**Head of Sustainability and Foresight, S.P.3:**

Thank you. I am very happy to come in and help with the costs a little bit. I do not have with me the final budget but I can certainly add flavour to the original budget. The point the Minister made, the 389 refers to different phrases not just the citizens' assembly. The citizens' assembly itself is 172,

the actual cost of scoping. That is about 70 above what we initially thought and that accounts for the fact that we lost a lot of time because of the pandemic, we had to rescope for an online process and we had to reconsider how some of the work was done. So there is no doubt about it that came in a lot over. The payments to the participants, expert advisers and preparation of material, that was about £80,000 more than we hoped but recognising that if you are going to give professional analysis to the citizens and you know what that looks like because due to the process there was a lot of it, there were further costs that we expected. The explore phase costs were ... a lot of that was work we would have done anyway through Eco-Active so that is debatable as to whether it is entirely this process, although clearly it contributes enormously to the climate conversation and the Island-wide conversation. Then, finally, we spent more money on additional resources. So this was the use of local graduates to help the team support the citizen's assembly process, which, again, you have seen it, you recognise how much work was required to prep the information and run the activations ahead of the conversation. It is fair to say that the whole project was more, the citizens' assembly was a portion of that. There was some learning in there and there were some things that we will take forward, for example the purchase of the online platform, that has been charged to this project but can be used again. The important point to make is that the very high-level expectation of costs for Jersey to be carbon neutral in an accelerated fashion are of the order of hundreds of millions of pounds so when you look at the potential commitment that the Island might choose to make, frontloading that process with a well-resourced citizens' assembly you could argue that is money well spent for money spent in the future. That is just to make that point perhaps. Then the final point to make is the Minister asked where the money came from. The money came from the Climate Emergency Fund, which was agreed in the Government Plan. It was very clear that we would spend money from the Climate Emergency Fund to fund the citizens' assembly process and the policy development behind the carbon neutral strategy. There was £500,000 put aside in 2020 for that to happen and certainly not all of that was spent and it was taken forward for the 400 that was spent this year. That is where the money originated from, the Climate Emergency Fund as agreed in the Government Plan.

**The Connétable of St. Brelade:**

Thank you. Regarding public engagement with the entire climate conversation project. In your view - maybe one again for Louise - has that aspect of the process been successful? What benefit has this brought to the process?

**Head of Sustainability and Foresight, S.P.3:**

I am happy to take that, Minister, if you would like me to. Part of the work that was done on the community conversation and all the work that came out of the climate conversation and the online deliberation platform, that was harvested and put into themes and levels of ambition and discussion points were all pulled together out of the explore phase and then presented to the citizen's assembly.

Those citizens' assembly members were able to hear what the public had said, they were able to take part in those conversations too and all of that provides a rich and diverse set of views on the climate emergency and tackling the climate emergency. While the citizens' assembly have come up with very clear and straightforward recommendations, other voices were heard during the explore phase and that led us to be able to incorporate that in our view. All of that will feed into the carbon neutral strategy. As the Minister has said, he has yet to look at the recommendations in great detail because they have only just been published but we will be giving them great consideration and thought, recognising the information that came out of the explore phase as well and trying to bring a consensus view on how the climate emergency is tackled in the carbon neutral roadmap, which of course the whole States Assembly will have the opportunity to look at. All that evaluation is yet to be done formally but naturally these are formal questions we are asking ourselves as part of the evaluation process.

**The Connétable of St. Brelade:**

Thank you. Minister, this helps me lead on to other things. How is the carbon neutral strategy reflected in the bridging Island Plan and to what extent could any of the citizens' assembly recommendations be incorporated into the plan?

**The Minister for the Environment:**

The team have certainly had to anticipate the issues which were important in terms of the bridging Island Plan so I think there will be, first of all, at a very high level an overall requirement for sustainability. It means that every single policy proposal has been subjected to an independent sustainability review, which has since been published and I am very pleased that it is strongly positive for that, because obviously carbon neutrality is an element, an important element, of that and there is a lot of detail in that report. This is perhaps where Kevin Pilley could pick up and just identify those key areas in the Island Plan.

[12:45]

Frankly, the whole principle of trying to make Jersey a more sustainable place is absolutely the high-level vision of the plan and has been one of my main political objectives. I personally believe that the plan is a very good step forward to that. Obviously the extent to which it is able to implement in full rather than perhaps a journey on the road, perhaps is to be seen. Maybe Kevin could come in there.

**Head of Place and Spatial Planning, S.P.3:**

Thank you, Minister. Thank you, Chair. As the Minister said, clearly the draft plan is being published in advance of the outcome from the citizens' assembly work but, as the Minister suggested, the draft

plan clearly recognises the challenge of a changing climate and the need to reduce carbon emissions and has sought to respond to that in a number of ways, not least in terms of where development is located and how we might seek to reduce things like the need to travel and also give people more choice in the travel options they have available to them. That is a key plank in the spatial strategy in the new plan. There is a new section in the plan, new strategic policy that recognises the climate change challenge. There is a new section on the plan relating to what we call managing emissions, about looking to make new development much more sustainable in terms of its performance relative to energy consumption and carbon emissions. Also there is a recognition of the role that the Island's green infrastructure can play in helping to sequester carbon and also perform things like reduce overheating and things like that. So the plan has sought to anticipate a lot of those issues. I suppose the only other thing to add, of course, is that this is a bridging Island Plan, a short-term Island Plan and that is in direct response to the situation that the Island finds itself in relative to Brexit and the pandemic. But, of course, adopting a shorter-term plan gives us an opportunity to reflect in relatively short order on some of the things that will come out of the work that has been done through the citizens' assembly and will undoubtedly feed into some form of action plan and the subsequent review of the Island Plan can then respond to some of those proposals as they emerge and as it becomes clearer what the land use planning implications may be.

**The Connétable of St. Brelade:**

Minister, when could the public start to see some tangible actions commencing regarding Jersey's road map to become carbon neutral?

**The Minister for the Environment:**

Before Louise comes in, absolutely we are in the States hands here. I am looking forward to having a great deal of support. Already the States have approved the sustainable transport strategy. That has become slotted, if you like, into the draft Island Plan as Kevin has told us. There is work in progress that Louise and her team are leading on. What I am wanting to see happen is that the amount ... this is my personal view and this is why I say we are in the States hands, I want to see the States make sure that the resources that are put in place in the Government Plan for 2022 and onwards, enable us to make much faster progress. What I am very pleased to be told by the officers is that they are intending ... and obviously we have the in-committee debate in July and we have the Government Plan process, the debate on the Government Plan is going to be later this year. We have the opportunity, collectively, all of us to do that, to make things happen.

**Head of Sustainability and Foresight, S.P.3:**

Thank you, Minister. Just to add on to all of that. That is absolutely right for the way forward but of course recognising that the Pathway 2050, the States current and existing energy and carbon

reductions plan is, of course, live and happening. We do continue to see reducing policies in action, subsidised energy audits, additional electric power infrastructure across the Island, renewable biodiesel trials in the government fleet, Jersey Property Holdings looking at decarbonising government property. There is certainly a lot that is already and has been happening for some years. Of course the carbon neutral agenda is much more challenging if we aim for 2030 and if Government choose to accelerate their ambition, which is what we are hearing loud and clear and where the debate went last year. Therefore as the Minister rightly says, more resources and more impetus, but that is not to say that nothing tangible is happening now. We do recognise that people want to see more and they have challenged us with being ambitious and the pace will have to gather if the States Assembly to take that approach.

**The Connétable of St. Brelade:**

Minister, at our previous quarterly hearing you highlighted the phases of work being undertaken regarding P.F.A.S. (perfluoroalkyl substances) and noted that the work was ongoing and would take some considerable time. Would you update us on any further progress that has been made in the last 3 months on work relating to P.F.A.S. and P.F.O.S. (perfluorooctane sulfonate)?

**The Minister for the Environment:**

I am going to have to ask either Willie Peggie or Dr. Tim du Feu. Perhaps you probably need to know a bit more technicality.

**Head of Land Resource Management:**

Yes, good morning, Chair, committee and Ministers. Just to say that the officer technical group continue to meet every month. We have divided that group into, if you like, environmental and water specialists, together with Jersey Water and a separate health-orientated group, given the recent interest in blood testing and such like of P.F.A.S. That group is considering the 25 recommendations that were put forward in our November 2020 annual update. They cover a whole host of activities from understanding P.F.A.S., keeping abreast of the science, because as you know the P.F.A.S. chemical chain, particularly in shorter chain chemicals, the understanding, the ability to test for these various chemicals is increasing all the time. As well as ongoing testing, ongoing sampling and indeed an ongoing investigation under the Water Pollution Law, together with ports at the airport to undertake a site investigation survey of the actual airport at site because we think that is possibly linked to the higher levels that we saw in Pont Marquet catchment to the south. That is an interesting piece of work which will again link into our next major piece of work which is progressing, which is the hydrological survey of St. Ouen's Bay and Pont Marquet catchment, particularly that is going to be centred on identifying the present position of the plume, accurately identifying that, identifying the movement of that plume and any ongoing risks it causes to either public water or indeed private water supply going through. That work is progressing. We want to do it once and do it right. We



want to have the best brains, as it were, because it is an evolving scientific and increasingly complex area of work. So we are going out to tender on that work and we are presently just finalising the tender documents for that. We hope to have somebody in place by September this year to start up that hydrological assessment, which will be based on phase one of a desk assessment looking at the current data, some more increased sampling and then the actual sampling to undertake the survey. We are already in correspondence with a firm who have done the work at Guernsey airport so they are offering technical advice as we go on but we just recognise there are other players out there and we need to go out to tender for that work. That work will be covered or funded by the Government Plan funding so we get £125,000 this year, the same for next year and in 2023 we have £50,000 to spend. It is unclear whether or not that will cover all the expenses because obviously it is a very technical area of work but it will be a good basis then to move forward. Indeed that survey will answer the crucial questions for the Island of can anything be done about it. We are hoping, fingers crossed, that our work with ports will have identified hotspots in the airport which are feeding Pont Marquet, so that could be a solution for the Pont Marquet area. Whether or not anything can be done to remediate the site remains to be sceptical of what we can actually do about it but we need a first hard look and the experts then to advise on that. Linked into that work is a separate workstream funded by Jersey Water who are looking at treatment options, both in the water supply and in treated water, because as we move on with an increased understand of P.F.A.S., the limits will get ever tighter. The E.U. have just produced a draft new drinking water directive that we need to comply with by 2024. We are well within those limits at the moment but we just need to prepare for that going forward and keep our eyes on the ball.

**The Connétable of St. Brelade:**

Thank you. Before I move to the next subject, Minister, Steve has a question on carbon going back one.

**The Deputy of St. Martin:**

I am sorry to go back to the subject but I just wanted to talk to the Minister briefly about the recommendations of the citizens' panel that did not talk very much about costs. They did mention the use of the Rainy Day Fund. Minister, we are talking about electric buses by 2025, no more internal combustion engines by 2026, we are talking about bylaws for carbon neutral by the end of next year. Can I just ask this one question: where do you think the money is coming from? Are you going to raise it in taxation or are you going to take it out of the Rainy Day Fund?

**The Minister for the Environment:**

A very good question. It has been my key question all along. As I have said every time we talk about this, the question that has to be answered: who pays? You were probably present when, at the briefing, I asked the chair of the panel and the panel members where they saw the balance lie

between individuals, businesses and the taxpayer, if you like, and Government. They said they thought it was a balance between a mixture of those. Now, I have asked the officers ... I understand there were a lot of numbers and information available to the Members of the Assembly but I do believe as the States progress with those recommendations we are going to have to look at those numbers and we are going to have to make those decisions. My personal view is that I think it is inevitable that there will have to be financial structures, I have always thought this, to enable incentives. Obviously incentives have to be paid for but I personally think the issue is about ... I see it by nature of an investment as opposed to a cost because this is such a long-term vision and project that I think there are ... I believe and this is my belief, this is personal, there are opportunities there that could lead to real economic positives. That is the dialogue that I expect us to have. I think it will be a mixture but the element of incentives to help people do things and the element of support systems and so on, I think, are going to feature in our discussion. Obviously the decisions are going to be all of us collectively so the recommendations are very challenging. I have not read them in detail yet, that is one of the first things I am planning to do, but they accelerate that journey. That is what they do towards carbon neutrality. I am seeing Louise nod. I think it would be wrong for me not to allow her to come in and put some structure on what I just said. Those are my feelings.

**The Connétable of St. Brelade:**

Please go ahead, Louise.

**Head of Sustainability and Foresight, S.P.3:**

Thank you, that is exactly the right question, is it not? So you will have known by observing the process and seeing the information that the citizens received on the economics, they were given a lot of information on costs and what they have done is set a level of ambition that has enormous cost attached. It will, of course, be for the States Assembly to make the final decision on whether they believe that the investment in carbon neutral is right and outweighs the cost of not being carbon neutral or being carbon neutral at a later date.

[13:00]

It will fall to government officials to work up a potential plan and then for the Council of Ministers and the States Assembly to ultimately look at that plan and make those decision accordingly. The Minister's point is absolutely right. Within that plan, in the carbon neutral roadmap, we will have to put forward proposals that will identify where money is coming from. So if there are to be incentives for decarbonising heating systems, in order for that to be fair and just for people who cannot afford to change their heating system, incentives are required. That money has to come from somewhere and it is likely to be a balance of all of the above. Several hundred million is the cost for an early transition. That will have to come with a proposal in the carbon neutral roadmap that the States

Assembly will make a choice on. There will have to be some clever fiscal thinking on how we invest potentially to buy offsets at an early stage as well because we have been very clear with the Assembly that one of the definitions of carbon neutral ... a good definition of carbon neutral is implicit that it means an ambitious carbon reduction programme but it is unlikely, if 2030 is the date that is chosen, that we can reduce to zero emissions. There will be residual emissions and in order to be carbon neutral there will have to be a purchase of offsets against those unavoidable emissions and that will have a cost to it. It is very clear that it is in the region of £5 million to £6 million and that is an annual cost. The point is absolutely right, the hard work starts now in unpicking the recommendations and providing costs for solutions that the States Assembly gets the final word on and makes the choice as the democratic process of the Island will rightly let it do so.

**The Connétable of St. Brelade:**

Thank you, I suppose I will just conclude that by asking you, Minister, will you adopt the mantle of the Minister for Energy? It does float up some interesting connotations.

**The Minister for the Environment:**

I had a chance to look at this, and I am very keen on us changing our ministerial structure. I think we should be open to the idea of having dedicated Ministers. There is such a new future ahead of Jersey if we got this right and at the moment we have spent our session this morning, it has been a very useful and important one, but we have had to dance around lots of different subjects. It is a very complex business, but there is nothing like a Minister having a focus. I think this is about long term. I bring to the table an opportunity for others to pick this up, run with it and deliver it and I am excited about that in all sorts of ways. We must absolutely thank the Assembly. It has been a tough ask and they have done a really good job and the chair and the advisers have worked hard, and the officers, to provide that support without leading them. That has been a difficult challenge. I am looking forward to hearing what your panel has to say about it.

**The Deputy of St. Martin:**

Can I ask, Minister, your final comments made it sound like you were looking forward to handing this over to somebody else, but the call for carbon neutrality and bylaws by the end of next year falls very firmly into your tenure. Is it something you will pursue?

**The Minister for the Environment:**

I am sorry. I was referring to the very long term, because we are aiming at 2030. There will be things we can do and should do and must do on the journey down the road. I am looking to grab whatever opportunity we have for early implementation of these actions. You are spot on. Since I have the lever on building regulations, absolutely. But I have to go through a process of consultation on the detail with the industry. As the Scrutiny Panel you would be the first to tick me off if I did not

go through a process of consultation with the construction industry on those changes. There is every reason why we need to do so and, as Kevin said, the Island Plan recognises that in its planning policies.

**The Connétable of St. Brelade:**

That leads on to the final subject of our discussions. We have half an hour on the bridging Island Plan. Minister, in your view, could the condensed review process of the bridging Island Plan impact on the consultation outcome and potentially the lodging of States Members amendments to the plan?

**The Minister for the Environment:**

Not in the slightest. I am beginning to see now, because we have had a series of meetings with different Parishes about the details and we are having a very good, constructive dialogue where Members have views on areas of the plan they would like to see changed. It is early days yet. The consultation is on 12th July or thereabouts, but we are only at the end of May and that dialogue is happening now. I am pleased to say Members are responding extremely well to our offers to work with them on amendments. This is an open process and I am beginning to think this is better than the way we used to do things. What used to happen was the Minister would put the plan in, along came amendments and the Minister found himself arguing those things down. Now we are much more in an equality position here. We publish the drafts of policies and Members have their valid views on areas of the plan they do not think are quite right or this needs to change. I am seeing a very strong level of support for the general thrust of the plan. Yes, there are issues. It is known there are issues about particular housing sites. On some housing sites people do not like them. Others are saying they like this one but could they have some more? We are seeing that with the issues about the mineral strategy and the quarries, which is not surprising because that is a really difficult call and there is a dialogue with the farmers that we are working on and doing our best on the Coastal National Park. There are all those issues but absolutely not, this process is at least as open as it was and even more so.

**The Deputy of St. Martin:**

Minister, you are right, there is a big consultation going on. Is it your intention to make amendments to the plan before the inspector sees it?

**The Minister for the Environment:**

I will need to take advice on the nuts and bolts of that. My understanding is when the plan goes to the inspector with all the amendments the Minister will pass his comments on the individual amendments that are there, but the amendments themselves will go into the inquiry unchanged, unless any Member wants to modify them or change them because they can amend it potentially in

the light of the comments. That will be a very considered process that I will have to work out with the officers how I do that. The key thing here is that everything that is submitted into the process goes into the inquiry. If I take a position on a certain thing as Minister, I will be challenged on that at the planning inquiry, not just by the inspector but also by those people who disagree with me. I am normally thoughtful and diligent in these matters and this will be no exception. It is a bit of a challenge but there we are.

**The Deputy of St. Martin:**

If there was a particular issue that clearly, throughout the consultations and in discussion with yourself, was not going to succeed or going to be wrong, you would not seek to change that before the plan goes to the inspector.

**The Minister for the Environment:**

I could say I have sympathy with the objections and I would want to hear the arguments. It depends on the basis. If we get a fully worked up amendment that is very clear and the officers advise me that this is sensible and should be adopted, unless I see reasons why that conclusion is wrong, I would probably say this is something I am minded to go along with. If, on the other hand, something is completely half-baked and not thought out and has major damaging effects, I will probably say: "No, I do not think that is right." The reality is the comments will be in-between. In the end, this goes with the job of being a Minister. That will be a new experience for me. The Deputy has had that experience himself before. That is the challenge for me, to do that properly. I do not know how long I have to do that. If it starts on 12th July, I am not sure when the paperwork goes to the inquiry, I would have to ask Kevin to help me out as to how long we have for that.

**The Connétable of St. Brelade:**

I will refer to the public consultations that have been undertaken throughout May. Were opportunities available for both virtual and in-person sessions to consult on the draft plan? Perhaps you could update us on the engagement received and any challenges and/or successes to date.

**The Minister for the Environment:**

Let us take that in parts. The comments I made just now were about my meetings with political representations in the Parishes. At least one, if not 2 or 3 had members of their Parish community on those meetings. I do not know if they were Parish committees or working groups of local people who are leading lights in Parishes or had a particular contribution to make that the Constable wanted to be involved. I have not been present at those public sessions so I will ask Kevin Pilley to give feedback on how things have gone so far.

**Head of Place and Spatial Planning, S.P.3:**

We have done a range of both in-person and online events through the consultation period up to now. We were not sure what the COVID-19 situation was going to be when the draft plan was published but we are very pleased to say we have been able to do a mixture of the two so we have held online webinars around the various themes and sections of the plan. They have been advertised through the Island Plan web page and we have had good attendance at those. They have involved officers providing detailed presentations on sections of the plan, opportunities for participants to ask or post questions while the sessions have been running and we have also recorded those and they are available online. If people want to delve into the detail of the plan without having to read it in detail they can get a flavour of that from the themed webinar sessions. I am pleased to say we have been able to meet Islanders in public and we are grateful to the Constables for opening up Parish Halls to enable us to do that. We have had sessions running at all the Island's Parish or public halls, either in the week running from 4.00 pm to 7.00 pm in the evening or at the weekends, from 10.00 am to 1.00 pm on Saturday. They have been very well attended. We have had lots of Islanders come to find out what is going on generally or to raise specific issues with us, whether that is in relation to housing sites or new policies in the plan about the Coastal National Park or the proposed policy around quarry extensions, et cetera. There has been a mixture and it has been interesting to reflect on the mixture of the approaches we have taken that may serve to dictate how we do things in the future rather than go back to what we have traditionally done. As the Minister indicated, that probably also applies to this new process we are taking the bridging Island Plan through and the difference that has made to States Members. It will be interesting for us to reflect on that ourselves and to get States Members' views on how it has been for them. We will not know that until the end of the process, but on that point, it is worth noting that we have had dedicated sessions for States Members as well in addition to those the Minister is talking around where there has been political representation working with our colleagues at the States Greffe.

[13:15]

We have held sessions for States Members to talk to them more about the process and how we might help them prepare their amendments. That is not limited to this first round of initial amendments that closes on 12th July, but there will also be opportunity for further Member amendments after the planning inspector publishes his report at the end of the year and in advance of the States debate where Members can bring further amendments around any substantive issues considered throughout the examination in public. It will be interesting to see how that has gone but we have been very pleased at the level of public and political engagement in the process thus far, accepting the Island Plan is very broad in its coverage and the scale of the document and evidence base.

**The Connétable of St. Brelade:**

This may be another one for you, Kevin. During the development of the draft bridging Island Plan, were any children's rights impact assessments undertaken and if so, has this assisted the process and if not, why not, considering the significant impact the proposals will have on Jersey's children and young people?

**Head of Place and Spatial Planning, S.P.3:**

It is a new area of work for Government, given the States' commitments in terms of the international conventions. Throughout the preparation of the draft plan, we have sought to engage with children and young people. In the strategic issues and options consultation, we worked with a range of children and young people, including the primary, secondary and teenagers and younger adults. As part of the draft plan consultation at this stage we are engaging with the Youth Parliament to get their input in to the draft plan and also with the Youth Service to see how we can engage other young people. As part of the preparation of the draft plan thus far we have published a children's rights impact assessment and that is available online. That looks to where the plan's policies and draft proposals would have an impact on children and young people in the Island. Government is at early stages of producing documents and assessments of this type and the Island Plan may be one of the first policy proposals to do that. We have been working with colleagues within S.P.3 as to how best we might respond to that and we will talk to the Children's Commissioner as part of the preparation of the draft plan to get her view on how that piece of work has fared in terms of reporting on the policies and proposals in the plan.

**The Connétable of St. Brelade:**

The draft plan aims to deliver a total of 4,150 homes, 2,650 open market and 1,500 affordable homes. Can you talk us through how planning assumptions and the evidence base has determined this ratio of open market versus affordable homes?

**The Minister for the Environment:**

My understanding is that table has been built up based on where we are able to control how development is procured. For example, I do not have the schedule in front of me but my recollection of it is it makes clear that where we have States-owned sites we are able to make decisions about ensuring we have affordable homes in perpetuity and they do not become tomorrow's non-affordable homes. That is one of the figures in that chart. The other figures are where we have zoning of land in the agricultural area where those estimated housing yields, which are potential and not firm, they are illustrative, are shown as all affordable homes because the draft plan proposes that if the States approve them for development for housing, they will carry conditions that require planning obligations agreements and to be provided as affordable homes within the rules of the Housing Gateway. Equally, there is another line in that chart that makes up those number you quoted from,

that historically have been shown as windfall sites. These are sites that occur speculatively during the currency of the plan for development of housing on existing sites that are opportunity sites. At the moment the draft plan does not propose to impose a requirement for a proportion of those homes to be delivered as affordable homes and therefore they are open market homes. That is how the table has been constructed so I see meeting the targets as being an attempt to say what the various lines of delivery of homes are. in the pipeline and those that have come, and how they pan out between affordable and those provided by the market. This is a key part of the plan where I know there are some views that challenge that. I will hand over to Kevin to answer, but that is the philosophy. In the end, the States can control their own sites. The States could buy private sites, take the existing use out of them and make sure they were all developed for affordable housing, but we do not have policies to do that. Personally, I would support that and have voiced that view to the Minister for Housing and Communities and the Council of Ministers, but the plan at the moment does not propose that.

### **Head of Place and Spatial Planning, S.P.3:**

The Minister set out an explanation as to how the various sources of housing supply contribute to meeting both affordable and open market housing provision. In terms of the evidence base that supports the respective requirements of the different parts of the housing market, that is set out in the objective assessment of housing needs that was work commissioned with colleagues working in the strategic housing unit in 2019. That work looked at a range of different population scenarios for the Island, looked at information based on the Island's population trends and the makeup of the local population and change within the population in terms of household size, et cetera, over the plan period. Essentially the requirement for housing is then modelled over a range of population scenarios. Working with Stats Jersey we have taken that work and adapted it to the planning assumption we have adopted for the bridging Island Plan that has given us that level of requirement split between affordable home and open market provision. One issue arising through our discussions with Members and the Parishes is around eligibility and access to affordable homes and it is the Minister for Housing and Communities who controls the criteria to determine the definition of affordable and what are the criteria in terms of Islanders who are most in need of housing and housing support to be able to access those forms of housing. The Plan needs to be seen working in tandem and providing part of the jigsaw in terms of providing the sites with potential to deliver homes on them and working with the Minister of Housing to determine who gets access to them.

### **The Connétable of St. Brelade:**

We had a presentation earlier from the Minister for Housing and Communities regarding his strategy so that is helpful. I want to talk briefly before we finish regarding the challenges Jersey faces about supply and delivery of affordable housing, particularly regarding the elderly and the provision of care or nursing homes. At our previous quarterly meeting, Minister, you suggested the private sector and



the main provision care homes. However, the plan should address those needs so could you summarise what policies within the plan, if any, would assist in the delivery of care homes and residential homes for the elderly?

**The Minister for the Environment:**

The part of the plan I am most familiar with, or at least not in detail, is the provision of homes for right-sizing. We have gone through various gestations in the past. Land has been zoned for over-55s. We had that in Langtree Garden very successfully. We have had it in other places in the Island but all those sites have worked through. When we had the housing policy development board a discussion took place as to whether or not we repeated that or whether we regarded the right-sizers, people who wanted to down-size and live in smaller accommodation in a supportive environment, would be accommodated through the affordable housing sites and that is what was decided. That is the route and I am expecting the Minister for Housing and Communities, and I have made it plain and he is agreeable and I am pleased you spoke with him this morning. I am sure he reflected on discussions we had at the Council of Ministers that this is universally coming across that we need to provide opportunities for right-sizing throughout the Island for the older groups. In terms of care homes, this is where I have to be frank, my knowledge runs out. As we all know, there is a huge demand ahead for us for residential care homes where people decide for one reason or another, or maybe it is decided for them sadly, not to live in independent living but to go into collective living. I am looking for our Minister for Health and Social Services to lead on this but at the moment I do not know enough and could not point to any strategic plan because principally our care home provision is provided by the private sector. In terms of the planning policies I will have to defer to officer advice as to what are the current draft Island policies to enable development of those facilities because I do believe we will need more of them and I would like to see policies in the future that facilitate that.

**The Connétable of St. Brelade:**

I am sure Kevin could respond but I am conscious we have run out of time. We have quite a few further questions on the Island Plan that we would have liked to ask you but can I ask if we can submit those to you in writing for responses in due course?

**The Minister for the Environment:**

Of course.

**The Connétable of St. Brelade:**

With that, I am conscious we have eaten into 2 hours of your time today and thank you and your officers for your responses that have been very helpful and I look forward to discussing with you the matters we have encompassed this morning in due course.

**The Minister for the Environment:**

Thank you, Chair, and I think it has been a very thorough and successful session this morning.  
Thank you for your time.

[13:30]