



Environment, Housing and Infrastructure Scrutiny Panel

Quarterly Public Hearing

Witness: The Minister for the Environment

Wednesday, 26th March 2025

Panel:

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair)

Connétable D. Johnson of St. Mary

Deputy D.J. Warr of St. Helier South

Deputy A.F. Curtis of St. Clement

Witnesses:

Deputy Steve Luce, Minister for the Environment

Connétable Michael Jackson, Assistant Minister for the Environment

Ms. K. Whitehead, Group Director, Regulation

Mr. K. Pilley, Head of Place and Spatial Planning

[10:32]

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair):

Welcome to this first quarterly hearing of the year with the Environment Minister, of the Environment, Housing and Infrastructure Scrutiny Panel. Today is 26th March and I would like to draw everyone's attention to the following. This hearing is being filmed and streamed live. The recording and transcript will be published afterwards on the States Assembly website. All electronic devices please can they be switched to silence and off vibrating as well. I would also like to ask that any members of the public who have joined us in the room today to not interfere with the proceedings and as soon as the hearing is closed please leave quietly. I would, for the purpose of the recording of the transcript, I would be grateful if everyone could speak and ensure that they state their name and

their role. So for introductions, I would first say my name is Deputy Hilary Jeune and I am the Chair of the Environment, Housing and Infrastructure Scrutiny Panel.

Connétable D. Johnson of St. Mary:

David Johnson, Constable of St. Mary, panel member.

Deputy D.J. Warr of St. Helier South:

Deputy David Warr, St. Helier South.

Deputy A.F. Curtis of St. Clement:

Deputy Alex Curtis, panel member.

The Minister for the Environment:

Deputy Steve Luce, Minister for the Environment.

Assistant Minister for the Environment:

Constable Mike Jackson, Assistant Minister for the Environment.

Group Director, Regulation:

Kelly Whitehead, Group Director for Regulation.

Head of Place and Spatial Planning:

Kevin Pilley, Head of Place and Spatial Planning.

Deputy H.L. Jeune:

Thank you. Thank you, Minister, for joining us. In your last meeting, you stated that: "I only have limited resources within my team. I only have limited resources within the Law Drafting Department. It is not as much as I might like to do it, I cannot do it all." In light of this acknowledgement, the resources within your department are limited, could you please describe how you are prioritising your workload for the remainder of your term?

The Minister for the Environment:

Well, when we started as a Government, we had obviously a limited amount of time, 2 years, and I think, like most people, we had aspirations of a number of things we would like to do. But as time went on and as we made a priority list, if you like, of things, it became apparent that there were a number of outside considerations that had to be taken into account. One of that, of course, is law drafting. I think at one stage there may well have been upwards of 100-plus potential pieces of law drafting which needed to be done within Government and we quite clearly had to prioritise that. Time

is a finite thing with law drafting, but we have come down to a list now with law drafters, which we are fairly sure we can achieve, and it was important to make sure that we said what we wanted to do could be done. We have got some work in train at the moment, law drafting instructions for animal welfare. We are obviously looking at planning reform, the appeals, there is a number of pieces of work, dredging and some fisheries work, which we are going to do. I am very mindful of making sure that what we say we want to do, we can get done, because there is nothing more disappointing for me than to say that there is pieces of work we are doing and not getting there. Having said that, there are some aspirations which I really wanted to get done, which are proving challenging. Things like, for example, the consultancy freeze, the consultancy ban has meant that we have had to reprioritise officers within the Department to do pieces of work that were being done by consultants. That is all helping to make the situation more challenging. We have got a couple of officers not very well. We have got water and food, as I mentioned also, that is another couple of pieces of law drafting that we need to do. So we, as a Government, are working hard with Law Drafting Department and certainly as a Department we are talking to them continually about the work we want to get done.

Deputy H.L. Jeune:

Some of those areas that we are going to touch on further in this hearing, but P.F.A.S. (polyfluoroalkyl substances), for example, was not initially a priority on your agenda, but has now been included. You have specifically mentioned that you need to come up with further regulation on that. What specific factors have led to the shift in priority and how has your position on P.F.A.S. evolved as a result?

The Minister for the Environment:

There is no doubt that P.F.A.S. is a subject of interest in the Island and specifically in the west of the island it has been around now for a decade plus. For a long time now we have had members of the public asking for action. When this Government came to be, certainly we decided that was something we were going to address and we took it on board and very quickly realised that there was lots of work to do and that other jurisdictions around the globe were starting to look at P.F.A.S. and some already had taken action and others are all starting to look at it very, very seriously. So we stood up a team, we have at least a dozen, if not more, officers within the Department now working on P.F.A.S. We have got a group chaired by myself and the Minister for Health and Social Services, also the Minister for Sustainable Economic Development is in that group as well. We have the equivalent, I think, of 4.7 full-time employees working, that is the number that comes out when you crunch all the 12-plus, it is about 4.7 working full time. We are committed to being open and transparent. We have got the international and independent P.F.A.S. panel working for us, producing 4 reports, 3 of which, the third one is just about to be published. Those first 3 were on health. The fourth one will be on the environment. That is of great interest to me, obviously, as

Minister for the Environment. Then the other thing is in the very near future we will have Arcadis, a group that were commissioned 4 years ago initially to do some work for us and over the last 18 months they have been concentrating very heavily on monitoring and testing water around the Island, specifically in the west. Their report is going to be issued very shortly. The next 6 months is going to be pretty busy from a P.F.A.S. angle. Lots of work coming out, independent work, professional, scientific, really top quality work. Consequently, from that, decisions to be made in water and things that would get returned to land and a whole load of stuff.

Deputy H.L. Jeune:

But it is interesting you are saying that there is a lot coming out, there is a lot we are waiting for, in a sense, for the independent panel to review. I know that there are other reports that potentially are coming to inform your opinion. But you have already said that you want to bring forward regulation, which I think is a new priority that was not there on the regulation list before, and so it is really trying to understand what you potentially have deprioritised because of this intense, as you have just highlighted, work which was not necessarily seen before in our last hearing. It was only just starting to come about. So what has been deprioritised? What have you seen that you have had to put this at a top priority when the reports have not yet been published?

The Minister for the Environment:

I am not sure if I know off the top of my head what has been deprioritised. Certainly from my perspective, it is just a big additional piece of work that I have had to get through. When it comes to regulation and how we will look at limits for P.F.A.S. in water in the coming months, that is something that we will do. But I could do that in a number of different ways. I could use guidance as they do in the U.K. (United Kingdom). I could use regulation as they do in European countries. There may well be other ways. Kelly, I am trying to think of the different, it is not quite as complicated as it might be if I decide to set a new level of P.F.A.S., I think I could issue guidance by order, could I?

Group Director, Regulation:

Yes, Minister, I think because we are uncertain as to the type of regulation, so regulations come in lots of varieties, where we do not know what the level of resources or law drafting, if any, is going to be required. The independent P.F.A.S. scientific panel has a public meeting on international regulatory standards, and they were bringing experts from various jurisdictions around the world to give evidence about how regulatory standards are met in different jurisdictions. We will use that scientific research as a basis for recommendations and proposals for Jersey. At that point, we will be able to forecast what type of resources across Government would be required. So it is a little difficult to predict.

The Minister for the Environment:

When I talk about big pieces of work, the environmental report for which the water bit will come out in the summer and the complete report will come out later in the year, but that will focus on jurisdictions around the globe that regulate in different ways and also treat P.F.A.S. in water in different ways as well. There will be recommendations, the recommendations that come out, and then it will be for me and the Department to look at those to try to pick potentially a suite of treatments or a specific treatment and then, as Kelly said, there is a number of ways we could enact that, whether by guidance or regulation or something else.

Deputy H.L. Jeune:

I think we will talk about that kind of treatment in a bit, but from what you are saying with the timeline, do you think that you will have enough time before purdah to be able to implement those things that you will want to do in this area, knowing that you have said the summer and then potentially the full report?

The Minister for the Environment:

The big piece of work for me before the next election will be to look at where the new regulatory limits will be set for P.F.A.S. in water. As I say, the water section of report 4 will be with us during the summer. We will be able to consider that before the panel issue their complete report, which will include food and other issues. So we will have the best part of 6 months, certainly, to think about how we are going to deal with regulation of P.F.A.S. in water. Obviously, there will be time to discuss that with Jersey Water moving forward, depending which treatment method we might go for. There will be quite large planning consequences because of the scale of land that might be needed. We will have to have some very fundamental discussions with Jersey Water about whether we use the two existing treatment works or an alternative. But I would hope that we will find time to do whatever is necessary to come up with some recommendations for new regulatory standards for P.F.A.S. before we get into purdah. It is very important.

Deputy H.L. Jeune:

You were talking about Jersey Water and their role in the infrastructure treatment and you said in the States sitting last week that you estimated a figure of about £20 million. Where has this come from?

The Minister for the Environment:

I think, off the top of my head, it is just a figure that has been bandied around for the type of cost in a very, very roundabout way for granulated activated carbon treatment of the sort of size we might want. I am not sure if the numbers came from Jersey Water themselves. But I would stress that

£20 million is a very rough approximation. We are not at a point yet where we know the treatment works we are going to need.

[10:45]

We have not decided where they might go. The geography, geology, topography of the site that we might use could be hugely challenging. So that is just a sort of an indication that at the moment it might be around, for the 2 treatment works, £40 million, £50 million. There are other alternatives that I am sure will come out and they could be more expensive still.

Deputy H.L. Jeune:

Who do you think should be paying for that £20 million?

The Minister for the Environment:

Well, that is a very good question, Chair. I certainly have said to Jersey Water, the most important thing for me at the moment is to get the regulatory standards and start to work towards them as quickly as we can, and I have said we will worry about who pays for it at a later date. It may be, and I am sure it will be, a discussion for Government to have with Jersey Water. If Jersey Water were charged with recouping all the cost of those treatment works through their current billing system, obviously the consumer will pay. But I think that there must be a discussion to be had with Government about how the funding of these very large infrastructure projects for the benefit of Islanders should be dealt with and that will be for another day. I am not trying to kick the can down the road but I think there are a number of options where we can work with Jersey Water to see the best way forward for Islanders.

Group Director, Regulation:

Could I just add, Minister, this afternoon we have a public meeting online of the P.F.A.S. scientific panel and Jersey Water will be presenting their water treatment options. I have not seen that presentation ahead of time, so I am not sure if that will include costs, but I know that they have been working on costs, so it might be that this meeting this afternoon will bring to light that information. Once that panel meeting minutes have been approved, I will share it with Scrutiny.

The Minister for the Environment:

I think it is important to stress, though, that the £20 million, or approximately £20 million, may well have come from the cost of building other plants in other jurisdictions. I am thinking particularly about Australia. It may well be that in Australia, and I do not know because I have not seen it, but they may have built on a vast area of open, flat land adjacent to reservoirs or what have you. I think it is fair to say that, wherever we build treatment works in Jersey, there is going to be challenges

because they need to be a certain height above sea level and we are talking about valleys, hills and major infrastructure complications.

Deputy H.L. Jeune:

I believe that there is no definitive scientific consensus on the best method for P.F.A.S. removal, so how will the Government determine what is the most effective and safe approach if you are given a wide variety of recommendations from the panel?

The Minister for the Environment:

This is where the independent panel come in. This is why they are completely independent of Government, why they are experts in their field, why they are looking across the globe for the different methods and where certain methods have worked well, et cetera, et cetera. They will come back to us during the summer and say this is what you have around the globe as options, you can use activated carbon, you can use ion exchange, you could use reversal. There is a whole suite of options. It may be it is a combination of things which get to where we need to be. But the panel are charged to go away and do all this research. They are experts in their field. They are going to look all over the place and come back with findings and recommendations for me and for the Department. At that point, we will have to look at what they say, we will have to talk to Jersey Water, and we will have to consider a range of options and come up with a solution. I am sure that your panel would be included in discussions about that. This is all open and transparent. All the evidence will be out there for everybody to see.

Deputy H.L. Jeune:

Absolutely. I have attended many of the public meetings so far to gather the information to help the panel.

Deputy D.J. Warr:

Just one quick question. It is just striking me here, what is the relationship between the independent panel, Jersey Water, and Government? How does that all work together? Because my immediate reaction is Jersey Water are the water provider, so do they not have their own set of experts who will be trying to resolve this issue? Are they proactive or do they just wait for Government to come along and go with their independent expert: "This is what you need to do"?

The Minister for the Environment:

The relationship between Government and the independent panel is exactly what it says on the tin, completely independent. The only time I have met the panel or met the chairman, I did not meet him face to face, I met him online, and the only time I spoke to him about the production of the water report early, before the complete report 4 is published in the winter, towards Christmas, and I said

how important the water part of it was and could the panel think about producing the water section of the environmental report early so we could get on with it. I have deliberately stayed away from the panel. They have public meetings, for example they are having a meeting this afternoon. I know roughly what they are going to discuss. Kelly has just said it. I have no input at all. It is really important that Government keeps this big gap between themselves and the panel so we can get to the end of the process and say we have had no input, they have gone wherever they liked and they have researched whatever they wanted to do to come up with their independent advice for us. Obviously, they are reporting with their experts. As regards Jersey Water, I do not really know, I could not put my hand on my heart and say how they interact with the panel because I do not know what the panel do.

Group Director, Regulation:

I can take that question if you like, Minister. Jersey Water were invited as an expert to input into evidence for the panel. So today, you are correct in saying that Jersey Water have their own scientists and their own experts advising the company and working up different treatment options and what each of the constraints to those treatment options could be. They will present that information with their experts to the panel. The panel will listen to them as well as other international experts who have done treatment facilities around the world. Once the panel have a discussion around all those different combinations of treatment options, and then obviously what is possible in Jersey because of the constraints of the land and also the current treatment facilities that we have, and that is how the panel would arrive at their recommendation. It would be in contribution with Jersey Water as an expert, as well as other international experts on water treatment options, and other experienced experts where treatment options have been brought online and what experiences they have had. So all of that information will be included, discussed in public, minuted and included in the report and made public before the recommendations arrive in summer.

Deputy H.L. Jeune:

With this discussion now that is seeming to be set that there will have to be something done, you are looking at regulation changes, however the format will be, you are starting to discuss with Jersey Water and others about potential infrastructure that will extract P.F.A.S. This has to be then a recognition that it has leached out of the plume area. This is an Island-wide issue rather than the specific plume area; am I correct?

The Minister for the Environment:

It is an Island-wide issue in as much as there is certainly people outside of the plume area who had blood tests taken independently who show levels of P.F.A.S. not dissimilar to people who live in the plume area. But one of the other things that is really important about the independent panel's report 4 on the environment is that they are also going to look at other methods or other ways that people

can ingest P.F.A.S. into their bodies and specifically we are talking about food. I do not know what the results are going to be, but I think we are going to find that there is a number of issues that we need to consider when it comes to how people get P.F.A.S. into their bodies. We are conscious that there is a number of people from outside the plume area who have tested high. We need to understand their history. We need to understand where they have lived, what sort of water they have used, what sort of food they have eaten, that type of thing, to build up more of a database, if you like, to try to work out how P.F.A.S. is getting into people's bodies. But there is no question that it is wider than just people living in the plume area.

Group Director, Regulation:

If I may, Minister, there is a very different distinction between the issues in the plume area and what we were talking about, water treatment supply and the public water. The public water supply is within safe limits of P.F.A.S. as per current international standards. So the work of the report 4 and P.F.A.S. panel would look at where the international limits are going in the future, not where they currently are. So where are they heading into the future and how might we meet changes in the future, very distinctively different to the hotspot or the plume area, which is treated completely separately.

Deputy H.L. Jeune:

Okay, thank you for that. My last question is, of course, that I believe, because we have not seen it, that the agreement with 3M, who were the ones supplying the foam that caused that plume area, was that they did a clean-up in that specific area. So they did some work, was that true, there was work done at that moment in time to try to clean up and contain the area around.

The Minister for the Environment:

There was remediation work done at the airport some time ago.

Deputy H.L. Jeune:

Will this report by the independent panel look at if that was effective or if that failed in its objectives?

The Minister for the Environment:

Yes, the straight answer is absolutely, yes, it will, because Arcadis has been charged with doing a lot more sampling than we have done previously. When their report comes out, I am very hopeful that they will be able to say the extent - "hopeful" might be the wrong word - but they will be, I hope, telling us whether the work we did at the airport was successful or not. Quite clearly, there is still P.F.A.S. in the plume area, but there is a lot of hydrogeological understanding that is going to need to be looked at. I know it is going to be a large report, several hundred pages, and most of it is going to be scientific. So we are going to be looking for officers in the Department to give us a non-

technical summary of that when it is published. We would certainly hope by the middle of May we will have something to discuss.

Deputy H.L. Jeune:

Thank you. The panel thinks this work is very important. So just to give you a heads up, Minister, that I believe we would want to hold a standalone hearing on P.F.A.S. in the coming months. I think as the independent panel reports come to light and these other reports to help.

The Minister for the Environment:

As I said previously, I think the next 6-9 months is going to be pretty busy and intense from a P.F.A.S. perspective. We have Arcadis, we have got report 3, the final health recommendations and how we deal with that. We have got the water report, which is going to be really important in the summer. Then at the end, towards the end of the year, but certainly before the end of the year, the final report 4, which looks at P.F.A.S. in the environment. There will be some other issues there which we will need to discuss. By this time next year, we will have done a huge amount of work on P.F.A.S. and hopefully reached some conclusions as to directions of travel and decisions on how we cope and deal with it.

Deputy H.L. Jeune:

Thank you, Minister. I will pass on now to the Connétable.

The Connétable of St. Mary:

Good morning. In my area, this relates to public nuisances. If I may begin with my first question relates to environmental impact assessments. Can you confirm whether the E.I.A.s (environmental impact assessments) submitted by applicants that sign an application to your Department capture potential public nuisances and whether you believe these assessments are robust enough?

The Minister for the Environment:

I am struggling to get the connection between environmental impact assessments and nuisances. Could you expand a bit further?

The Connétable of St. Mary:

Perhaps nuisances come into the equation later. Can I concentrate on the E.I.A.s to start with? They are connected because E.I.A.s will also cover noise and noise is nuisance and I think when you grant permissions, you do further such nuisance.

The Minister for the Environment:

Fire away and let my brain get into gear with this one.

Group Director, Regulation:

Thank you, Constable. Environmental impact statements are part of the planning process. So only where planning permission is required would an environmental impact statement be required as well. Environmental impact statements will cover a range of impacts and some of those impacts could be noise impacts or impacts in terms of how that impact would be negative or positive on the amenity of the area and the neighbours. Statutory nuisance is a separate law and the thresholds for nuisance from a legal perspective are different to the thresholds for the impact on neighbours in a planning perspective. So while environmental impact assessments from a planning perspective will address the impact of items such as potentially noise or odour, it is a separate legal process to the thresholds that would meet the tests under the statutory nuisance law.

The Connétable of St. Mary:

I understand that. The general heading was public nuisance and they qualify on both counts, I think. But the theme behind my question is that where an E.I.A. is required, they are of course submitted by the applicant. Are you generally content that those assessments are, again, to use the word robust enough, given that they are acting for their client?

The Minister for the Environment:

I think Kelly or Kevin might give us the answers, but certainly one thing about environmental impact assessments or statements is that they have to be compiled by people with specific qualifications.

[11:00]

We have had a couple of cases recently where we have had discussions with applicants over the quality of EIAs, but it is very clear to us and I think it is written down that you have to have qualifications to be able to write an E.I.A.

Group Director, Regulation:

Correct, Minister, and also that statutory consultees will then objectively assess that E.I.A. and contribute. So, in the instances of nuisance, our nuisance officers would then assess and evaluate the environmental impact assessment on the planning side and provide their expert advice and guidance to the tests essentially for planning.

The Connétable of St. Mary:

Thanks for that clarification. Moving on to cases where E.I.A.s were not required at the outset, can you explain what work is done with operations that were established prior to the introduction of E.I.A.s to ensure that their impact has been assessed in line with current requirements, so where an

E.I.A. was not required at the outset, is there an ongoing monitoring to not quite backdate the procedures but to enforce what should be in place?

The Minister for the Environment:

Who knows the answer to how long E.I.A.s have been required?

Group Director, Regulation:

The E.I.A. order is 2008, I believe. In terms of the distinction, if an E.I.A. has not been required for planning permission, then it is not required. So, from the planning side of things, there is no further action. From the statutory nuisance side of things, we would actively monitor whether or not nuisance, as defined by the statutory nuisance law, would then meet at the point of threshold for us to take formal action under that law. So the active monitoring of nuisance, if it is not under the planning regime, would fall within the statutory nuisance.

The Connétable of St. Mary:

That is where the link is to start with. Yes, okay. So, again, on where E.I.A. was not necessary at the outset, it comes within the possible realm of the statutory nuisance. If it is referred to, you will take measures to ensure that?

The Minister for the Environment:

Absolutely, and I think nuisance is something which we get a lot of correspondence about. One has to consider the severity, the type of nuisance, the frequency, and there is a lot of considerations that go into deciding whether genuine nuisance is there or not. But I think in many cases, the Department are very sympathetic with the person who is claiming that there is a nuisance. In many cases we are empathetic and understand that they are being affected. But I think I am right in saying that the threshold, if you like, for nuisance is the effect on an average person. I am not saying for one minute that the people who are claiming nuisance are any different, but certainly there will be cases where people, individuals get affected by a nuisance, which the average person may not get affected by, and those are quite challenging cases. There is case law in the U.K. about this, which is where we would refer to, not so much case law in Jersey, but there are some definitives here. I am trying to think about what else there is. But we certainly accept the fact that people, individuals, get affected by some things more than others, but when it comes to statutory nuisance, the law says if the effect on an average person is regular and severe enough and the frequency occurs often enough, then it would be classed, but we see a number of people who are quite clearly upset by something that is going on, and we empathise with them, but actually getting that to a statutory nuisance potentially can be ...

Deputy A.F. Curtis:

One part, in seeing the overlap between environmental impact statements and public nuisance is of course new development. New development will cause new nuisances that are in part captured by statements. Have you reflected as a Minister or Department on the thresholds for creating environmental impact statements? Because, of course, within the Law they are prescribed often by their size, and many of them are 1,000 square metres, 10,000 square metres, but Jersey's context is quite different perhaps to many others. Have you considered whether the thresholds are appropriate in such a constrained island, our development would have to be incredibly large to trigger environmental impact statements?

The Minister for the Environment:

I cannot say I have sat back and considered the proposals you are talking about. Most recently one of the E.I.A.s, not nuisances, but an E.I.A. in terms of the foreshore, and there is some very specific requirements on the particular application, and if your application is covered by the tide on a regular basis and this type of stuff, it just automatically triggers. That is of a requirement that is triggered by something that is written down. But when it comes to nuisance, I take what you are saying on board, but it is not something we have thought about considering changing thresholds.

Group Director, Regulation:

I think the environmental impact order, as you know, is 2008, and I think it has been on a list for possible updating. It does not currently meet the E.U. (European Union) directive for environmental impact statements. However, that has been a deprioritised action in favour of other elements, the planning reform and water and food and other areas. I think it is really important to note that even when an E.I.A. is not specifically required, planning will always assess the impact generally of noise and odour and other elements. So the environmental impact is a very specific order and requirement for large developments, but that is not to say that we would not make those judgments anyway within the planning process.

Deputy A.F. Curtis:

But just to capture that, it has been identified that the existing order we have is considered a legislative gap or there are perhaps better ways or more modern ways we have seen in other legislation like the E.U. that we are not currently in step with, and we have had to deprioritise that, just so we are clear on where we are.

The Minister for the Environment:

We could add that into a long list of things that we would like to do if we had the time and the resource to do it, and it may well be that the next Government will look at it. But my list of things we are going to try to achieve between now and next year is already squeezed completely tightly.

The Connétable of St. Mary:

Moving on, accepting that the E.I.A.s are not the be-all and end-all and you have recourse to a nuisance law, do you regard that law, the current law as being fit for purpose regarding both regulation and penalising possibly particularly industrial scale agricultural land?

The Minister for the Environment:

Certainly, industrial is an interesting word, Constable, and I am aware that certainly when it comes to statutory nuisance, that is an area that we have thought about making modifications, construction sites specifically. As the Deputy has already hinted at, you give an approval and quite often with that approval there may be some constraints on timing of construction and stuff like that. Not to say that there may be other things which are not considered at the time which might well constitute a nuisance, light pollution, depending on how late they go, there will be dust, there will be noise, there will be other types of issues.

Group Director, Regulation:

So we have considered nuisance specifically from construction sites, and that was also an upgrade to the current statutory nuisances law, which is 1999. That has been, again, on a list for legislative change, but deprioritised again in favour for planning reform, water, food and others.

The Minister for the Environment:

I think I am right in saying that the other one or two that we had considered, the first one was construction, the second one was the ability of individuals to bring actions themselves, if I remember that correctly.

Group Director, Regulation:

Yes, the private law, voisinage.

The Connétable of St. Mary:

My question, is any current intention to update the current law in any way, whether it is for the construction industry or agricultural industries?

The Minister for the Environment:

I cannot remember the last time voisinage was changed, but I am aware that it dates back to the 1700s, so it is not a new law.

Group Director, Regulation:

We would like to add a civil provision into the statutory nuisance law that would act in a similar way without having to go through the voisinage process.

The Minister for the Environment:

I should not joke about it because it is a serious issue for some people, but there are aspects to it which have been around a long time and it may well be that we need to look at making it easier for individual Islanders to take action.

The Connétable of St. Mary:

But there is no change on the immediate horizon, from your point of view?

The Minister for the Environment:

No, all I can say is that both the construction sites and the individual's ability to bring actions are both under consideration, but not on a list at the moment.

The Connétable of St. Mary:

On a general point then, you already alluded to it, do you receive more public nuisance complaints from certain industries rather than others?

The Minister for the Environment:

That is a very good question. When it comes to industries, I think it is probably fair to say that the very new cannabis industry in greenhouses has given us a few challenges and, Constable, you will be aware in your part of the Island of one, and there are others. We were, as an Island, warned about the smell and odour challenges from cannabis production sites, particularly in Canada, before we started. Hands up, if we could go back and start the medicinal cannabis in Jersey programme again, we may have done it differently. But we are where we are and we are attempting to deal with those challenges that industry puts to us from a nuisance perspective, and specifically smell is one, noise is another. But there will be other nuisances which would come from any greenhouse site which is being heavily used. That is just the way of the world. But when it comes to industries, there is always challenges from construction, which is why through the planning process we always seem to try to, if we can, put some restrictions on that. But no, I guess we could say that that particular new industry, if you like, of growing cannabis in greenhouses has been a bit challenging.

The Connétable of St. Mary:

I may have another question on that, but you touched just slightly on both odour and noise. What criteria are used to assess whether a nuisance is occurring in each case?

The Minister for the Environment:

I am going to look to Kelly here, but obviously we usually say to people who feel they are having a nuisance, the first thing we would advise them to do is to take a log, write down the frequency, the

times of day that you are receiving this nuisance. We then might look to instal some audio monitoring equipment if it is a noise issue, and we will then look at the levels of severity and we will build up a picture of how often, how frequently, and when it occurs, how severe it is. There must be a point, there will be not a tick box exercise, but there will be a way of coming to the bottom of the page and saying, yes, and Kelly will tell us a bit more about that, I hope.

Group Director, Regulation:

That is great, thanks, Minister. Statutory nuisance officers are trained in assessing statutory nuisance. It is an objective assessment, and there is a Master's qualification that you require to be able to judge nuisance. The impact is judged on frequency, duration, character, the severity, and the effect. We also have to have a very linked evidence of the source, which is incredibly important, and finally it is about that reasonable objectiveness. So, as the Minister mentioned before, the average person test. Within law, once abatement notice is served and non-compliance with an abatement notice then could potentially lead to an offence, and for that to occur there will also be a test of whether or not they had a reasonable means of defence. Essentially if they had practical means that they have put mitigations in place but have not quite met the threshold. So there are a lot of points of assessment and judgment in statutory nuisance legislation.

The Connétable of St. Mary:

I sense from what you say that I know from experience that you do inspect and you go at various times of the day, because these things fluctuate in time.

Group Director, Regulation:

That is correct. Officers from the housing and nuisance team do early morning visits, late night visits, weekend visits, as they are not bound by regular office hours. They do unannounced visits as well as scheduled visits.

The Connétable of St. Mary:

To answer the complaint by some neighbours, you do not give advance notice of these visits because there are some suggestions that they operate their outflow to meet the visits.

Group Director, Regulation:

We do a combination, we will have scheduled visits that are identified, but then we will have unscheduled visits.

The Connétable of St. Mary:

Again, with sound that is relatively easy to monitor, you can actually monitor it with decibels.

The Minister for the Environment:

The Department have monitoring equipment, which is all checked and verified and is installed by officers inside the home or wherever the sound is required to be monitored. But I think the important thing that Kelly mentioned right at the start was that there are a number of different ways of coming to this calculation, but in every case the officer that is in charge of it is heavily qualified and it is not something that a junior officer that has only been employed for a few weeks could go out and assess. When it comes to the final determination, the officer in charge has a Master's degree required so that they are specialists in their field.

Group Director, Regulation:

They would be chartered environmental health officers.

[11:15]

The Connétable of St. Mary:

Yes, and just following this topic, sound is probably easier to monitor than smells. I am aware that certain organisations do mitigate the smell by putting in devices, but you rely entirely on a smell test or sniff test, is that right?

Group Director, Regulation:

Yes, I can answer that question. Currently the only way to monitor smell is through the nose. There are machines that would be able to gather odour, but the gathering of the odour would be taken to a laboratory and there would be an assessor who would actually sniff what is in the machine that has gathered the odour. So at the moment the only way to smell is by the nose, internationally. So the sniff test or the smell, officers are trained in terms of the unpleasantness, the severity, the strength of the smell. There is a chart, a range that an officer would go out and sort of mark varying degrees of smell. So it is a trained science to make judgment over smell.

The Minister for the Environment:

Of course, difficult when it is something subjective like smell, as Kelly said, it is only the officer that is going to be in the position, you cannot suddenly plug in a machine and say, yes, smell level is 9 out of 10 and severity is what have you. So that is why it is really important that these officers are properly trained and have the right qualifications.

Group Director, Regulation:

I would also potentially add that we would send multiple officers if there was any concern about judgment. So we would have multiple officers who would all independently and objectively assess and we would calibrate those assessments as well.

The Connétable of St. Mary:

Moving quickly on from there, you mentioned medicinal cannabis. I know you are on the panel which looked into this and the regulations, you are inferring that we could have done better, were those your words, at the time of regulation; that if something had been in place at the outset that might have avoided certain problems?

The Minister for the Environment:

I think it is fair to say, Constable, both you and I sat on the same side of the table for that review and we were critical in some areas. But I think one thing that we should maybe have thought of much more carefully at the time was how the Health Department had responsibility for some things, which now would be in the Environment and Regulation Department's remit. I think it is fair to say that we should have looked a bit harder at smell and there are things that can be done. I certainly did not understand at the time that it is only a certain time in the growing cycle that smell is a serious issue, that when you get to a particular size of production and you have various areas in your production site, if you like, at different stages of production it may well be that smell almost becomes a continual issue. Then of course when it comes to nuisance, that regular frequency and duration of any type of nuisance then will make a change to whether it becomes a nuisance or not. But certainly taking smell out of the air that is leaving the greenhouse is something that we have got to continue to work hard on for the future.

Deputy H.L. Jeune:

I was thinking for time maybe to ask 18 and then we put the rented dwelling licence scheme to the end.

The Connétable of St. Mary:

Right, yes, sorry, rented dwelling.

Deputy H.L. Jeune:

Your last question 18 is probably a good question for the last one.

The Connétable of St. Mary:

The last question I have really relates to applications generally and the question of piecemeal applications, which I think can cause disruption. Do you consider that they should be treated as a form of non-compliance on the Planning Law; piecemeal applications in the same project, as it were?

The Minister for the Environment:

I do not think there is any doubt that if you have a large scheme which will involve a number of different phases that planning officers really appreciate a long term overview of where a site is going over a period of time. I am thinking specifically about areas like Les Orme, for example, where I know I have had meetings and a long term vision is put forward to officers where they can see next year and the year after and what have you, and it gives you an idea of where you are going. The other challenge of course on the other foot is if you put in a large application which has a number of sections to it, and one particular section results in a rejection of everything else, applicants then feel: "Maybe what I should do here is put in multiple applications so at least I have got 4 out of my 5 passed and I can work on those while I decide to do what I am going to do with the last section." So it is swings and roundabouts with multiple applications but I take on board the view that at the outset it is very much more beneficial to have a vision for where you are going, because we would not want to do would be to pass a number of smaller applications with one leads to another, leads to another, leads to another. You get to the end and you think, had that single entity - which has been the result of all these applications - been put forward as a single application in the beginning would we have passed it? That is always a challenge for officers to see where you are going. So when it comes to multiple applications I can see both sides of the fence on that one.

Group Director, Regulation:

Could I add in a point, Minister? Just in terms of this under the law, the department is not able to refuse to acceptance of the submission of multiple applications simply because they are multiple. If an applicant chose to submit multiple applications we would have to take that on face value. There is nothing in the law to say that we would be able to reject those applications simply because they are piecemeal.

The Connétable of St. Mary:

I understand that might come into the realm of tweaking the law to cater for ...

Deputy H.L. Jeune:

Yes, and I think we will move on to Deputy Curtis who is going to ...

Deputy A.F. Curtis:

I have got a lot of questions on the Island Plan and the Planning Law.

The Connétable of St. Mary:

Feed him up nicely for the next hour.

Deputy A.F. Curtis:

We will continue straight off where the Connétable left, which is of course firstly you will be making changes to the law. Is anything from the previous section, the way that cumulative applications appear, piecemeal applications, something that you are lining up for changes within your next amendment?

The Minister for the Environment:

It has not been lined up. I can say that it has not been discussed officially but I certainly know through discussions I have had with various people in the Planning Committee that in the past, probably more so than in the recent 12 months, but certain discussions have been had about how piecemeal applications can lead you to somewhere you do not necessarily want to go. Certainly it is something that I think we could discuss in the future for sure.

Deputy A.F. Curtis:

The other part you mentioned was about the risk of large applications with one objectionable element of course, the Minister has the power to approve applications in part, or refuse in part following advice by the inspector. Do you think that is a power that you are also exploring for wider use to allow for masterplan applications? Is that within your plan for this amendment to change?

The Minister for the Environment:

Well, it is certainly something that could be considered and of course you are quite right, when I sometimes get to determine a recommendation from one of our independent inspectors it may well be that conditions are added or removed or certain parts changed and what have you. Certain bits are approved and certain bits are rejected. Certainly on appeal there are different grounds for appeal, as you will know, and some will fall away and some will be retaken up. But, yes, it is one for discussion. I think it is certainly something I would discuss on, but quite where it would lead us I am not quite sure how we would regulate for that.

Deputy A.F. Curtis:

Moving to the Island Plan and the Bridging Island Plan, I think it is clear, Minister, you have said that we will not be getting a new Island Plan in your term, I think that is clear now. But will work have started within the next 12 months on the evidence base for a new Island Plan and, if so, how far will it get?

The Minister for the Environment:

Well, I am going to look to Kevin but I think in very broad terms we are continuing to do certain pieces of work which we know are going to be required for the next Island Plan and I think on my priority list specifically, where we go with water, how we are going to secure a sustainable water supply for the next 20, 30 years is an important part of the work. But I know we discussed only

recently some of the other evidence that we will need before we come to our next Island Plan debate around population, for example. That is something that I know we will not want to do until very much closer to the agreed date for the Island Plan, in as much as we will want the most up to date population figures and the most up to date population trends before we go into the Island Plan debate to rezone sites for more housing. I think we only need to look back at what has happened in the last 7 or 8 years where we went into an Island Plan debate knowing that the projections and the forecast for population were quite large, we rezoned accordingly expecting to have a new Island Plan debate probably the next year, and we know that the population has certainly plateaued, which is the one and only reason I guess that we are in a position to be able to roll this Bridging Island Plan down the road for another 2 or 3 years, because we know the housing provision and the rezoned site are going to allow us to still cope with the demand. Any other evidence based stuff that we are going to do between now and this time next year, Kevin, that is specific to Island Plan?

Head of Place and Spatial Planning:

Well, I think as the Minister has already referenced, the work on water has started. I think in the last Island Plan review there was evidence submitted by Jersey Water that highlighted the challenge that the Island had in terms of ensuring a robust and resilient water supply for the Island. That is something that the next plan will need to address and, as the Minister has already said, that work has started to look at what options there might be for ensuring a more robust and resilient water supply, so that specific work has started. Perhaps the other point to make in general is that people view the Island Plan review as a one-off, as an entity; in fact, during the plan period we try and monitor the efficiency and the effectiveness of planning policy, and we do that working with our colleagues in Infrastructure and Environment Regulation. So over that period of time we are looking at how the plan is performing ...

Deputy A.F. Curtis:

We will be getting there.

Head of Place and Spatial Planning:

Yes, okay. So we will be looking at those sorts of issues as well and looking at what policy changes might need to be made in the subsequent.

Deputy A.F. Curtis:

We will get there. We have got a lot of questions so I think if it is about also evaluating what is working and what is not we are definitely touching on that, but I know Deputy Warr wants to jump.

Deputy D.J. Warr:

No, that is okay, I was going to leave that if that is convenient.

Deputy A.F. Curtis:

Okay.

The Minister for the Environment:

We will try to speed up with our answers.

Deputy H.L. Jeune:

Yes, please.

Deputy A.F. Curtis:

I will try to speed up with my questions. You mentioned as well on the plan that you might consider different forms of the plan. How is your thinking evolving on the structural form of an Island Plan, noting of course its current form is prescribed in law?

The Minister for the Environment:

Yes, we have committed to having a look at different ways of Island Plans, if you like, or plans, and I am aware that in France and Australia they have got certainly different ways of approaching this. I cannot say that any of those approaches lead me to a conclusion initially that the system we have got needs changing. I am very much of the view that if it is not broken, do not fix it. Having said that, one of the things we are going to do as part of the planning, this summer we are looking at a number of things to go out to consultation on and one of those I want to definitely do if I can is to go back to the way we were previously before the Bridging Island Plan. You will remember we changed the law so that we could do things in the way we did them. But I think it is important that individual policies within the plan need to be able to be changed within that plan timing. That I think is really important because who knows what might happen in a 10 year plan period, whether that is population, whether that is all sorts of other things, and it may well be that we need to make some changes - big, fundamental changes - to an Island Plan in mid-term. One of the changes we are looking to do as part of planning reform will be that.

Deputy A.F. Curtis:

Is that a power you would like to see within the Bridging Island Plan, so before a new plan emerges you would see a Minister be able to propose changes to the 2022 to 2025 Bridging Island Plan, or is it purely that when a 2027 or 2028 or 2029 Island Plan appears that power is resumed?

The Minister for the Environment:

I think if we do the consultation and we come to the conclusion that that change needs to be made I personally would look to make the change as soon as possible, and I would say it will not matter

whether we are still in the last throes of this current Bridging Island Plan or the first few years of the next Island Plan or into the middle of the next. If the principle is that we want to be able to change and we have a proper reason to make a change, let us have that debate.

Deputy A.F. Curtis:

Looking to the Island Plan and future needs, can you detail what relationship there is, if any, between Project Breakwater and a future Island Plan?

The Minister for the Environment:

Well, Project Breakwater is something that is still to come out of the Council of Ministers in a final format. I am aware that there are some discussions we all know are going on about Fort Regent, and it may well be that it is referenced in the Island Plan and I think specifically it would probably be to do with Fort Regent, as you say.

[11:30]

We know that structures up there are fairly heavily listed and similarly there will be some discussion and challenge around replacing or putting a new structure where the swimming pool used to be. Planning is very clear; if you have an application to demolish and rebuild that is very different from an application to demolish, and 6, 12, 18 months later to rebuild, because it is not rebuilding, it is a new building at that point. The policy is very clear on that. Once a site it is empty, it is empty.

Deputy A.F. Curtis:

Of course the site there was cleared without a replacement structure on it, is what you are suggesting, Minister?

The Minister for the Environment:

I do not believe an application to demolish the old swimming pool came along with a pre-approval to build whatever the Island might wish to put there in its place. Having said that, I do think some of the ideas for the redevelopment of Fort Regent are very exciting and look very good to me. Like everything else it will come with a price tag and somebody will have to find a way of paying for it, and that will be another challenge.

Deputy A.F. Curtis:

There have not really been wider conversations beyond Fort Regent, and obviously there will be planning challenges, there is a wider intermingle between whatever Project Breakwater will appear to be and a future Island Plan. There is no wholesale ...

The Minister for the Environment:

I have indicated recently that I want officers - and we have spoken about it again this week - we really need to have more input on applications that are going to impact heavily on the economy of the Island, and Fort Regent might be one of those. But notwithstanding that, as Fort Regent is heavily listed inside and out, doing works planning-wise will be challenging.

Deputy A.F. Curtis:

We will jump straight to the economy. This is something you have mentioned multiple times, Minister.; what does giving more weight to economic matters mean? Is it about really thinking about employment uses, is it about short term economic changes like development, or is it really about enabling the future economy through land use, and how do you do that?

The Minister for the Environment:

There are a number of issues to the economy piece. You mentioned one right at the end, the short term development bit, and I am very conscious the construction industry generally is going through some challenging times. We have seen that through the demise of a number of our established construction companies and that on its own is important. We want to make sure there is enough development for those employed in that particular industry to keep working; that is really important. But for me I also want to look at the other mainstays of the Island and particularly tourism. I am absolutely conscious of the really big link between connectivity on and off the Island and the tourism industry. I mean, the public of the Island benefit from lots of planes going backwards and forwards, the business sector, financial services sector benefit from that connectivity. But a lot of that historically is driven by tourism, people flying in and out for holidays, and we lose one of those legs to the stool, if you like, at our peril. I am really conscious that I would like to see where possible the development of new hotels. I think our offering to tourists has changed over the years. No longer do they come for 2 or 3 weeks; it is now short term, short breaks, and we need to offer more in that regard. But I think getting back to the fundamentals I am very conscious of the number of beds, that our bed numbers in Jersey for the tourist industry have dropped now year on year on year for a long time and it is time we address that.

Deputy A.F. Curtis:

Are you concerned that obviously the current Island Plan, as with the last, provides no protection for visitor economy beds? While you acknowledge a changing appetite, the plan provides no protection, even for our best loved hotels that are some of the jewels in the crown. There is no protection for those specifically. There may be policy routes to protect them but it would be hard to find them any other employment land bar office accommodation.

The Minister for the Environment:

It is another challenging discussion that I know has been had over the years, whether a restriction should be put on hotels that they can only ever be used for hotels in the future and that is the end of it. Obviously there is precedent here, a number of precedents in recent years where hotels have been demolished and housing has been rebuilt. That in itself has led to a reduction in bed numbers. We have not had that many new hotels in the Island of late. But I am also conscious that the value of a site needs to be a value, and the potential housing value - I am not saying a housing value but a potential housing value - is at a level which helps hoteliers balance their books. I do not want to stipulate to anybody that their hotel has to stay a hotel for ever; I would much happier for them to say: "We are really happy to have a hotel here because it is full of people all the time, they come to Jersey, they have a great holiday and our demand booking down the line is very heavily booked."

Deputy A.F. Curtis:

Do you feel the same for light industrial or retail, that the owner of those sites should likewise have that planning right to remove it from an employment use?

The Minister for the Environment:

Well ...

Deputy A.F. Curtis:

Because that is kind of how you have said, you said: "I do not want to restrict them but we restrict every other industry."

The Minister for the Environment:

No, there is always conversations to be had and we see a number of applications for changes of use during the course of any year within the department. Some are quite big applications for change of use, and I guess every one has to be judged on its merits. But certainly when it comes to light industrial, certainly my own personal view is that over the decades we have not allowed enough sites for light industrial, and that is always an ongoing challenge trying to find places for people to operate out of.

Assistant Minister for the Environment:

If I can just come in terms of the hotel question. If you go back to an amendment to the Island Plan that I brought regarding hotels in St. Brelade's Bay which was rejected, and it was rejected on the weight of owner's opinion not wishing their business to be restricted. So maybe it is worth looking back at that.

Deputy A.F. Curtis:

I remember watching that. It is just an interesting question, Minister, that you are keen to support the economy but our policies still are 2 tiered in that one of the most important areas you want to support - the visitor economy - has the least protections to guarantee a sustainable future.

The Minister for the Environment:

Well, it has been discussed in the past and I am sure it will be discussed in the future as well but, as the Constable said, I think one part of the discussion very much so has to be the owners of these properties and they have indicated to us so far that they do not specifically want a restriction on their hotel to be a hotel for ever.

Group Director, Regulation:

I think this was an issue that was brought for debate with the inspector with the examination in public of the Bridging Island Plan and I wonder if Kevin would be able to provide a little bit of information on that.

Deputy A.F. Curtis:

I think we have probably gone around the Minister's views on this.

Head of Place and Spatial Planning:

I am sure it will be an issue that will be debated at the next Island Plan review.

Deputy A.F. Curtis:

Okay, brilliant. We will move out of the Island Plan into planning reform, because we have to keep moving. Minister, please can you confirm which targets from the planning services focus document are still outstanding?

The Minister for the Environment:

Jeepers. Sorry, did I say that? Kelly, can you help me here? Planning services focus document.

Group Director, Regulation:

I think we were successful at completing all of the short term focus. In terms of the medium term focus I think the one that is left is the implementation of the reader system, and the long term focus is also obviously around the changes to permitted development rights, the Island Plan process and the appeals process, which is part of the reform consultation from summer onwards this year. So I think those are the key elements. What we have seen is very successful implementation of performance measures within the planning team, case review meetings, and making sure that applications are determined and in the last 2 months 90 per cent in target.

Deputy A.F. Curtis:

Okay.

The Minister for the Environment:

We have had some really good stats lately. You will be aware that Jim McKinnon is coming back next week. That is going to be the third time he has come to visit us. I did have a chat with myself about whether we asked him to come back again but I think the department have done great work and I am really keen for Jim to come back and verify that from an independent perspective and tell us how much improvement we have made. Can I just add, Industry Partnership Board is something which to me stands out in the work we have done in the last 12 months. That is a board of people made up of developers, architects, et cetera, who meet with officers on a regular basis to talk about challenges and where we can make improvements. I think in nearly every case people are really positive about that.

Deputy A.F. Curtis:

We have got 2 places to go out of that; one is the Industry Partnership Board. Are you happy with the representation on it? Does it have a diverse enough representation of Island interests?

The Minister for the Environment:

Well, I do not know that it has a diverse representation of Island interest, but certainly it has a good representation of people within the construction industry, architects, developers, that type of thing. For me we have got one or 2 people on there who have been quite challenging over the years and the best bit for me, if you like, is that they are coming to me now and saying: "We are enjoying the work we are doing, we feel we are making a contribution and we are really pleased with the progress we have made."

Deputy H.L. Jeune:

Minister, focusing on that a bit more; obviously the Bridging Island Plan is diverse enough, it also has the elements of the environment that we have been talking about in the past, heritage, other things that the Islanders would like to focus on. Do you think that this board should have wider representation, for example are the National Trust involved or Jersey Heritage, that can bring those other angles to it that are covered in the Bridging Island Plan but maybe not be represented in those stakeholders you have mentioned?

The Minister for the Environment:

Well, the first thing to say is I meet with people like the National Trust as often as I can, certainly I have had a number of chats with the new C.E.O. (chief executive officer), and I would like to think that maybe we work with them in a different area, if you like. The Industry Partnership Board was

formed very much to try to understand from people who use the planning process on a regular basis, the challenges they face, how we can work together to make things better for both sides. I think probably from that perspective is why we did not have ... we do have some representation from the countryside, I am trying to think, one particular person I can think of ...

Group Director, Regulation:

There were a lot of requests for membership to the Industry Partnership Board, which was obviously excellent. We have a rotational basis, so I think it is an annual rotation with an option to extend, so there will be the opportunity for a changeover of membership. Also the Minister is looking to publish the Industry Partnership Board's first annual report on the first anniversary, which will be in May.

Deputy A.F. Curtis:

Are those decisions a to new members from May onwards happening now? Is there sufficient time for those listening to get involved and to try and be part of the 2025 to 2026 Industry Partnership Board?

Group Director, Regulation:

Yes.

Deputy A.F. Curtis:

Brilliant. Hopefully people find that. Very quickly, and I am sure the Chair will cut us off this section when we have to move on, but you also mentioned the general development tool or permitted development rights and other changes within the reform view. Starting with the legislative changes, could you identify the key legislative changes you are considering as part of the planning reform?

The Minister for the Environment:

Well, G.D.O. I guess is legislative change, and we will be going out to consultation quite soon. I suspect we will have a large number of things that people will suggest to us would be a good idea to put into permitted development, but I am really conscious that we need to always think really carefully before we make too many changes to G.D.O. in as much as there is always consequences from permitting people to do things and we need to just be really careful how we do that. Other legislative changes ... I am just trying to think. Appeals process could be very much in a legislative change.

Deputy A.F. Curtis:

What could change there?

The Minister for the Environment:

Well, we have identified recently in 2 instances that I can think of where ... let me start again. Ten years ago we changed the appeal system when I was the Minister previously and we brought in a whole new structure so people could find appeals, appeal more easily and, most importantly, less expensively because at that point it was only the Royal Court and we were talking tens of thousands of pounds. Notwithstanding that, we recently identified a couple of areas where, for whatever reason, appeal was not put into the legislation. I think in particular one mobile structures order did not have an appeal put into that, and also similarly one I think that has just come to my attention recently which I need to investigate is enforcement. I think there is some sections in the enforcement where there may not be an appeal. So we need to look at those. In the wider scope we need to look at whether we want to broaden the ability to appeal, reduce the ability to appeal, and of course it is one of those 2 edged swords. Depending on which side of the fence you are on, you will want the ability to appeal against something which you are upset by. Similarly, if you are the person making the application, what you would prefer is to have less people with the ability to appeal against your application. So, again, it is something that we need to look at and balance and see where we go.

Deputy A.F. Curtis:

You mentioned you were going to consult on development orders and permitted development. Do you think the public and the industry understand the scope that one can reasonably change?

[11:45]

I note that the law says that a development order cannot grant permission that is inconsistent with the Island Plan. So it cannot change policy at all, it cannot do anything that the Island Plan would not allow. Do you think when you consult that that is understood by enough people?

The Minister for the Environment:

I think it is the art of how we phrase the consultation and we do not want to lead people down a particular path but I think it is incumbent upon us to put out a wide range of things that people might want to think about and give them some examples. Kevin, do you want to talk a little bit more about that quickly?

Head of Place and Spatial Planning:

As the Minister said, the scope of this work is still in train and we are yet to design the consultation but I suspect it will probably comprise a mix of some specific proposals, so there will be some preamble and then some specified change which we will ask people's views about. There might be some open questions on areas of possible change and then there might be an open comments box. Hopefully that will provide people with sufficient focus but also flexibility to come forward with issues

of concern to them, but also to give their views on specific proposals that the Minister is looking to make.

Deputy A.F. Curtis:

Okay, great. Lastly I think from me, I will have to wrap up, the building bylaws. How is the review going on that? What is the timeline?

The Minister for the Environment:

I think Kelly will probably give us the timeline but work is progressing. The thing that we do have to be cognisant of is that we are not led by the U.K. but I think it is quite important that we stay fairly consistent with what the U.K. are doing because there would not be any point in us coming out with very specific insulation requirements which are greater than the U.K. and then expect manufacturers to come out and produce stuff specifically just because Jersey has taken a new view. But we are getting there.

Group Director, Regulation:

I can add to the Minister's points of the workstream for the bylaws review. Of the 12 technical guidance documents we have divided that into 3 main workstreams. So focusing on safety which is T.G.D. (technical guidance document) 1, 2, 4 and 12; a second workstream of net zero, which is T.G.D. 3, 5, 6 and 11; and then the accessibility in home standards which is T.G.D 7, 8, 9 and 10. So at the moment we are doing a high level review about best practice currently, where potential changes could be. In terms of the timeline we are still looking at relevant stakeholder engagement starting from Spring 2025.

Deputy A.F. Curtis:

To what extent are you going to be evaluating the impact on build cost that any change to the bylaws will have? Do you think there is any scope that it will help lower build costs or do you think every activity or action you will review will ultimately lead to an increase?

The Minister for the Environment:

Again this is another one of those balancing acts and one has to decide whether the build costs in the initial payment upfront is the important factor and whether one is better off to pay a little bit more at the front for a property which is going to take a lot less money financially to heat and to run. I mean, people criticise me in many ways but one is why do I not stipulate that every affordable house we build from now has solar panels on the roof. I can see a case for doing that and I can also see a case for saying how much more do I want to add to the cost of that initial home, and we know that the cost at the moment is a real challenge for people. So it is a balancing act but we do need to stay conscious of how much these properties take to build, although from our perspective with

building, net zero and carbon, we need to try to make it easier for people in the future so that these homes require almost zero energy in order for people to stay warm.

Deputy H.L. Jeune:

Thank you, Minister. Just lastly on that because you are saying that you are going out to consultation in the spring?

Group Director, Regulation:

This is targeted engagement with stakeholders.

Deputy H.L. Jeune:

Where do we see the changes to the bylaws? Would they be coming to the States Assembly?

The Minister for the Environment:

I do not know that they do.

Group Director, Regulation:

It would depend on the range of the changes. So at the moment we are doing a gap analysis of where we might make changes; some may be in the guidance, some are in the bylaws themselves, some might be in primary legislation, but until we have gone out with that gap analysis and proposed changes to industry and to stakeholders, then we will be able to see whether we are looking at guidance which would not be Assembly based, but if it was bylaws themselves then that would have to be.

The Minister for the Environment:

I need to stress again, this is not like an Island Plan review where we are looking at every policy within the bylaws. Kelly mentioned those 3 sections and that is where we are sticking, just doing that on its own. This is a technical review and rather than a big wholesale appraisal of the whole way we do things.

Group Director, Regulation:

I would agree with the Minister. There are some technical changes that we would not consult on because there would be no change based on consultation to the technical side of things, say for example fire regulations or things like that. Where there is the ability for the technical guidance to be adapted and amended based off comments and consultations then those are the ones that we would be getting stakeholder engagement on.

Deputy H.L. Jeune:

I think where I was trying to get to is more if this would still be able to be finalised before the end of your term, in that sense it has been sitting there for a while.

The Minister for the Environment:

I very much hope so. As Kelly said, some of this stuff is ... I do not like to use the term non-negotiable but when it comes to safety in homes that needs to be as it is and if we have to upgrade those bylaws on that, well, we will do so. But there will be other areas where we can have discussions but it is important that those discussions are with developers, contractors, builders so that they understand and we understand their challenges with what we are trying to propose. We will have a chat and come to a conclusion.

Deputy H.L. Jeune:

Thank you. Going from land to sea and to Deputy Warr.

Deputy D.J. Warr:

Marine Spatial Plan; favourite topic. Please can you confirm the timeframe for designation of confirmed new M.P.A.s (marine protected area)? What is the date of the publication, what will be included in them and what is the timeline for those areas needing further research?

The Minister for the Environment:

Two dates I think which are important, the first one is May and that is the point we will publish a plan that shows what we are doing and when we are going to do it, a sort of: "This is what is happening." By the end of the year we will have researched the areas which were designated for further work and I will at that point be thinking about how I move forward with marine protected areas. But we will somewhere around that time move to a much greater area of protection for the Island than we currently have. But there are, as we know, areas which are being researched more widely and we are also going to research even further than we indicated in the Marine Spatial Plan debate. There has been some suggestions that ...

Deputy H.L. Jeune:

Do you mean by area or by intensity?

The Minister for the Environment:

By area. So it has been suggested to us that there are some areas of the seabed where there may be maërl present in quite large volumes, which we had not thought about before, and officers and the team are going to do research there as well so there may well be some tweaks and changes. There are a number of different stages, if you like; there are some areas that are going to receive protection that is not negotiable, we are grandfathering some areas at the moment. We are

proposing for certain people who have got a living to draw out, that we are going to give them another few years to see what they want to do. Then there are these research areas where I need to understand more why a particularly large area is all down for protection where some parts of that may have nothing to protect, and I need to understand that better. But we are going to go from a single digit per cent, 5 or 6 per cent we have protected officially, to somewhere around the mid-20s very quickly. Then there are other areas that we need to consider further than that.

Deputy D.J. Warr:

You can see this as going into the next Government? You do not see this as being concluded in your time in office?

The Minister for the Environment:

Well, the Marine Spatial Plan itself is a living document which will change and evolve with time. Marine protected areas will continue to change because, as I have said before, I think there are certainly some areas which have been grandfathered and that is going to mean pushing the exclusions on those particularly small areas out to sort of 2029, 2030 maybe. While “30 by 30” has never been something which has registered on my radar, I am very conscious that 2030 is an important date for all sorts of reasons environmentally, and it is a date by which I would wish to have concluded all the variations and changes of movement so that by the time we do get there we know exactly where we are.

Deputy D.J. Warr:

Great, thank you. Economic impact; are you in a position to provide the timeline for delivery of the full economic impact assessment following the framework delivery?

The Minister for the Environment:

We are continuing to work on the economic impact. I think that is probably as much as I can say about that at this time. I probably need some advice but we have sought information from the industry and they continue to feed back to us about the economic impact of some of the stuff we are doing. We continue to have that discussion and, yes, I accept that some areas are going to be closed off from dredging but that in itself will ... there are other benefits to closing areas to the dredgers.

Deputy D.J. Warr:

Minister, the panel recently met the Fishermen’s Mission and heard the views of local fishermen and the struggles faced by the industry. What work is underway on improving the difficult industry conditions for local fishermen, and also what reports, if any, have you had on the status of local

octopus, interestingly, and what do you currently understand the impact to be on fishermen's livelihoods.

The Minister for the Environment:

Okay, so there is no doubt that fishing remains a really challenging industry to be in. Over the decades we have seen a move more recently to more boats working single handed and that just reflects the difficulties of paying staff. But climate change is affecting the species in our water. We have seen the brown crab specifically have moved away in great numbers into the North Sea and further up the North Sea so we have got less of that particular species to catch. The amount of lobster in the sea at the moment is significantly less than it was 5 or 6 years ago. We need to understand the fluctuation better to cope with it. If it does come back again I think we will need to find better ways of safeguarding that. But you talk specifically about octopus and there is no doubt that the reports that we are getting from fishermen - not just here but in Guernsey and other areas of the southwest coast - octopus are coming back in great numbers. Some fishermen are finding ways around that to avoid the octopus eating lobsters in the lobster pots because they get into the lobster pot, there is a lobster in there, the octopus will go in and strip everything useful out, kills the lobster and then disappears off and moves to the next pot. They are very intelligent creatures from that perspective but there are ways to deal with them and at the moment we are looking at all the options. But certainly there are ways to fish for lobster and crab with octopus around, but just carrying on doing things like you have always done them may not be the way to get over the octopus challenge, if you like.

Deputy D.J. Warr:

Can you provide an update on fishing activity as a result of the Sea Fisheries T.C.A. (Trade Co-operation Agreement) to date?

The Minister for the Environment:

An update as regards the T.C.A., well, we can just go back, we had a protracted negotiation with the French fishermen as to how many licences we issued, and at the end of the day the bar was set very low in fact, and we ended up issuing 130, 140-odd licences to French fishermen fishing in Jersey territorial waters, which is quite a lot more than we thought we would have to issue at the start. Since that time we continued to work with the French fishermen, very much on a local and naval basis we get on really well. I have to say ...

Deputy D.J. Warr:

Can I just dig into that number ...

The Minister for the Environment:

... some of the challenges that come from the T.C.A. and from Brexit are more difficult to challenge.

Deputy D.J. Warr:

Just to dig into that number; why is that number so big for the French licencing? What has driven that? What has surprised you about that? Because obviously that puts a tension presumably with our fishermen.

The Minister for the Environment:

I think if we go back to the Granville Bay Agreement days, there was hundreds and hundreds of French boats who applied initially and were given licences.

Assistant Minister for the Environment:

Yes, perhaps if I can come in. It came from the French side and I do not think we had any alternative but to accept the numbers that were being proposed.

[12:00]

Then at a certain point there was a cutoff and you can refer back to the previous panel's involvement with that. Realistically now the relationships between us and the French down the Normandy and Brittany coast specifically are good and we are focusing on the same areas. I think one of the areas of contention at the moment is the establishment of the border inspection posts in Granville, which they are very keen on and we are very keen on, but it is sitting on someone's desk in Paris and that seems to be the glitch at the moment. So we have got this ridiculous situation whereby we have to negotiate with the U.K., with London, they negotiate with Brussels, Brussels negotiates with Paris and then it eventually arrives on the Normandy coast and it does not get there. That is where we are at the moment.

The Minister for the Environment:

We started off in the Granville Bay days with 700-odd French fishermen with a permit licence to fish in our waters, and very many of those never came anywhere near us, they were just given a licence at the start. What we were trying to do is get down to a point where the people who had permits and licences were those who make a living from fishing in our waters. The way we did that was to say: "You need to show us your track record prove to us that you fish in our waters and if you do that sufficiently and it is sufficiently important to you we will give you a licence." We would use the bar on a number of occasions to make it easier for French fishermen to achieve permits. The department worked really hard, but we are down to 140, 135.

Assistant Minister for the Environment:

I think it is fair to say that a lot of French fishermen do not want too many of their compatriots fishing the same patch either.

Deputy D.J. Warr:

Have there been any recorded breaches of the licencing scheme to date? Have enforcement powers been exercised in the scheme? Is the redress acting as intended and if not, what work is being undertaken to address this?

The Minister for the Environment:

Well, the team have got 3 boats for going to sea, we have the Norman Le Brocq which has on board a smaller R.I.B. (rigid inflatable boat) which can be used for then boarding fishermen, and we have a separate R.I.B. which goes out very quickly. I can say that we are boarding boats all the time; we certainly have 2 cases on the go at the moment of fishermen who are being taken to court. I think I am right in remember it is 2. Usually it is to do with something undersized.

Group Director, Regulation:

I do think if there are potential cases that the individual circumstances are confidential.

The Minister for the Environment:

I will say no more other than we board boats and if there is any infractions we take action.

Deputy H.L. Jeune:

Obviously part of the T.C.A. agreements was for 2026 to be a review, especially around fishing and energy. Obviously 2026 is very close so what kind of discussions are being had with the U.K., Brussels, Paris, all the connected stakeholders, in that and what do you anticipate the department doing in this regard?

The Minister for the Environment:

I may have my information wrong but I am not aware that fishing was part of the renegotiating, the reset of Brexit in 2026 and I would be very surprised if it was because we are still trying to get to the final stages of making sure we can get the original Brexit agreement satisfied, and there are some issues around licences and licence fees and charges and access. But as the Constable said, we are working really closely with the French on some of our management and certainly increasing the size of lobsters and other measures like that. We are working really well with them increasing the rings, so the local fishermen are going to benefit from the scheme to change the size of the rings they have on their dredges that they use for scallops, so we are going to move the scallop size up. Again, that will help the environment and the fishermen all around, but we talk regularly with the

U.K., Defra and through them to Brussels and all the way around. But when it comes to fishing I do not believe that is part of the Brexit reset. The other one you mentioned ...

Deputy H.L. Jeune:

Energy.

The Minister for the Environment:

Energy, and of course energy is something we are talking to the French about quite a lot. The windfarm is a big project for us so that on its own is a big piece of work, and we are aware that Normandy and Brittany have both got big aspirations for offshore wind. We are talking to them about how we can work with them or how we might be part of their plan, access into France for windfarm energy is a challenge the French are having to face, and certainly if they build windfarms to the west of the Island as they intend to do, they are looking at 2035 before they will have the cabling infrastructure on land to be able to receive that energy and then distribute it around their grid. So there are a number of moving parts on energy and of course we are not that far away from the same form of energy but coming from a different source. I am aware that we are not very far away from renegotiating Jersey electricity with the French for the next power agreement for a number of years. So there are lots of things in the mix.

Deputy H.L. Jeune:

Yes, there are lots of things and it is interesting to be sitting within these discussions that there is at the same time this review that is happening between the U.K. and the E.U. around the certain areas of the T.C.A. and how Jersey will be impacted is also very important.

Deputy D.J. Warr:

I will go on with marine loans. The panel notes that the Minister for Sustainable Economic Development has launched a marine loans scheme. What influence, if any, do you have on that decisions process and how do you expect or intend for the scheme to affect Jersey's marine sustainability practices?

The Minister for the Environment:

When it comes to fishing the Marine Resources Department sit within my department and they do fantastic work on especially species management licencing, all the research, but the economic side of fishing, the marketing if you like, the lending in France for developing your exports, whether that is north or south, sits very much in the Economic Department, as does the money for the marine support scheme which has recently been introduced. Our fishermen are really proud guys and for very many decades they have taken no help from Government at all. It is only quite recently that they have been included in schemes or wanted to be included in schemes. But there are a number

of areas now where we can help them and we do everything we can to help them. I am going to say regulation, but certainly they are required to do a number of things on an annual basis now which they would never have had to do in the past that all cost money, fire prevention, first aid, all this type of thing. Their crew and the skippers need to attend courses to make sure that they are up to speed. That is more about just making sure you are keeping your fleet as safe as you can. But, yes, there are ways now to inject more money into the fishing industry. I am thinking specifically about this; another one might be the fact that obviously the minimum wage is going to increase significantly in April and that will impact on the fleet. They have been able to access, through the extra money that we have got through for our rural schemes, they can access that as well so there will be some help for them transitioning to the minimum and the increased living wage.

Deputy H.L. Jeune:

Thank you, Minister. I think we will move on quickly to maybe a shortened version, Connétable, of the animal welfare.

The Connétable of St. Mary:

The Dogs Law requires the licensing of dogs and it has provision for stray dogs but not much else. Most of the provisions relating to conduct of dogs and control of them is enshrined in a code. Do you have views on translating that code into actual law?

The Minister for the Environment:

Well, we are going to try to do better in the future with the instructions I have signed very recently, and I have the book of paper with me to try to remember a little bit more specifically what I have done, but I think draft 7 or 8 now has gone back to the law drafters to talk about animal welfare, dog licensing and dangerous breeds, and we are addressing issues such as tail docking in dogs, claw pulling in cats, so that animals imported cannot have had that done to them. We are talking about mutilation in ears and things like that, activities which are done to animals, we want to be much hotter on that. We are introducing licences for people who keep animals commercially. I might add, anybody who supplies milk to Jersey Dairy will be exempt from this because they come under another. We are banning the export of animals for slaughter or fattening, that is something that has come through the U.K. But again we have negotiated sort of a “get out” there for the dairy farmers who are growing beef cattle to a certain size and then sending them to specific markets in the U.K. We have worked out way through that one. The other one is microchipping cats and dogs which is going to become mandatory, and I think there are a number of good reasons why that is something that we need to do and follow the U.K. I am trying to think what else there might be. I have got it here.

The Connétable of St. Mary:

That is probably enough for the moment. Sorry, I do not mean that rudely.

Deputy H.L. Jeune:

Would that mean if you are making it mandatory that then you would not necessarily need a dog licensing scheme because when you chip a dog you automatically on a system?

The Minister for the Environment:

No, I think it is important - and the Constable will talk to this - that we maintain the licensing scheme so that we have some control over the dangerous breeds.

Assistant Minister for the Environment:

Well, there is that, and the Comité are discussing utilising the scheme in such a way that we can progress better controls on dog poo by using DNA, and that would be linked to a chipping system which might come in at the initial registration and work is ongoing with that. But in terms of the dangerous breeds we have types of dogs, the Dogo Argentino, the Fila Brasileiro, the Brazilian Mastiff, Japanese Tosa, the Pit Bull Terriers, all the XL Bully type dogs to consider which are going to be added at the start of this year once this law comes out.

Deputy H.L. Jeune:

You intend to ban those? Those will be banned?

Assistant Minister for the Environment:

Yes, which I think is important.

The Connétable of St. Mary:

Just bringing those points together, so where are we in terms of draft legislation?

The Minister for the Environment:

Well, as I said, I think we are on draft 8 at the moment. We are getting quite close to being in a position ... I would hope to have this in the Assembly certainly this year, I would like to think it might be more around the summer. Something I did not mention, general welfare standards of farmed animals, there will be some requirements there, and very specifically also some new welfare standards for dog owners, so some requirements on dog owners to look after their dogs to a better standard.

The Connétable of St. Mary:

You said you are bringing it to the Assembly; presumably you are scrutinising the benefit of it before?

The Minister for the Environment:

Yes, absolutely, I will make sure, in fact I can get this ...

The Connétable of St. Mary:

My basic point again is that the control of dogs is largely in the code of conduct and one needs the scope to translate that or transpose that to the law. That is something to consider when you are looking forward.

The Minister for the Environment:

The Dogs Law and Welfare Law are separate pieces of legislation but I accept what you are saying; we need to keep them both working in ...

The Connétable of St. Mary:

Anything on professional dog walkers, that there have been complaints about the number of dogs they exercise?

The Minister for the Environment:

I have mulled over this one on a number of occasions and it is quite difficult at times to think how one legislates for a professional dog walker who has got 4 dogs and a member of the public that opens the back of their car and 6 or 7 appear. How one balances that, I do not know, but I think certainly some basic requirements on professional dog walkers is ...

The Connétable of St. Mary:

Those requirements would include indemnity insurance, professional insurance, or is that for the economic ...

The Minister for the Environment:

I am not sure. I am looking at my Assistant Minister. Would that come under Dogs Law, in which case it would be, Connétable?

Assistant Minister for the Environment:

I think it would be truthfully and I think that there is work to be done because clearly there is an unsatisfactory situation prevailing at the moment, but I think ...

The Minister for the Environment:

There is a code of conduct for dogwalkers but I take your point; there is nothing in legislation about the number of dogs that can be walked.

The Connétable of St. Mary:

The code of conduct is well set out, I think.

The Minister for the Environment:

Yes.

The Connétable of St. Mary:

If we could pinch some of those words and put them into law that would be helpful.

Assistant Minister for the Environment:

With all these things it is policing it in the right sort of way is the challenging part.

[12:15]

The Connétable of St. Mary:

I will move on, thank you. That is all right.

Deputy H.L. Jeune:

Thank you, Connétable. Just for the last 15 or 20 minutes, because we started a bit late, I was wondering maybe, Connétable, if you want to carry on with your agricultural lands questions, specifically 71 ...

The Connétable of St. Mary:

Yes, okay. Privately I raised a couple of points with you, Minister, on the law, if the 1974 law requires your consent before agricultural land can be sold or leased out, and the concern I have is as to whether you exercising that decision as Minister - because the law refers to good husbandry - and how does that interact with your duties as Minister for Planning?

The Minister for the Environment:

I am trying to reengage my brain on this issue but my recollection is that I have had some information back very recently which I need to convey to you, Constable, because you have enquired and I will pass that on. But I think I am right in saying there are 2 things at play here and the law that says I can grant permission for ownership and change of ownership is separate from the other piece of legislation and the 2 do not necessarily need to go in. So you get a planning application for something in an agricultural field or what have you, or you have the permission of the owner, but that does not necessarily need to tie directly to the other piece of legislation about my consent for change of ownership. Have I got that right?

Group Director, Regulation:

That is correct, Minister. So the 2 laws operate independently, conditions apply that the agriculture land would not be a reason to refuse or necessarily approve under planning permission. So the use of planning permission would be ...

The Connétable of St. Mary:

So the Minister acts in apparently deciding whether to transfer land?

The Minister for the Environment:

Yes, I have to say that is one of the very many delegated powers that I give to officers and I have people in Kelly's team who make that decision on my behalf, and unless things are highlighted to me differently that is the way it works.

The Connétable of St. Mary:

The final question I have on this is given the 2 are separate, as it were, it occurs to me if you were to refuse your consent to a transfer of land, yet a planning application has been made on the basis that the transfer would take place, a lot of time could be wasted if your consent was not forthcoming first.

The Minister for the Environment:

As you will know, an application is approved or rejected but if it is approved it does not mean it does not allow any successful applicant to go off and do things which would be contrary to other laws.

Group Director, Regulation:

Yes, I could add, Minister, that the planning permission is purely permissive, so it does not override any other law.

The Connétable of St. Mary:

No, my question is really as to whether to avoid unnecessary work done on a planning application the consent could be given in advance independently.

Group Director, Regulation:

Similarly to a question that was answered earlier in this session, there is not the ability under the law for us to reject the planning application. When it is submitted we have a duty to determine that application. So by virtue of the fact that there is a decision made under agricultural land would not be a reason not to accept an application by planning permission. It is up to the applicant who wants to submit that application.

The Minister for the Environment:

But I take your point; there is a chicken and an egg situation here that a change of ownership may well have happened but the new owner may want to know that he is going to get a change of use or an application passed. Similarly, if you looked at it the other way ...

Deputy A.F. Curtis:

They are separate powers under the law and there are many things you could do with planning, and not obviously an actual permission like failing to meet building control, but within agricultural land have you spoken with farmers as to whether the law is working? I think to the conversations I have had with the dairy industry, who are losing the right land, and it is your power, Minister, to choose good land management. Are you thinking as to whether the policies are being used?

The Minister for the Environment:

Well, there are some challenges and I have discussed them with officers recently, not necessarily all the officers in my department but also officers in the Economic Department, and it is quite clear that Government do not have a handle on what is going on in much of the agricultural land as we might have enjoyed in the past. Certainly I think we need to have a discussion with the industry and with land owners as to how we access better information. I am sure that 20 or 30 years ago you would have said to me: "Can you tell me about specific field, this field here?" The information would be in the department available for me to see. I could not put my hand on my heart and say that I could get easy access to information about every field on the Island currently, and a lot of that is going to be down to the ability of the resource in the department, the way we administer the agricultural returns that we ask for on an annual basis in the old days were very much more detailed than they are now. We had a lot more information, although it was hugely time consuming to collate it all. But I think we can do better with modern technology, data collection, computer spreadsheets, that type of thing. We should be in a position to do better.

Deputy A.F. Curtis:

Do you think it is your role to use the powers, especially approving or refusing the lease or sale of land, to best foster the agricultural industry? Again, explicit comments from the dairy industry have said that they have lost access to some of their most important pasture land because neighbouring houses have purchased land and they do not want cows on it, and that it within your gift to protect the industry and it is your duty under the law. Do you think it is right to use the powers you have in the law once you have got the evidence?

The Minister for the Environment:

There is always 2 sides to everything but I accept what you are saying and certainly I think there have been ways found to remove agricultural from mainstream agriculture, can we say. But

generally speaking there is always I would like to think ways around, solutions to these problems and I know very many people who may say: "I don't necessarily want cows in my field" that is fine, but the grass in that field is just as useful to a dairy farmer if he can harvest it and turn it into hay or what have you. So there are compromises but there are large areas of the Island now which are becoming ... maybe that is wrong, not large areas, there are areas of the Island which are becoming unfarmed or improperly farmed, if that is a phrase I can use. We need to look at all that and see how we are going. It may well be that when it comes to land classification we need to think about a piece of work which identifies different areas of the Island as non-agricultural priority, and it may well be that into the future we want to be thinking a lot more about woodland, about biodiversity, about carbon, about a whole range of other things, because that is part of the way that the countryside of the Island can contribute to the future.

Deputy H.L. Jeune:

Thank you, Minister. Looking at the time, there are 2 more areas that I would really like to focus on because they are part of your legislative priorities that you have identified for the remainder of this term that we have many other questions for you in areas. But you are responsible for bringing amendments to the Regulation of Care Law 2014, and we had a briefing in December that stated that the amendments would be lodged imminently, but we have not had that. Could you give an update to where they are?

The Minister for the Environment:

After that time I had further discussions with the Minister for Health about the introduction of regulation of hospital and ambulance service, and we had a number of discussions about that and one particular area that he and officers wanted to focus on is the level of responsibility for individuals within the regulation system. If I remember correctly I think we have come to a conclusion whereby the Minister is going to be now held ... initially I think the regulations were going to say the Chief Officer, but there were some issues there, but the Minister is now going to be held responsible in his corporate ...

Deputy H.L. Jeune:

Yes, I think we have seen the M.D. (Ministerial Decision); what is next?

The Minister for the Environment:

Yes, so that is still to come back and as soon as it does I would like to move forward because I have a number of other things I would like to be doing with the Care Commission. We have been planning for this work, it is budgeted, we have been talking to the people in the U.K. who are going to do the inspections for us, not run the system but inspect for us. We are all sort of programmed in for this year but if the legislation does not come up soon we may be missing the ...

Deputy H.L. Jeune:

So it is still to bring amendments for both the hospital and the ambulance service?

The Minister for the Environment:

And the ambulance service; that is correct.

Deputy H.L. Jeune:

When we are talking about the hospital we are talking about the current one and the future one?

The Minister for the Environment:

Yes, I cannot remember who it was but somebody did suggest that maybe we should be waiting for the new hospital to be built, but in the discussions that I have had with the new Chair of the Care Commission - because we have recently appointed a new chair - we very quickly reached the conclusion that the Care Commission can be a real help to the Health Department in setting up the way this new hospital works and discussing with them about how it operates and how it might be regulated. While some people might be quite worried about us regulating the old hospital because as we move towards the new one the regulation of the old one, to my view, is quite important. I think the Care Commission - a bit like a scrutiny panel - can work with the Health Department and make sure that not only does the old hospital function as best it can under the circumstances but the new hospital when it is built really runs as best it can do. So I have encouraged the Minister for Health on the basis that he should see the Commission as a critical friend rather than somebody who just wants to be very difficult.

Deputy H.L. Jeune:

So are we going to see these soon to be lodged?

The Minister for the Environment:

I am hoping so. I have to say that I have not spoken to officers about this in the last few weeks, but certainly we have had ... we have a proposition in the States about further regulation of counselling services, which is something we are addressing, and we will respond to that as well. But in the initial short term, hospital, ambulance service, and I really hope we can get that over the line this year because we said we were going to start and we do need to start. I think it is important.

Deputy H.L. Jeune:

Thank you, Minister. The other one on your list is the Food (Jersey) Law. It is something that you have mentioned to us in a letter, that you confirmed that you are aiming to get this by the end of

2025, early 2026. Is this still standing, knowing that we have just had a very big discussion on many other areas?

The Minister for the Environment:

Yes, well it is one of those areas that we really want to get sorted out and the industry themselves are very keen for us to do this work, so we are pushing at an open door in much of this. We are working hard, drafting instructions have been issued and it is every indication that we are going to get that through as well this year. While you might say: "We have seen nothing so far" I think it is really important that we address all the different facets at the same time. There is no point having some rules and regulations about what goes on in the restaurant itself without some rules and regulations about what is happening in the kitchens and make sure that allergies and all that sort of thing are addressed. It is important to make sure the ordering of the food comes in a way that the chefs can be confident about the allergies and that sort of thing. Finally, of course the most important thing is to make sure we as a department have the ability to go in and take action if chefs and restaurant establishments are not doing what they should. So there is a number of different things there and rather than just go one at a time we are going to bring the whole lot in one hit. As I said, the regulation, having the ability to take action is the most important because there is no point setting it out and then not doing it.

Group Director, Regulation:

I could just add in terms of the timeline, as the Minister said, the law drafting instructions are in so we will have a draft regulation for public consultation by summer.

The Minister for the Environment:

Again, you will have that as soon as we have got it.

Deputy H.L. Jeune:

Thank you. One of my questions was about enforcement mechanisms, but I suppose it still sits in the pattern as what regulations do anyway at the moment with environmental health.

Group Director, Regulation:

The new Food Safety Law that was approved by the Assembly did introduce more enforcement powers because at the moment it is quite an extreme to do a prohibition notice in the Royal Court, so it does allow better provision for notices to be served rather than immediately to the Royal Court.

Deputy H.L. Jeune:

There is going to be an introduction of a new border control regulation and a new border control post in Jersey. Does this have any effect on food safety inspections?

The Minister for the Environment:

Well, certainly one of the main reasons for the new border restrictions is to do with food and making sure that we keep people safe, the food that gets imported on to the Island. There are some discussions. We have made provision for some new border controls to be set up for animals, food and a whole range of things. We are sort of being led a bit by the U.K. and I think it is fair to say that they flip flopped around a bit with where they are and how they are trying to do things, but certainly from a sanitary and phytosanitary perspective we are moving ahead. We have the resource and the finance to put the facilities we need at the harbour and we are going to start soon inspecting food, especially the ones that come in ...

[12:30]

Group Director, Regulation:

Animal byproducts. It is important to note that in the Food Safety legislation there is also controls for imports and exports from the hygiene and safety perspective of food. So it is not only for border control and the official control regulations, it is also for food safety.

Deputy H.L. Jeune:

In that do you feel that you have the resource level to be able to implement this workstream?

The Minister for the Environment:

We are budgeted. We have some challenges, like everybody else has with finances, but we have been expecting this for a while. I think we are going to have to do it. It is something that is coming forward and we will find a way to pay for it one way or the other. There may be some charges, there may not be some charges, but obviously if we are not going to charge we are going to have to find a way of paying for the services we provide from inside the department, which in itself will be a challenge. So, yes, we hope in the next 12, 18 months we will be up and running. It may not be quite as widespread and broad as we would have hoped initially.

Group Director, Regulation:

So we would risk assess inspections.

The Minister for the Environment:

Yes, but some of the veterinary stuff is starting to appear as if it may not be quite as draconian or difficult as it would have been initially, I think I am right. Where the U.K. are rolling back on trying to make it maybe a little bit easier than we first thought, I can't remember.

Deputy H.L. Jeune:

This is my last question about industry, you said before you are pushing at an open door. You have consulted with industry, they feel that this is something that can be done from their side. They do not see it as part of this concern about red tape?

The Minister for the Environment:

Not necessarily. I think there are 2 very quick things to say about it. The first one is we are way behind the U.K. and I think any responsible food establishment realises that we are, and I think we are a way behind, and they are already abiding by rules that we have not yet set because they want to be able to show to their customers that they take all that type of thing really seriously.

Group Director, Regulation:

For the sake of clarity we are talking about the Food Safety legislation?

Deputy H.L. Jeune:

Yes, the Food Law.

Group Director, Regulation:

Yes, the Food Safety Law. Yes, so in consultation with the Hospitality Association, and there was obviously an allergens conference recently, it is in the whole community and industry's best interests to have up to date and fit for purpose legislation.

The Minister for the Environment:

Many people in the industry are very keen. Some people within the industry are telling us to get on with it as much as members of the public.

Deputy H.L. Jeune:

Yes, thank you, Minister. We have come to the end of our 2 hours and there is a number of areas and we recognise that your workstream is large because we have not been able to cover those areas, for example the rented dwelling licence scheme update, tree protection; I know in our last hearing you said that you are reviewing criteria. Then of course the carbon neutral roadmap and updates on all those areas. We will be coming back to you with ...

The Minister for the Environment:

Questions.

Deputy H.L. Jeune:

... questions on those and maybe in the next hearing focus in a bit more on some of those areas we see going forward.

The Minister for the Environment:

Well I can tell you a couple of headlines if you want. We initially thought we might have 15,000 rented dwellings; we are just over 18,000. What else would I like to say about that? We promised we would repay people who had registered for the star rating and that has concluded and now those funds have gone back. The scheme is now sort of up and running and we are still having a steady little stream of people registering new properties every month.

Group Director, Regulation:

We are close to publishing the second version of the Codes of Practice.

The Minister for the Environment:

Yes, we are working with the J.L.A. (Jersey Landlord Association) and I would like to thank them for helping us out.

Group Director, Regulation:

We have over 80 changes.

Deputy A.F. Curtis:

Will scrutiny get a copy of those updates before they are published?

The Minister for the Environment:

Yes, no reason why not.

Deputy H.L. Jeune:

That would be appreciated.

The Minister for the Environment:

We will be publishing an annual report when get to June, is it?

Group Director, Regulation:

Yes, so the scheme is running from May to May; the report will be lodged to the Assembly in June.

Deputy H.L. Jeune:

Okay, well, thank you and then of course we will follow up with tree protection and carbon neutral roadmap after. I would like to thank the Minister and Assistant Minister for attending, and officers of

course for attending this hearing and for addressing all the panel's questions, wide-ranging as they are, and I would like to also thank the members of the public for listening and viewing this online and those that are in the room as well. Thank you, Minister. Thank you, Assistant Minister.

The Minister for the Environment:

Thank you.

[12:35]