



Environment, Housing and Infrastructure Scrutiny

Panel

Quarterly Meeting

Witness: The Minister for the Environment

Tuesday, 13th November 2018

Panel:

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

Connétable J.E. Le Maistre of Grouville (Vice-Chairman)

Deputy K.F. Morel of St. Lawrence

Witnesses:

The Minister for the Environment

Assistant Minister for the Environment

Director, Environmental Policy: Strategic Policy, Performance and Population

Director, Natural Environment: Growth, Housing and Environment

Director, Planning Policy and Historic Environment: Strategic Policy, Performance and Population

Group Director, Regulation, Growth, Housing and Environment

[9:55]

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

Good morning, everyone, and welcome to the Environment, Housing and Infrastructure Scrutiny Panel. May I ask that we identify ourselves initially for the sake of the record and I will just go around the table and ask John to start?

Connétable J.E. Le Maistre of Grouville (Vice-Chairman):

Constable John Le Maistre of Grouville, vice-chairman of the panel.

The Connétable of St. Brelade:

Constable Mike Jackson, chairman of the panel.

Deputy K.F. Morel of St. Lawrence:

Deputy Kirsten Morel.

Director, Environmental Policy:

Louise Magris, Director of Environmental Policy.

Director, Natural Environment:

Willie Peggie, Director of Natural Environment.

Director, Planning Policy and Historic Environment:

Kevin Pilley, Director of Planning Policy.

Assistant Minister for the Environment:

Gregory Guida, Assistant Minister for the Environment, and sorry, I would like to apologise in advance, I will have to leave the panel at 11.00 a.m., I have an appointment in France.

The Minister for the Environment:

Deputy John Young of St. Brelade; I am the Minister for the Environment.

Group Director, Regulation, Growth, Housing and Environment:

Andy Scate, Group Director for Regulation.

The Connétable of St. Brelade:

Welcome to you and welcome to members of the public and the media who have chosen to come this morning. This is the quarterly public hearing, which we call in Scrutiny, to investigate what the department are up to and hopefully you will be able to give us what information you have. So I am going to broadly start off by asking, Minister, what your strategic priorities are over the next 12 months?

The Minister for the Environment:

Well our main work has been working on the common strategic priorities of the Council of Ministers which, as you have seen, for the first time includes the environment. The work programme that accompanies that is set out in the States report which accompanies it, and that is a whole raft of work right across the whole spectrum and a very big swathe of Environment including energy, including pollution, including natural environment conservation and the built environment

particularly. So there is a whole raft of initiatives set out in that. That has been the strategy. Other than that the business-as-usual side has been very important as a new Minister for the Environment, and for Gregory as well. We have needed to effectively ensure that there has been a seamless transition from the previous structure, particularly bearing in mind that the whole States organisation is a complete transformation and the Environment Department is no more. So that has received priority and in fact I worked it out this morning, so far I have had about 189 meetings including both external bodies and indeed internal meetings with the officers, wherever they are, to ensure we are fully up to speed. Of course the immediate things that have been progressed, we have successfully seen the Residential Dwellings Law into law and we are very well advanced in ... in fact the implementation of that is imminent through the Ministerial Order and the code of practice, and I think arrangements are well in hand to work with your panel, chairman, on the follow-up to that of the licensing and regulations, which will be work during next year, which I am sure you will talk about. We have also published a Wildlife Law, and we have had to keep absolutely abreast with what the events are on Brexit because obviously for the agricultural and fisheries sector, particularly, and a whole issue with environmental regulation has been pretty important in the pre-Brexit work. So we have had to make sure of that; and of course we are trying launch ... in fisheries itself we have had to do a lot of work and indeed there has been quite a strong focus on energy policy, particularly since the States had approved Deputy Caroline Labey's proposition about renewable energy. Certainly myself and the officers and Gregory have spent a lot of time in working with various people and experts on that to try and get a good hand on that, so I think we are well placed now to take that forward in the common strategic priorities.

[10:00]

The Connétable of St. Brelade:

There is a perception that in the transformation Environment has lost out in terms of funding. Do you feel that to be the case?

The Minister for the Environment:

I feel there is a big gap at the moment. I think there are 2 things I would like to say about the transformation, and I have reported this to the Chief Minister and indeed to the chief executive. I think that there are quite high risks being run because Jersey as an island community that has to look after all of its own affairs and its wide services is very dependent upon a few number of very key, experienced, able staff. In fact at the moment we are in a situation of great uncertainty as some of those people holding those roles are not yet aware of where their final roles will be within the organisation. Some have been disappointed because they have not succeeded and their roles have effectively been replaced or overseen by persons from the U.K. (United Kingdom) who may not necessarily have the Island-based experience. On the financial side I have to say - and I think

maybe I am going to ask Andy to comment here - because I have absolutely no idea how much budget I, as Minister, am able to call upon or where those responsibilities are. When we had an Environment Department there was a very, very clear structure of budgets and accountability and I would have been in a position, I think, as Minister to ask officers to proceed if budgets would allow on certain matters. Maybe I will hand over at that point, because there is great uncertainty which has, I think, affected a number of projects.

The Connétable of St. Brelade:

Before you go on to that I just want to pick up your comment with regard to uncertainty for officers. I am not being facetious but do these officers know where they are working, because we have this move to La Motte Street which strikes a lot of people to be far from satisfactory. What is your observation on that?

The Minister for the Environment:

Well my observation is that I have had absolutely zero input into any of the management decisions that have been made, beyond my paygrade it seems, on where the departmental offices were going to be sited. I, myself, when I took up the role as Minister was offered an office at South Hill, which I sought to use, then was immediately faced with a situation where the closure of that office was ordered. Obviously now I have taken on board the offer in the Cyril Le Marquand. I think the offices at the moment are all very fragmented and all over the place. I personally would not have chosen La Motte Street; I do not think it is a suitable location. I think traffic and access is extremely unsatisfactory and if I had been asked for an opinion I would have said so. Also I have major concerns about the fact that the planning officers are split around the place into whether or not it is sensible, and to be able to have frontline staff who are advising the public on planning separated from their colleagues who may be able to provide all sorts of background on support and listed buildings and other matters and so on. So I am afraid at the moment I am not very content with the situation but, like all elected Members, I think we have to give it a chance to see if it works. It is 5 months in; I am not very happy with progress.

Deputy K.F. Morel:

I was wondering if I could just come in before you. I am concerned with your description of the way this new structure is bedding in, but one other thing: is the Island at risk when you talk about officers who perhaps do not know what they are doing, not because of any lack of abilities on their part but because of the new structure? You have a regulatory role as well; I mean, in your estimation is the Island at risk in any area?

The Minister for the Environment:

I think the risk is medium term. I need to put on the record here that though there is no risk at the moment because of the integrity, the professionalism and the quality of those professional officers we have got. Thankfully, whatever their situation they find themselves in, I see no signs whatsoever that their commitment to the Island in fulfilling those roles is weakened in any way whatsoever. My worry is about the longer term, that if some of those people were to move on and we might find replacements that certainly would not have the same breadth of experience. If I give you an illustration, for example, later on in the agenda I think we will be talking about the Island Plan. That is an important matter; at the moment our lead officers are experienced officers, in-house officers, would be leading on that. There is now a new person appointed that I have not yet met, somebody from Stockport, an authority in the U.K., is going to take over that role and it remains to be seen their experience and skills that they will bring to this role.

Deputy K.F. Morel:

Also continuing on the risk theme. I think you have mentioned yourself there is a potential conflict within the department, on the one hand it is the infrastructure and it is also the environment all in one department, and that would be giving rise to potential conflicts. Is that something you are still concerned about it?

The Minister for the Environment:

It does, and that is why I mentioned it to the States when we discussed the waste regulation debate. I thought it was important and it was obvious at any first look at the structure, that a structure that builds in a conflict between poacher and gamekeeper in terms of States activities and regulation of those same activities is unsatisfactory. I think it probably breaches Nolan Principles of public life, and I have been told that these issues were pointed out to whoever it was that was designing the structure before, but nonetheless that is what has happened. I think what we have done is a safeguard; I have not extended the ministerial powers any broader than the director of regulation. I have not delegated across the whole department to ensure that we can maintain that. But I think there is a risk of subtle pressure, particularly on regulatory decisions, planning decisions and so on being made, which is very I think unsatisfactory in the long term. I think Mr. Scate may wish to comment on that because I think I have asked Mr. Scate to have conversations with the law officers on that very point.

Group Director, Regulation, Growth, Housing and Environment:

Thank you. So firstly the finances of the structure we currently have, so the finances that we currently have, there is still money but the money does not yet match the new structure, so that work is currently being done. So we anticipate come 2019 that the financial budgets that we are given will match the new structure that we are operating within. So, for instance, in regulation that is made up of bits of the former Infrastructure Department, bits of the Economic Development Department,

and bits of the former Environment Department. So each of those teams are still being paid and we are still operating and we are still delivering our services, but there is not currently an entire budget for regulation. Obviously, the money still sits in previous structures which have been disbanded under the new operating model. So the money has got to catch up, the budgets have got to catch up with the new structure we are operating within. So that is, I guess, a good summary answer on the finances.

Deputy K.F. Morel:

When you say “come 2019” come when in 2019?

Group Director, Regulation, Growth, Housing and Environment:

I am anticipating we start the new financial year in 2019 with the financial budgets.

Deputy K.F. Morel:

At the beginning, 1st January?

Group Director, Regulation, Growth, Housing and Environment:

At the beginning of 2019, yes, so that we know what budgets we are operating within our new structure.

The Connétable of Grouville:

Are you expecting the budgets to be the same? They are coming from different departments being pulled together but effectively for the environment, for example, the same amount of money ought to be available.

Group Director, Regulation, Growth, Housing and Environment:

I think it is a big job. Previously it was under the M.T.F.P. (Medium Term Financial Plan) 2, the second iteration of that, which had a number of saving aspirations built in for 2019. Obviously, we have had a statement around a new savings target for 2019 as well for another £30 million. So there is an anticipation that we will be getting less. I am not sure how that is going to currently sort of settle out, so to speak, and I think everyone is under an illusion that we will be getting less. How much less we do not know, what that really means for some of our services we do not yet know; mainly because we do not know what target we are going to hit. So there is a risk for some of the services that we will have to take some resource away.

Director, Natural Environment:

In the meantime we have to operate under the premise that business must continue. Touching on what you were saying, Deputy, with regards to risk to the Island, we cannot let risk happen. We

need to make sure that we are operating with legislative provision, with operational provision, as we have done so far; and until such time as we hear the news as to how that financial budgeting is going to catch up with the resource work that we are putting in place now with the new target operating model structure, we will have to simply operate on the basis that we will deliver as we have delivered last year.

The Connétable of St. Brelade:

Can I just ask, you say you are sitting and waiting; who are you sitting and waiting for?

Director, Natural Environment:

At the moment we have been asked to put structural plans together which have been submitted to the new management structure, the senior management structure here. They will be evaluated and out of that will come the structural programme that will determine how the natural environment team look and the regulatory team look ...

Deputy K.F. Morel:

So you put something together but ultimately it is the Chief Executive's Department that approves it, is that correct?

Director, Natural Environment:

That is as we understand it to be at the moment, yes, that is right.

The Connétable of St. Brelade:

Just to wrap up on the priorities, one of which inevitably is going to be the hospital; and I know the Staddon report is coming, we have the Taylor report but the Staddon report is yours. Have you got any concept of timescale on when that might be published?

The Minister for the Environment:

Well I think this whole business has been very complicated by the fact that we have had several processes in place. Just to put it on the record, obviously when I came into a ministerial office the planning inspector had already been appointed with terms of reference. Obviously, what I did as Minister was modify those terms of reference to consider that where the inspector considered the alternative sites may be looked at. The inspector confirmed that that was a relevant issue. Obviously, I have made conscious decision to take no role whatsoever and have withdrawn from Council of Ministers discussions on the, if I may colloquially call it, Chris Taylor report, the review board that was set up by the Chief Minister. So it is clear that that report will look at alternatives. I have sought to find out exactly a legal basis where I stand in terms of legal responsibilities, and I have it confirmed is that the issues of alternative sites in the Taylor report may well be material

considerations, depending on what is in that report, for the planning decision. I believe that the inspector has also reflected on that and I understand - though I have not had this confirmation and Mr. Scate may confirm - that the inspector has asked for a copy of the Taylor report before he publishes his own report. That is exactly as I expected it to be because I cannot see that you can have a process where one is completely detached from the other; there is an interrelationship. Whether the Taylor report contains matters which are material considerations in planning law; there is very, very tight criteria to determine whether it is or whether it is not. We will have to wait and see. Timescale; I do not know when the Taylor report is going to be published. It is reported that it is going to be soon, and the information I have had from Mr. Scate, who is in communication with the inspector's support team, is that we will see the inspector's report at the end of November. I will give no commitment whatsoever as when I will determine and what I decide to do with that is ... when I say "I", the information that I have had is that the conduct of that report is a matter that can only be dealt with by the holder of the office of the Minister for the Environment. I am unable in law to delegate that to anybody else. The only circumstances that I would not be required to make that report would be if I became incapacitated or stood down as Minister. I believe that my role to the public is best served by trying to discharge that responsibility myself and doing it as thoroughly and objectively as I can.

The Connétable of St. Brelade:

Would the fact that we have spent some £38 million so far on this project influence your decision in any way?

The Minister for the Environment:

Well, is it a planning factor? I am not sure. Obviously, it is a practical matter that I expect if the States discussed that report and that information is in it, I expect they will have a view on that. I think I am reliant on what others have to say. From a common-sense point of view, I personally would not expect that all that expenditure would be abortive; I think quite a lot would not be, but we just do not know. At the moment I do not believe that the financial issues would necessarily be a material consideration, but again that judgment has to be made and these judgments are fine calls. I do not know if Mr. Scate wants to come in on that?

Group Director, Regulation, Growth, Housing and Environment:

Certainly. Yes, so my view is that the amount of money an applicant spends on preparing a planning application is not a material consideration to the Minister for Planning. That is distinct from if there are financial benefits or financial payments as a result of planning permission, and community benefits. But, no, the amount of money an applicant spends on putting an application together is not relevant for the planning decision itself.

The Connétable of Grouville:

Mr. Staddon is meant to be an independent inspector; why is he waiting for the Taylor report?

[10:15]

The Minister for the Environment:

Because I think if one looks at the law - this is section 12 of the Planning Law - that is very different from a normal planning hearing with an inspector. This is a public inquiry. The law allows a very wide scope as to what matters the inspector is asked to look at. There are powers for him to call in assistant inspectors and obtain technical advice and support in all sorts of other areas, and he himself has issued a public comment on the record which says he considers that there may well be circumstances where whether or not alternative sites exist or not and whether or not that overcomes some of the disadvantages of the current site may well be a material consideration for the planning decision. That is what I expect to see covered in the inspector's report, and if it is not adequately covered, I think it is no secret I shall be seeking clarification on that point.

The Connétable of St. Brelade:

Thank you. Well I just conclude that particular matter by saying that we understand the Taylor report will emerge on Thursday morning.

Deputy K.F. Morel:

I will just ask one question, sorry. You mentioned the Taylor report looking at alternative sites, but is that within the terms of reference? I understood it to be a review of the decision that had been made.

The Minister for the Environment:

The issue of alternative sites was dealt with ... if you remember, the previous Minister issued terms of reference for an inquiry that included no reference whatsoever to alternative sites. When I took up office, I was personally supportive that this should be examined; in fact, in the end Deputy Russell Labey took a proposition to the States on a form of words, that I think there was some prior consultation, which left it to the inspector's judgment as to whether or not alternative sites were relevant. The inspector confirmed after the States ... I altered the terms of reference to ask him to consider that States proposition; he confirmed on the record that there were situations in which the alternative sites would be a material planning consideration for the current application. So it is no question there is potential relevance, but until we see both the Taylor report and the inspector's report, I think we just cannot go further than that.

Deputy K.F. Morel:

My question was about the Taylor report and the terms of reference of the Taylor report.

The Minister for the Environment:

I see. I beg your pardon, I had no input whatsoever into the Taylor report nor into its terms of reference. Maybe Mr. Scate does but I did not.

Group Director, Regulation, Growth, Housing and Environment:

Yes, my understanding of the Taylor report, it is looking at the process by which the Government effectively has chosen the hospital site as its preferred site to launch a planning application. So I think it is particularly to that process ...

Deputy K.F. Morel:

So putting recommendations for alternatives, if it were to do that, would be outside its terms of reference?

Group Director, Regulation, Growth, Housing and Environment:

Yes, I do not have the reference before me but I think it is predominantly about the process we have taken so far. Clearly there are a number of other sites mentioned and I think the planning inspector is just probably trying to be thorough to make sure that he has before him everything that has been mentioned at the planning inquiry. Certainly Constable Taylor, I know, corresponded with the inquiry about his process, and I think the inspector asked about that because obviously I think he was rather confused initially that the Government had put another inquiry together. The way it had been reported; it was 2 inquiries running parallel, so there was some correspondence initially around just clarifying who was doing what frankly. So I think he is just trying to be thorough; I think it had been mentioned a number of times throughout the inquiry process so I think he just wants to see what it is, in case it is relevant or not.

The Minister for the Environment:

Can I just put one other matter on the record? I think it is useful for the public to know; I am advised that it is not within the law ... in fact I am not permitted to publish the inspector's report before the decision is made.

The Connétable of St. Brelade:

Right, good. I am going to lead us away from the hospital towards the Health and Safety (Rented Dwellings) Regulations. When do you intend to lodge the regulations?

The Minister for the Environment:

Well I think it is very much dependent upon yourself. I think the current plan is March, I think. Can I ask my officers to assist me?

Group Director, Regulation, Growth, Housing and Environment:

That is right, yes. The first step is to make sure that we have got the minimum standards clarified as to what we expect those to be, so we have a minimum standards order being prepared currently so that is imminent for the Ministers to sign. Then we want to bring forward the sort of code of practice as to what does that mean, and effectively it just provides a bit of colour as to those minimum standards. I think what we then want to do is work within the Scrutiny Panel in terms of some of the more detailed parts of the regulations as to how they will work, as we anticipate probably launching in March if the time allows that process, with the regulations coming into force later in 2019, probably September. So we want to have a good run of time with the panel to discuss the detail.

The Connétable of St. Brelade:

Subsequent to the lodging of the law have you had much feedback from property owners?

The Minister for the Environment:

Personally I have not. The information I got from the Environmental Health team is that they have been working very hard with meetings with various interested groups, the Rent Safe Scheme and so on, and preparing key organisations, law firms, estate agents, rental agents and others for the introduction of this work. At the moment the response that I am getting from that team is very positive. I have not personally had any complaints. I think again we will have to keep close to it as things progress, but I think the signing of the Ministerial Order setting the minimum standards has been ready for some time, but obviously we just made the point that we decided we could not put that into legal force without the code of practice to help provide guidelines to help ensure that people can achieve that. But that is hopefully very imminent, probably by the end of the week; I am hopeful.

Group Director, Regulation, Growth, Housing and Environment:

The Minister is correct, we have had some very really well attended briefing meetings with the private landlords' association and members, estate agents, legal companies; so we have been around all of these companies, increasingly going through to the legal companies now as well in terms of land charge searches, what it means for them. We have had increasingly more and more properties being headed to the Rent Safe Scheme, and a number of the landlords are signing up. I think we have had some negative comments from one or 2 but the vast majority has been really a better clarification as to what it is, what it really means and then working with government to make sure that they know what they need to do for next year.

Deputy K.F. Morel:

I just wanted to say, I do not think it is a matter for Scrutiny as to the timetable of when a proposition is lodged. It is rather disingenuous to suggest it might be.

The Minister for the Environment:

I would say I was not suggesting that; I think what I want to do is to work in co-operation with your panel because I know, having sat in your chair, just how your load can be as high as ours. So I think our intention is that unless you raise issues with us that means we have to do a lot of rework, then that will be the timetable.

The Connétable of St. Brelade:

Infrastructure levy; that has been alluded to on various occasions. Has there been any work done regarding re-lodging the proposition which will introduce a levy, and what do you need in the way of more detail and more information? What would a revised proposition contain?

The Minister for the Environment:

I think the first thing to say is that the principle behind the previous proposals that did not get through the States I believe is absolutely sound. I think the whole issue of having some relationship between the gain made by developers when property is developed and a very small proportion of that gain being put into public infrastructure and public benefits is really fundamentally correct. I think frankly I, personally, if I had been in office at the time, would not have referred to it as an infrastructure levy because it does not really convey the purpose of it. For example, I cannot see how we are going to achieve some of the public domain benefits and work that we need to achieve in the urban areas unless there is a source of funding. Of course there are 2 ways of that funding happening in future years; one is that the States decide that the urban environment takes priority and the budgets that we were talking about earlier suddenly become significantly increased. I do not believe we can rely on that. There are far too many pressures on States finances and there are huge priorities in Education and Health and others, and I think having an arrangement whereby a very, very small percentage - I think the proposal was around about 1 per cent of the development value added - would be pooled and then I think the other element was there were uncertainties about how this money would be allocated and by who. I think those arrangements need to be reviewed and I have had discussions with my team about how we might do that. I am quite clear that I will be proposing ... I think one of the phrases that we have come up with is a public realm enhancement charge and there will be some kind of board - and those are very tentative, early thoughts on it - appointed to make those allocations, rather than it seen as kind of an internal slush fund, which I think is probably some of the things that people did not like. But, having looked at it, I think the charge was very modest. In fact, arguably there could well be a case for increasing it but I think at the moment I would not want to step outside the level set by the previous proposal. It is a question of refocusing it and making it clearer what it is about. But certainly I think those proposals need to come forward

to the States in 2019, which will give us the capability of funding in 2020. That is entirely consistent with the Council of Ministers strategic priorities. Never again I think we should have a situation where promises are made by Ministers to absolutely deal with the overdue improvements needed in the town urban areas without the means to achieve it. This is not the only means, it is one source, there are potentially others; but as far as I am concerned, I want to focus on that.

The Connétable of St. Brelade:

Would this be an umbrella for such a charge as a congestion charge?

The Minister for the Environment:

I think that is a separate issue. Obviously, I have personally spoken about that, and I did so in the context of questions which new Members have raised with me in the Assembly. The new Assembly I think strongly reflects the increased public awareness of environmental issues. Members and the public are troubled about issues such as plastic, pollution, emissions and so on; and I think it is well known that on our carbon emissions the 2 main targets under our Energy Plan 2050 are space heating and vehicles. So vehicles is about carbon emissions, it is about air contamination and so on, and also I personally think the adverse effect of very dense numbers of vehicles going through residential areas. I think the problem is of trying to achieve to ensure that our urban areas are good places to live and are not being subjected to very high levels or avoidable levels of traffic and so on. So in the common strategic priorities there is a work stream there, and what I was alluding to was that I believe that congestion charges is just but one of a series of other financial and fiscal measures that should be looked at during the work on the common strategic priorities in 2019, which both have the benefit of being able to raise additional funds which could be then put into in the case of that sustainable transport to achieve mobile shift and/or behavioural change and funding. But, again, that is work ahead. So what I have been doing - and I make no apologies for this - I have been putting these issues on the agenda because I believe that the public want to see environmental improvements, and so do many States Members, so I do not think we can have a closed mind on these issues. At some stage with our population growth carrying on as it is, and at the moment we do not know what that policy is going to be, we are going to see continued growth in vehicles, continued growth in these issues that I do not think that we can ignore.

The Connétable of Grouville:

While the Assistant Minister is still here could I ask a question about Brexit and how he thinks it might affect agriculture and, in particular, fisheries, which obviously trade with France?

Assistant Minister for the Environment:

Unfortunately fisheries are probably going to be the most affected by Brexit because it is one of our activities that deals the most with the continent. Almost everything, even if we import goods from

the E.U. (European Union), it goes from there to the U.K. and then back to us; but fisheries, our fishermen very often deal exactly like they were French fishermen, they fish the same waters and then drop their catch in France. In a no-deal Brexit there will many impediments to that. For example, the simplest one is the health requirements. We need to have an inspection post to look at our importations and our favourite harbours do not have one, even St. Malo does not have one. It might do in the future. It will be very important for the French to keep some variety by having an inspection ... by making an inspection post, but we do not know whether they will do it or not. So we are well aware of the problems; we are in constant conversation with the French.

[10:30]

Some of the problems are the E.U. level, in fact a lot at the E.U. level, and we cannot know in advance how this will work.

The Connétable of Grouville:

How damaging could it be to the fishing industry?

Assistant Minister for the Environment:

Massive. We have problems for example with shellfish, oyster production; pretty much all of the oyster production of Jersey is sent to France. France or the E.U., because of negotiations with the U.K., could adopt tariffs on shellfish and those can be from anywhere from zero to 25 per cent, and that would take us out of the market.

Director, Natural Environment:

Perhaps I can elaborate on that in terms of ...

Assistant Minister for the Environment:

Yes, but the thing is we are working on alternatives.

Director, Natural Environment:

We know from conversations so far with the U.K. that - Gregory is absolutely right - we have a situation between zero and 25 per cent tariffs for potential export, and that is anything from a proposed 8 per cent on lobsters, 7.5 per cent on crab, 15 per cent on wet fish, 9 per cent on oysters, 8 per cent on scallops and 10 per cent on mussels. They are just numbers that are being bandied around at the moment; we do not definitely know that that is going to happen. I think that just enshrines everything that is going on with Brexit at the minute; we are hearing on Radio 4 this morning that we are within touching distance of some sort of deal, but in the event of no deal happening we need to have a provision in place from an operational perspective to understand

where we are going. I think expanding on that, the no deal is going to be a lot more complex than our current situation between Jersey and the E.U. and France through Protocol 3 of the Treaty of Rome. For fish going to France it is likely that there will be landing obligations required, that will include notifying of the French authorities, reporting the landing to the French authorities, going through specified ports and, as the Assistant Minister has said, we have no specified ports currently within the Bay of Granville area at the moment. We will also have to fulfil customs checks and, as I say, potentially pay tariffs. But that does not just reflect then on fisheries but has the potential to reflect on merchants who would have to undertake that same level of compliance work, but also maintain and have certifications for shipments and go through the border inspection process too. Not quite such an onerous issue from the aquaculture aspect because there is no catch certification needed, but they still need health certification to undertake customs requirements as well. So there could be a mix of all or none or some of all of those implications. We just need to keep talking to the U.K. and keep talking to Europe and France to work out what they are going to be.

The Connétable of St. Brelade:

Do you think there could precipitate a reaction from the fishing industry, for instance some may take to relocate their vessel ownership to France and thereby circumvent the issues, the tariffs, in that way because they are landing in France?

Director, Natural Environment:

I would not like to comment on that but I suspect there is an issue there with beneficial ownership in terms of the nationality of the skipper and the crew and the domicile port, and whether they can then operate out of Jersey but still legitimately be registered in France.

The Connétable of St. Brelade:

Alternatively, is it realistic for our shellfish predominantly to be exported to the U.K.; is that achievable?

Director, Natural Environment:

That is a very good question. I think that is much more of an economic question than an environmental question.

The Minister for the Environment:

I think the only comment - and have been certainly present at all these discussions and I think what Gregory said is correct - the whole issue of Brexit is difficult enough anyway but in the area of fishing it is extraordinarily complicated because we have got so many parties involved; the U.K., France, ourselves and the issues of conflicting regulation. It is going to be very difficult, particularly at the moment when we are aiming at a moving target. But no doubt about it, I think what I am happy

about is that the officers ... and I hear we have got a superb team who are really working hard on this, they have pretty well worked non-stop on this issue, and with Greg able to attend meetings in France as well. But again I think you have to recognise that no matter what the views of the French counterparts, our closest neighbours, they are of course going to be constrained by the whole Europe situation as a relation to the U.K.

The Connétable of St. Brelade:

Will the Bay of Granville agreement be effectively compromised?

The Minister for the Environment:

I think that is a difficult subject and I would prefer if we did not discuss that in open session. Certainly discussions did commence on that and there are a number of issues which are related but separate that I do not want to deal with in open session if we can please.

The Connétable of St. Brelade:

Well we look forward more about that in due course.

Deputy K.F. Morel:

May I ask one question on Brexit? Given this is a mess of the U.K.'s making that we are having to deal with, how are the U.K. helping us or are they too busy dealing with their own mess and their own port?

The Minister for the Environment:

I think you would need to put that to the Brexit team. I have certainly been attending all the meetings and I understand that the level of co-operation with the U.K. has been high.

Deputy K.F. Morel:

But is co-operation useful or is ...

The Minister for the Environment:

Well I think it is, but I get the impression that the situation is moving all the time. I certainly feel that the impression I get as a political member, because these things ... I am not an expert on these, they are extraordinarily complicated, is that our professional team under Kate Nutt and Senator Gorst - our Minister for External Relations - has concentrated on this and has put the Island in as good a place as it can be in terms of a day one no-deal situation.

Deputy K.F. Morel:

My concern comes from Senator Gorst who was quoted in the paper saying he had to ask the French to help us with negotiations in this area ...

The Minister for the Environment:

I beg your pardon, sorry?

Deputy K.F. Morel:

It was Senator Gorst who was quoted in the paper just 2 days saying that he had to ask the French to help us with negotiations in this area. This is why I ask about how useful the U.K. are being.

The Minister for the Environment:

In which area was he talking?

Deputy K.F. Morel:

I believe he was talking about fisheries. It was in the paper last week.

Director, Natural Environment:

It may well be that conversation has happened between Jersey and France but certainly from talking about the relationship with the U.K. and our membership through the Assistant Director for Marine Resources on the Brexit working group, I know that there are regular meetings with our U.K. counterparts across there and they are doing their best to represent us in, as the Minister says, what is currently a game of moving targets.

Assistant Minister for the Environment:

I can confirm that there is privileged and very quick information from the U.K. We are in constant dialogue and as soon as they have anything they have been informing us. So far this has worked very well.

The Minister for the Environment:

I think the whole issue of bilateral agreements is a very sensitive subject. I think we could have a whole Scrutiny session on this issue alone. Maybe that is something you wish to do.

The Connétable of Grouville:

We shall change the subject completely. What is the current situation with Jersey's water quality?

The Minister for the Environment:

Since I have taken on office, I have had the opportunity of spending time with Jersey Water and also from the regulatory team of the result of the water monitoring that they do, and both the raw water

quality that goes into the network and into the treatment that they have to do from it. I want to put on the record that I have sought to continue the excellent work done by my predecessor, Deputy Luce, in setting up the water quality improvement group - I forget the exact title of it, I am sure I will be put right - but nonetheless the work which involved all the farming representatives and others to ensure that as far as possible agricultural practices are adopted which help us towards our targets of ensuring a clean and healthy water supply. We have been asked to introduce some new codes, which we are about to put out for consultation, but there is a lot of resources, a lot of effort and a lot of goodwill going. So I think we have improved; I am told the figures show our nitrate levels coming down. Jersey Water want to see some changes so they get more advanced notice of the use of new agrichemicals because obviously the water company made the point that if these things do get in the water supply they need time to be able to identify them and check the science and the methods of removing them from our water supply. Obviously where one product is swapped out for another unexpectedly that does cause problems. But I think the situation is satisfactory but we are not complacent and we still need to maintain that effort.

The Connétable of Grouville:

During the senatorial campaign you were quite critical about the level of nitrates in the water. Have you changed your opinion since you have taken on this office

The Minister for the Environment:

No, I have not. The legal level is 50 micrograms per litre, as it were, and we still see exceedances. I forget how many monitoring points we have, there is a large number of monitoring points throughout the Island and there are still zones of the Island where the raw water going into those areas exceeds those limits. Jersey Water have to blend the raw water to ensure that they can maintain the potable water below those limits, so they have to work hard to do that. Of course that has meant that also we have got, I think, a live planning application for new infrastructure to allow, if you like, the bypassing of water from one zone to another so that we can avoid situations where we have a reservoir which has got exceedances of contamination in it, which means that it cannot be used; so to avoid that situation happening, and obviously those sort of situations reflect that we are dealing with a problem. But I think it is being managed and I think providing we can keep the goodwill and the efforts of our farming community, and adopt best technology, and ensuring that we are not putting nitrate fertilisers in places where we do not need to and we are being selective about that use, I think if those standards can carry on improving ... I think in the long run I have to be frank; I think that we do need to invest in research in new opportunities for the agricultural industry so that we diversify away from one main product that is principally responsible for this excess nitrate. Indeed this is why I have asked the department to promote trials in others and there is a lot of scientific work going on into that, in particular for example one is very enthusiastic about the results of the hemp product where we see here is a product that appears to do very well, that does not need

the level of nitrates, does not need agrichemicals and so on. I think again in the common strategic priorities there is a work stream and it will be working with the industry to try and help achieve that diversification and alternative crops.

The Connétable of Grouville:

At the farming conference last week a member of the audience claimed that the level of organic matter had fallen by 14 per cent. What is your department's view on that statement and what are you doing to investigate whether it has any justification?

The Minister for the Environment:

At the conference I did not accept that as accurate so I will ask my team to crunch the numbers.

Director, Natural Environment:

It is inaccurate. It is a misinterpretation of the figures that are out there. The reduction in biosolids in our soils is 3.5 to 4.5 per cent, which is absolutely fine in terms of an ongoing basis. I think ...

The Connétable of Grouville:

Sorry, could you just repeat?

Director, Natural Environment:

I think you are quoting him as saying 14 per cent; it is nearer in the region of 3 per cent to 4 per cent.

The Connétable of Grouville:

That is the organic matter reduction?

Director, Natural Environment:

Yes.

The Connétable of Grouville:

Where is that taking place? It cannot be on all land.

Director, Natural Environment:

It is an average figure across fields, so it is not the catastrophic figure that has been painted by that particular individual.

The Connétable of Grouville:

It is still monitored?

Director, Natural Environment:

It is still monitored by the department.

The Connétable of Grouville:

What I mean: it is falling; it is not falling dramatically but it is falling.

Director, Natural Environment:

It fluctuates. It is not something ... it depends what process is happening in the field, whether you have got potatoes, whether you have got maize, whether you have got a mixture of both, whether you have then got hemp going on to the land, as we have this year, and that will all affect the average in terms of organic content of soils across the Island.

The Connétable of Grouville:

So the long-term trend is ...

Director, Natural Environment:

The long-term trend is pretty static.

The Connétable of Grouville:

It is static?

Director, Natural Environment:

Yes.

The Connétable of Grouville:

So it was totally wrong what was said at the ...

Director, Natural Environment:

Yes.

The Connétable of St. Brelade:

Thank you.

The Minister for the Environment:

Monitoring is done and I have seen some figures that are produced. I do not know if they are published but I understand there is a very technical discussion going on about what are carbon levels, what it means and so on. I think that is such a technical discussion; I rely entirely on the scientists to tell me, and again ...

The Connétable of Grouville:

I just thought that was a dangerous thing for people who do not understand.

[10:45]

Director, Natural Environment:

I think it was initially rebuffed by the Cranfield Professor of Soil Health at the time, who offered his opinion that it was a misinterpretation of the figures and certainly it is not reflected in the evidence that we have in Jersey.

The Minister for the Environment:

But nonetheless I think complacency is not the right approach. I think again we have got very intensive agriculture in a very small island, plainly it is part of our culture that we have a very successful farming industry; that is important in all sorts of ways. I think what we also have to recognise as our population grows, issues of water level contamination and so on, it is vital that we get that right. So that kind of balanced approach with support from the scientists and the experts and the co-operation of those in the industry to try and end up in the future to ensure that we keep on the right side of things.

The Connétable of Grouville:

There is also a problem with eelworm which is ... do you know what the situation is with that?

The Minister for the Environment:

What I have been told about that is that ... my officers have told me they believe in the longer run, in the current situation without crop rotation, that build up in the soil of the cysts and so on eventually will be very, very damaging to the future of the Jersey crop. I do not know at what point that will arise.

Director, Natural Environment:

It will arise if there is a sustained and ongoing movement away from a potato-based agricultural programme and there is more rotation and more of an improvement in diversified cropping. So that is obviously what is being pushed and, by for example, as you rightly say, the conversations that are happening in the farming conferences ... and if I can just perhaps allude back to the conversation we were having before, that I just looked at an email that I had on that particular subject matter. So the fall in soil organic matter represents a percentage decrease of just 4.35 per cent, so around 3 per cent to 4 per cent, and it can be explained by variability in sampling in soil organic matter across fields across the Island, and so is pretty static.

Deputy K.F. Morel:

Just going back to charges. We talked about an infrastructure levy earlier, but as a department you have previously submitted that you intend to bring in more user pays charges for various facilities and functions that the department carries. I was wondering what charges we can expect to see being brought forward in the term?

The Minister for the Environment:

I think it depends what you include user pays. My understanding at the moment - and I have been surprised by this - is that the regulatory side of the department pretty well functions on that basis completely at the moment; that all the regulatory licensing services, the planning applications, the building regulation, and in fact I think the motor traffic or D.V.S. (Driver and Vehicle Standards) which has now been transferred under the new structure, and others - I am sure Mr. Scate will elaborate - are on that basis. We are entirely dependent upon the level of income in order to be able to meet and pay for the costs of the team that support that regulation. Obviously, the policy team in the department would not be included in that, policy advisers and policy development work. In terms of new charges, personally what I favour is one I would call environmental taxes and charges. This is accepting the fact that certain things that people do, at the moment all of the costs of that are potentially externalised and they are just met by the public, whereas the introduction of a charge enables government to reflect that cost which would then enable government itself to invest in initiatives, i.e. the strategic initiatives, research or infrastructure of what have you. So I think generally environmental taxes and charges are certainly part of my agenda. I highlighted congestion charges being one. There is another possibility of what has been introduced elsewhere is a workplace parking levy; there are other schemes in other places and other cities have introduced very successfully. But again all those subjects have to be dealt with in the corporate strategic priorities. They are not something that I, as a Minister, can achieve myself. I do not have responsibilities for a number of those areas. This is under One Government; we have to work together at different ministries. So, yes, you will see those sorts of things. Is that what you meant about user pays?

Deputy K.F. Morel:

It is up to you what I mean by user pays, but in this case, you are saying that you see it as being charges levied to address market failures, which is often externalities, and, therefore, to change behaviour basically is how you are saying the idea of ...

The Minister for the Environment:

Yes, if you take vehicles ... I mean vehicles, we had a situation and we used to have a system of motor tax where there was a fixed charge for the acquisition of vehicles. The use of roads base is

a valuable asset and we are not in a position in Jersey of being able to build more roads and so, therefore, the more and more users may ... at the moment the only cost contribution comes from fuel duty where we know that is declining, and of course the only way that service is supplied - I think you used the words "market failures" - is by rationing and queues and congestion, which is not really very satisfactory, I do not think.

Deputy K.F. Morel:

You mentioned it would need impetus at a corporate level and a user level; what is your sense at the moment as to how such ...

The Minister for the Environment:

I think at the moment it is early days. I think we have got a vision of One Government. I, hand on heart, cannot say that I feel completely confident that we will not carry on dealing with things in vertical boxes. I will do my best to make sure that those barriers that have inhibited ... there is no question they have inhibited the development of proper strategic policies across the States for decades. I will do my best to help try and improve on that and break those down. But whether everybody is fully on board with that we will see.

The Connétable of Grouville:

Vehicle emission duty is one way that you can recover the environment.

The Minister for the Environment:

Pardon?

The Connétable of Grouville:

Vehicle emission duty is one way that the States tries to affect the environment. In the current budget it is not being increased by the cost of living; in effect it has been a decrease in real terms. Are you happy with that?

The Minister for the Environment:

No, I am not, and in fact when vehicle emissions duty was introduced I recall the funding from it used to go into a scheme which was related to achieving our energy targets, and there were I think a couple of million pounds per annum which enabled the previous Ministers to be able to make major inroads into energy reductions, in insulation of homes and so on. Of course I do not know how this came about but I was shocked to find out that that process was discontinued. The money now from V.E.D. (Vehicle Emissions Duty) just goes back into the pot and I think that is ... well, I would like to see it reviewed because the question I ask is does our current structure of V.E.D. at the moment

provide enough incentive for people to replace polluting vehicles with less or non-polluting vehicles?
I am not convinced it does.

Director, Environmental Policy:

If I can add on the vehicle emissions duty - and I think the Minister is right - when V.E.D. was introduced the Connétable remembers the long, exciting debate that we had around it, and the connection between the revenue stream and the expenditure was never direct. I think this goes to Deputy Morel's point around basically hypothecation and you are bringing in some sort of charge that gives you money that you then reinvest and you create this sort of virtual circle. That has never really been how Jersey has managed its finances so, as the Minister says, when the money was brought in the connection was made between expenditure streams - and that was £1 million on the home energy scheme, which was a grant scheme for vulnerable people to insulate their homes: £500,000 went to delivering sustainable transport initiatives, and £500,000 of the £2 million revenue raised went towards increasing the cycling; but that was never a direct link. So through the process over the years, and this happened in 2009/2010, over the years we have been through the M.T.F.P. 1 process and departments had to reduce expenditure and some of those schemes, some of that expenditure was dropped, although vehicle emissions duty has carried on. Although it is worth remembering that when V.E.D. was first introduced the expected income was about £2 million and that is what budgets were raised by within departments for the expenditure streams, but V.E.D. never brought in that much money; it only ever brought in about £1 million or a little bit less, because we brought it in at a time of government recession. Car purchases were not as high as they were in the past so V.E.D. ... so sort of in one sense we did a little bit better out of it because we had several years of those expenditure streams. But I think the difficulty is always there that if you directly connect revenue raising with expenditure, those expenditure streams are then massively fragile on the income. So they were never direct. But I think what the Minister is talking about now is the difference between a user pays charge, which covers an actual cost and a service that is very real, or a policy fiscal lever which brings in money that you might reinvest in the environmental behaviour shift, for example.

The Connétable of Grouville:

Do you think introducing waste charges would be beneficial for the environment?

The Minister for the Environment:

Yes. I think the States ducked what was an important decision because I think in the long run, yes, we have to address waste reduction and waste minimisation. We have been very fortunate that I think we have had very successful achievement of an Energy from Waste Plant, which I said in the States, has achieved the standards required of it. Also, we do not have, unlike Guernsey, a legacy of landfill with all the plastics in it. When you look at the situation in the U.K., which is full of sites

full of plastic, which is not degrading and so on, we do not have that. Nonetheless, in the longer term, we need to do things about managing our waste stream, particularly plastics. There is no question that plastics are a serious risk to the environment. Whether it is an all or nothing charge, whether it is more sophisticated like that, how it is designed, again, that is an issue which it has to come back to. What I hope is that if it does come back, and again I am entirely dependent upon the Council of Ministers for its common strategic priorities in doing it. It is not a question of one Minister doing it unilaterally. I hope it is not just seen as a means of here is some money, fill a black hole and suddenly we have this black hole now. I hope it is much more targeted and targeted to help us address the issue of managing waste. They are the principles that I want to see.

Deputy K.F. Morel:

Thank you. If I can now turn your mind to climate change. Last month, in an answer to a written question from the Constable of St. Helier, you said that the Energy Forum, which is the stakeholder arm in the Jersey Energy Partnership, would discuss the Intergovernmental Panel on Climate Change at their next meeting. Do you intend to make the decisions made at these meetings public or do you intend to update the public on the progress made by the forum?

The Minister for the Environment:

That is something I need to discuss with the new chairman. The longstanding chairman, Mrs. Anne King, stood down. She has done extraordinarily well. I have attended only one meeting of that forum. I have to say I was very, very impressed with contributions from all around the table, all the various industry bodies, sector bodies and so on. I was there more in an observation mode, but they wanted to know my views about renewable energy. I said we are charged, under the Common Strategic Policy, with the developing a renewable energy policy. I will need to have a dialogue with the new chairman about to what extent those discussions can be opened up. I will defer to see what my officers have to say, if you do not mind. You cannot necessarily assume that where you have forums that everything is automatically public. What is important are the 2 principles: the outcomes are important and the other is the processes of stakeholder engagement and involvement. That is another key principle. I will ask if Louise could please guide on that.

Director, Environmental Policy:

The role of the forum is to be an ambassador of the Energy Plan and also be a critical friend to government. They do that in a very open and frank way. I am sure the Minister would agree with that, having attended a meeting. They have quite challenging and frank discussions. There is nothing wrong at all in principle and there is no particular reason why we do not currently publicise the minutes and outcomes of each meeting. That is probably something we could relook at. The interim chair, who the Minister alluded to, is going to be undertaking a review of the first 4 years of the Forum. It is his opportunity to look back on how we set up this entirely new body and how it has

interacted with the Executive and where it has been successful and what lessons have been learned. That review will report in the beginning of next year. One of the things we can easily look at is the publication of minutes and what not. That is a sensible challenge. The discussions around the I.P.C.C. (Intergovernmental Panel on Climate Change) report will be very interesting.

[11:00]

The people around the table have very strong views on that and how our Energy Plan fits into achieving the objectives and avoiding the catastrophic outcomes of climate change that the I.P.C.C. have identified. Minister, I am sure, we will be looking forward to hearing that when they have the opportunity to feedback.

Assistant Minister for the Environment:

Sorry, we will have to leave now. It is quite auspicious that it happens at this stage of the conversation, because I am going to Saint-Brieuc to talk about the massive Saint-Brieuc wind farm project in which Jersey has a renewed interest.

Deputy K.F. Morel:

I look forward to hearing about that.

The Minister for the Environment:

I would also like to say that we have done a lot of work, there have not only been discussions with the Energy Forum, but prompted by Deputy Labey's proposition, work has been commissioned on looking at the way in which things like the network cost is accounted for and so on. All those issues are entirely germane to a renewable energy policy and uptake of alternative technologies. Obviously, there is a journey to travel there. There is no question in my mind, those are vital issues in order to be able to achieve those targets.

The Connétable of Grouville:

What incentives are there for the J.E.C. (Jersey Electric Company) to buy locally?

The Minister for the Environment:

I am going to defer to Louise, because I do not want say this wrongly. There is an ongoing dialogue with the J.E.C. at the moment. I voiced the opinion that I do not think there are enough incentives. Equally we have to recognise that renewable energy needs to be part of a network. The idea that people can have renewable energy installations which are completely detached is not real. Somebody has to pay for the cost of that network. How that is shared up, you are into the realm of markets and they are better experts on this than I.

Deputy K.F. Morel:

There are things like microgrids, which operate in cities like New York.

The Minister for the Environment:

I wonder if I could ask Louise to comment.

Director, Environmental Policy:

The first question was about incentives for Jersey Electricity to buy locally produced energy. What J.E.C. would say, reflecting on the many, many conversations we have had with them, there is no direct incentive, but what they are more than happy to do is buy power from any source if they can match the price of imported nuclear energy. Their key objectives are providing affordable and sustainable energy. Whenever J.E.C. talk to their customers, affordability is the big issue for customers. They [JE] can buy a unit for around 6 pence. If I can generate energy at 6 pence off my roof and sell into the grid then they will happily buy that from me and there is a buy-back tariff to that end. Perhaps what you are referring to is other jurisdictions where there are incentives put in by government, who will top up above the actual unit price of the traditional energy source in order to incentivise local renewable regeneration. Normally because the electricity that has been generated by the power company is high carbon, which of course is not the case in our situation. That aside, there are reasons why we want to include renewable energy as part of our grid. Jersey Electricity are very open to those discussions, but as the Minister says, the big issue for them is anybody who is generating renewable energy locally, but avoiding paying the cost of the grid, which is obviously the massive infrastructure asset that J.E.C. must make a return on in order to keep investment high in it. That is a difficult conversation for them to have with us all, because it speaks to a future that Deputy Morel just spoke of where we have decentralised grids, where we have smart grids, where the world looks very different in terms of energy generation and distribution than it does now. We are in a transition period. The rest of the world is too. The rest of the world is struggling with these issues and the conversations that we are having currently about the standby charge are opening those conversations into the longer term. One of the things that the common strategic priorities have agreed to do is look at our renewable energy policy. The point the Constable raised about whether there should be some sort of incentive regime or some sort of policy direction that we impose upon J.E.C. in some way, all of that would be discussed and determined in the new Council of Ministers. An important note is that it follows on very strongly from the work that Deputy Labey has kicked off with her P.88 proposition around the standby charge, which is the kind of symptom of this issue that we are moving into.

The Minister for the Environment:

That work is being done with the representatives of the Treasury and Economic Development officers and, in fact, taking economic advice. It is quite a complex area. I am sure we will be coming back to it. There is no question it is linked entirely to achieving those targets.

The Connétable of St. Brelade:

There was a suggestion or maybe an innuendo from the Infrastructure Department that the price paid to them for energy produced from the Energy from Waste plant generator is not very good. They have been locked into what some might describe as a poor contract. Do you think that that is fair on the public of the Island, that the rubbish we are producing and we are convincing people to recycle ...?

The Minister for the Environment:

I am not familiar with the details of the contract with Infrastructure. I take it from what you have said that J.E.C. treat it on the same basis they treat anybody else. As you know ... I am seeing a shaking of heads here.

Director, Environmental Policy:

Would you like me to pick up on that?

The Minister for the Environment:

Yes.

Director, Environmental Policy:

The E.f.W. plant generator is a different situation. The buy-back tariff that was negotiated between the States of Jersey and J.E.C., because of the volume of product, the electricity that has been generated, was dealt with a bi-lateral specified agreement. It was linked into the price of sterling against euros and spot prices of energy at a time when the world energy market looked quite different. Your point around the value of the energy that is produced being somewhat lower than perhaps J.E.C. would pay for something off my roof, you are absolutely right. I do not comment on whether it is fair or not, but I think it is something that definitely needs looking at.

The Connétable of Grouville:

Was it not also linked to the use of the J.E.C.'s ...

Director, Environmental Policy:

That was part of the contract, because there are asset uses and asset swapping going on. The point is that that contractual obligation agreement was made in good faith at the time. We have all

moved on. The world has moved on. It is probably time to relook at it. I am sure we would like to do that if we could.

The Minister for the Environment:

Well, now I have heard about it, absolutely, I agree it needs to be looked at.

Deputy K.F. Morel:

Thinking again of the Energy Forum, you mentioned the interim chairman; have there have been any further appointments of members in the last few years?

Director, Environmental Policy:

Sorry, I can speak for the Minister. The application process began ... there was a reapplication process last January. A Ministerial Decision was signed off following an open appointment process and the chair of the forum, as was then, judged the applications against a set of criteria and the forum was chosen. Many people who were on the old forum reapplied and were accepted back on. There were some new faces, which was terrific. That was signed off by Ministerial Decision. Those applicants serve a 3-year term. The Ministerial Decision, which I do not have in front of me, defines all of that. I can pass that on.

The Minister for the Environment:

I would be happy for you to meet the forum, if you wish.

Deputy K.F. Morel:

They are a rather mysterious organisation, if you do not mind ...

The Minister for the Environment:

Up until now I had not heard there was any concern about ...

Deputy K.F. Morel:

Well, they do not report in public and they do not publish what is going on.

The Minister for the Environment:

They have published an annual report.

Deputy K.F. Morel:

That is true.

The Minister for the Environment:

They have just recently been approved. It was somewhat late. That was my first exposure. I have met them once. It does sound like a communication issue, frankly.

Deputy K.F. Morel:

Sticking with the issue of climate change, obviously the J.E.C. makes a great deal about the low carbon nature of the energy it takes from France, whether it is nuclear or renewable energy; and quite rightly. However, there has been some suggestion that they do not take into account the carbon footprint of the plants in France, et cetera, that also claim to be carbon free.

The Minister for the Environment:

Well, that may be, but what Louise has said is that it is clearly under the development of our renewable energy policy. We need to look at increased uptake of renewables, including utility scale renewables on our own account. For all sorts of reasons ...

Deputy K.F. Morel:

The question here is: do we know what our carbon footprint is if ...

The Minister for the Environment:

I am told it is certified. I am told, in all my meetings, that we get certification on that. How thoroughly that is audited, I do not know. I go back to my point: the long-term aim is to increase our own capabilities of renewables. That is part of the work plan that the Council of Ministers want to put in place. There are 2 parts to it. One is to look at the opportunities that the Island has for utility scale renewables and the other one is for what used to be called micro-renewables, which is about people taking up new technologies in their own situations. The utility scale is completely dependent on the cost of that, on the economics of that operation. It is a very long term. I do not think anybody would feel that we can just sit back and say it is okay, we do not need to keep an eye on this, because we are going to get exchange rate movement post-Brexit and security of supply. Can we be sure that that will always be available to us? No. I think we need to look at opportunities. We are where we are now, but I am certainly not advocating complacency. I am hoping that the work that the Council of Ministers will do will set out some new policy directions. My interpretation and listening to the J.E.C. representatives, they do understand this.

Director, Environmental Policy:

If I can add, your point is about the analysis of carbon foot printing. I think that is the issue there. Jersey Electricity do a carbon value chain analysis. That is an audited process. J.E.C. are very transparent about that. It is possible when you include that within carbon accounting you get a slightly higher figure for nuclear. However, that said, if you did value chain analysis for the kerosene that is delivered to Island by boat, you would also find that it was still higher. The difference from a

Kyoto accounting perspective, there is a defined process for auditing emissions, as you well know. On that basis, nuclear/hydro does come out better than the alternatives that we have on the Island. The Minister's point is well made, this is not about defending one or the other, we know we are in a time of change. We would like to see more renewable energy. Although, again, when you look at value chain analysis of building a wind farm, steel is quite a high carbon product. There are no winners. We will just have to do the best we can with the alternatives that we have.

Deputy K.F. Morel:

While we are talking about figures, as we understand it, the J.E.C. set their own carbon emissions targets? Should they look to international sources for their targets?

Director, Environmental Policy:

They may well do. As you know, Jersey Electricity is run at arm's length from the States of Jersey; we do not set any policy objectives on them, nor do for the oil or the gas company for that matter. Jersey Electricity set their own carbon target, which is to have one-third of their electricity delivered from completely renewable sources. That puts us on a very good basis compared to say the U.K. electricity market. That said, we always want to see our carbon footprint drop as best we can. Part of the conversation around our renewable targets that we are going to move into as part of the next part of the energy policy development will be about government's relationship with Jersey Electricity. Do we want to impose upon them any policy targets? If we do, as government, is there a cost to that? There probably will be. Who bears that cost and to what best outcome? If we are to do that to Jersey Electricity would we consider doing it perhaps to the gas or the oil company? Those are all discussions to have around our policy objectives for the Island's carbon footprint, as well as our objectives of ownership of a public asset, which is J.E.C. Of course, we only own 62 per cent of Jersey Electricity. It is floated on the Island's stock exchange, so we cannot do anything that would put the other shareholders at disadvantage.

Deputy K.F. Morel:

We could be looking at that structure itself. Is that possible?

Director, Environmental Policy:

Yes, I think that is possible. What we could look at is whether we can achieve our energy plan objectives with the current ownership model. If we felt that we really could not, for some reason, then I think, yes, everything has to be up for grabs. We want to have the public assets in a number of places to their absolute maximum and that includes all bodies with which the States have an interest. The new chief executive is very keen on looking at how we can make sure we really are achieving the best social outcomes for any of the organisations we have ownership partly or wholly of. Yes, I would not discount it at all.

The Minister for the Environment:

Also to add, we do know that the Electricity Law has to be updated. It is pretty old. We do need to have a different legal basis, which will facilitate and provide for future options in those areas.

The Connétable of St. Brelade:

Solar panels and solar fields are becoming prevalent in other countries. What would be your planning view on those?

The Minister for the Environment:

We have had a number of approaches. If I can talk generically, because I am not sure we have had any applications yet. The J.E.C. approached us about their idea where they are seeking to encourage landowners to be able to set up solar fields and put on the table some financial deal. I have certainly made it plain that I do not see applications that come forward in open fields and sensitive areas would be supported. I am not in favour of that. I can see a case in certain situations for brownfield sites. Again, it would not be my preference.

[11:15]

We do have a policy in the Island Plan about that, which sets down some kind of criteria. It needs to be enhanced and improved. We will have to judge each case on its merits as it comes forward, at the moment.

The Connétable of St. Brelade:

That takes me to the Island Plan. Kevin is going to contribute on this one. Has work started on the Island Plan?

The Minister for the Environment:

Can I speak on that briefly? I want to put on record, I am really concerned that we have not been able to really develop this project and start this project in earnest. That goes back to the funding issue that we spoke about at the beginning of the meeting. On election, I learned that a bid has gone in for funding for this project for £600,000. I still do not know where this is. Nor do I know which body of our new corporate infrastructure is going to be agreeing this or not. I also have concerns that I do not think that is enough money, because I think the scope for the new Island Plan, from what I am hearing, our chief executive has broader ambitions for that. Of course, I have had some experience of doing this work myself in other jurisdictions. We do need to have sufficient resources to make sure that the plan that comes forward meets all the objectives. I am very worried about the timescale.

The Connétable of St. Brelade:

You indicated earlier that there had been an appointment to oversee the ...

The Minister for the Environment:

Before the corporate change this would have been a situation, head of department, Mr. Scate, and Kevin Pilley is the lead officer for the project. We would have gone on with that pretty well now, but we have not been able to do so. What we have been able to do is do preliminary work; preliminary work on the scoping. That sounds very nice, but I would really like to be able to get on and start work. I am frustrated in this, because I know that there is an appointment being made and that person will head up that function and will not come on board until January. I wish I knew where the decisions will be made, because it will not be Mr. Scate making them, I do not think.

Group Director, Regulation, Growth, Housing and Environment:

No, that is right. The new Strategic Policy Performance and Population Department is going to be responsible for long-term policies such as the Island Plan. Both Kevin and Louise are now in that new department. That is where the responsibility lies, although still reporting through to the Minister for the Environment. We are waiting for that staffing structure to settle down and be populated and then hopefully some resources made available to get the work underway.

The Minister for the Environment:

I myself have spoken to the chief executive and told him that I am unhappy about this. He has told me: "Do not worry. The money will be there." That is the level of the commitment I have got; a verbal say-so. I have no idea who makes the decisions. Maybe my officers might know, but I really do not.

Deputy K.F. Morel:

Talking about the chief executive; you mentioned he has broader ambitions for the Island Plan. What do you understand about that?

The Minister for the Environment:

I have only had it reported to me by the officers. The view I have heard expressed is that the chief executive considers that our Island Plan is not broad enough; it does not meet the kind of objectives that he expected to see. My reaction to that is our Island Plan is a creature of our law. The Island Plan is a statutory process described under the Planning and Building Law. I, as Minister, carry responsibility for that. I am open to the idea that the scoping work should ensure that within that context the work is as broad-based as possible, but there are limits to that.

Deputy K.F. Morel:

It is interesting, because the Island Plan is a creature of our law, but it is also a creature of our people. It is something which people feed into and people help decide what goes where. It determines the character. I am just concerned that someone who has worked here and lived here only a few months would have such major broad ambitions over the future planning of the Island.

The Minister for the Environment:

I am only reporting second-hand. I am not sitting here saying that that is a conversation that I have had personally. I have had that from a number of officer sources that have had those conversations. Like you, I have big reservations about that. There is a process there. Public engagement and proper process of transparency in stakeholders are vital to that process. That is why it is enshrined in law. The plan itself is set down as the law provides for it. There is also a subordinate legislation that sets down more than adequately how full opportunity for engagement, in fact a statutory requirement for it, and public inquiry and so on. As far as I am concerned, while I am Minister I will make sure that is stuck to.

Director, Planning Policy and Historic Environment:

I was going to say, just to reflect on some of the issues that you have raised, it is probably fair to say that there has been a hiatus in terms of starting the work to review the current Island Plan. The current Island Plan that we have goes up to 2020. It is a large piece of work, to undertake a review of the plan, and we do need to make progress with that. With the change in the election cycle - we have obviously had an election in May of this year - and we have had a new Minister for the Environment and the new Council of Ministers have been finding their feet, so there has been a political hiatus. As has been touched on before, given all the change within the civil service and the structure of government, there has been an executive hiatus as well, in terms of ...

Deputy K.F. Morel:

There have been a lot of hiatus.

Director, Planning Policy and Historic Environment:

There has. Sorting out issues of governance and how a major project like this is ...

Deputy K.F. Morel:

Not governing ...

Director, Planning Policy and Historic Environment:

Moved forward. It is fair to say that those issues are apparent and have affected the timetable of the work. Having said that, we are confident that we can deliver a new Island Plan in terms of the

required timescales. In terms of the nature of the beast that comes forward, as the Minister has already mentioned, we have a statutory requirement in the Island to produce a land use plan that is the Island Plan. As you have already alluded to, people know and understand what the Island Plan is, by virtue of the fact that we have had one for some decades and Islanders understand what it is, what it does and what significance it plays in planning decisions. I think, in terms of the work that we are tasked to undertake, we will produce a statutory land use plan that resembles the document that has previously been produced in the Island and is used in the same way to determine planning applications. My understanding of perhaps the chief executive's aspirations are that the Island Plan might be one of a suite of documents that set some broad strategic direction for the development of the Island, of which the land use planning document will remain as one document. There may be an issue with terminology here about what that, perhaps more strategic, visionary document, might be called. However, given that we have a statutory requirement in the Island to produce a land use planning document, which is currently known as the Island Plan, I believe that that will still remain, unless of course the law is changed. That would require, obviously, some discussion and ...

The Connétable of St. Brelade:

Would you see the next Island Plan lasting for 10 years in the same way as this one has?

Director, Planning Policy and Historic Environment:

Well, there is a statutory requirement to produce a 10-year plan, so the plan will need to have that plan period. Clearly there are issues, such as housing for example, where we do have some challenges in terms of setting out a view at the beginning of the process to meet the Island's housing requirements over a 10-year period. It might be that there is a requirement to have more flexibility in the plan, such that we review things like housing demand and housing supply more regularly during that 10-year life span. You will probably recall that even with the current Island Plan we had an interim review of that plan in 2014, where we had to address issues of housing. That resulted in a change in the approach that is now in the current plan as to how we meet the Island's housing needs.

The Connétable of St. Brelade:

Minister, I am gleaning from this that there is a ... I think I fear for the environment, is what I am hearing. Do you agree with that?

The Minister for the Environment:

Well, I began by saying that the reorganisation of the structure and removing the Environment Department is quite a high-risk strategy. I am doing my best to minimise that risk. You can see from the quality of the officer team what I said about the commitment, the professionalism and the integrity that the officers have are holding that together. The checks and balances in the system

have effectively gone. At the moment we are in a situation where, as Minister, I have responsibility for the statutory functions right across this area of environment. I think I can keep that in check. Under the government changes, which kicked all this off, as it were, that were made by the previous Council of Ministers, which I accept no responsibility for whatsoever, the States did agree to a change to remove the ministerial responsibility to one of a single One Government. I personally do not support that change, because I think that that will mean that the safeguard that I just explained will go. It is not possible then to ensure that the ... the effort and commitment that the Islanders built up in looking after its environment is not at risk in the future. Certainly I shall be expressing that view later on. As a minimum, the regulatory side needs to be in one separate body. I certainly said to the chief executive: "I think one thing you might have to look at is whether or not we form an Environment Commission similar to the Financial Services Commission, so that, effectively, those functions are safeguarded and put into a separate box." Equally, it is right that we develop policy more across the piece. Previously we had transport policy in one box, waste policy in another box, planning policy in another box and energy policy in yet another box. This discussion today has shown how in reality all these things join up. That is the challenge, to make sure the regulatory side, the environment side, is protected, and our policy side is properly joined up. The jury is out. I have been disappointed at the level of uncertainty. I have been disappointed at the hiatus. I have been disappointed about the delays. Nonetheless, it is early days. The time to judge it is probably when there has been a full 12 months and we will see whether or not things are more together. I have tried to be quite honest with the panel.

The Connétable of St. Brelade:

I am very pleased you are. We feel we can empathise with what you are saying, put it like that. A point that States Members will have to be very conscious of is that the environment could well be at risk and we would not want that.

The Minister for the Environment:

I think so. The big issue for Jersey is the increasing population. There is no doubt about it, the impact the population growth has made on our infrastructure and the quality of life in the Island is going to continue. Therefore, environment management becomes even more important. Those conflicts are going to increase. Having the right structures and robust checks and balances in the system are crucial. That is something we have been able to do in Jersey, ever since World War 2 the Island Plan in the Island Planning Law after World War 2, I think of the Natural Beauties Committee first of all, that has helped produce the Island and keep it as such a special, lovely, wonderful, beautiful place that it is. It is inherent on all of us, as politicians, to make sure that the arrangements do not peter out. That is what the public say. The public say that they expect to see our environment stay special. It is equally true they expect to see everything else as well and there are choices in there. That is the job of government.

The Connétable of Grouville:

Can I ask one brief question about the Island Plan? Is the date by which the next one has to be in place set by law?

Director, Planning Policy and Historic Environment:

The Minister is required to launch a plan with a 10-year period. The current Island Plan was adopted in 2011. Therefore it runs to 2020. We did have an interim review in 2014. I do not know whether that would count in legal terms to give us some more flexibility.

The Connétable of Grouville:

If law does dictate, what would that date be?

Director, Planning Policy and Historic Environment:

We are seeking to ensure that we have a plan adopted for 2021.

The Connétable of Grouville:

Early 2021 or the middle of 2021? 2021 has 12 months.

The Minister for the Environment:

July, is it not? The date would be 10 years on from when the previous one was approved, which was in 2011.

Director, Planning Policy and Historic Environment:

Yes, in our scheduling we would look to adopt a plan during that period.

The Minister for the Environment:

There is one issue I would like to flag. When I was elected, I did commit to trying to bring forward an interim review on the question of housing, because of the issue with the severe problems we have.

[11:30]

It is clear, from the advice I have had, and obviously I have to accept this, is that unless we have a clear handle on our population policy then that would not be rational to do. At the moment, I do not know when C.S.P. (Common Strategic Policy) and our Council of Ministers will be able to resolve our ongoing policies. As far as I am concerned it is a crucial matter. All environmental matters come back to the population policy.

The Connétable of Grouville:

In essence, you have 18 months to get this plan together and time is running out.

The Minister for the Environment:

The clock is ticking. I went up to Alderney and I did this particular work. It took me 2 years.

The Connétable of Grouville:

We only have 18 months.

The Minister for the Environment:

Of course, stakeholder engagement, workshops, public inquiries. All those stages require a lot of time.

The Connétable of St. Brelade:

Those of us who were present for the 2011 debate will recall that it takes quite a while and there are lots of amendments. I suspect that there will be similar sort of input this time. Minister, I am conscious of the time. I thank you for attending today. There are lots of other questions we would like to have asked, but we have run out of time. We will store those up for the future. I thank you for your attendance and look forward to being in touch in the future.

The Minister for the Environment:

Thank you.

[11:32]