Environment Scrutiny Panel

Record of Meeting

Date: **1st April 2010**
Meeting Number: 21

Present	Deputy P Rondel (Chairman) (PR) Connétable J Refault (JR) Deputy P Le Claire (PLC) Deputy D Wimberley (Vice Chairman) (DW)
In attendance	M Haden , Scrutiny Officer M. Orbell, Scrutiny Officer

Ref Back	Agenda matter	Action
	1. Records of meetings The minutes of the meeting of 4th March 2010 were approved and signed.	
Item 3 04.03.10 **Item 8 04.03.10**	**2. Matters arising** The Panel received an update report on actions arising from the previous meeting, as detailed in the Action Notes. **(a) Public Engagement**: The Panel received an update on the public engagement project including the use of Facebook as a means of raising the profile of the Panel's work programme. **(b) Census**: The Chairman reported that he had attended a briefing on the preparation of the forthcoming Census. He had been advised that a question related to bottled water would not be appropriate for inclusion in the Census. Officers were requested to contact the Statistics Office to investigate whether there was an opportunity to input environment related questions into the Census.	**MO** **MH**
Item 8 **O4.03.10**	**3. Provision of Bottled Water in States Buildings** The Panel considered a memo dated 18th March 2010 from the Scrutiny Officer detailing the costs of providing bottled water to the States Building and Morier House. The Panel also noted that an Eco Active Water Campaign was planned for May/June 2010. The Panel was of the view that the States Assembly should take a lead in this matter and agreed to write to the Privileges and Procedures Committee to request that the current provision of bottled water in the above buildings be replaced by mains fed filter/cooler. The Panel also authorised Deputy Le Claire to contact States Departments, with Scrutiny Officer support, with a view to encouraging them to reduce their consumption of bottled water. The Panel was informed that the major food importing companies had been requested to supply details of the volumes of bottled water imported into the Island. The Panel agreed to issue a press release in due course to highlight the action it was taking to support the Water Campaign.	**MH** **PLC** **MH**

	4.Topic proposals The Panel considered the following topic proposals received from members of the public: **(a) Possible Methane gas deposits in St Ouen's Bay** - The Panel considered a claim that German authorities during the occupation had discovered the presence of methane gas in St Ouen's Bay. The Panel noted that no documentary evidence had been provided to substantiate this claim. It was agreed to defer the matter pending further investigations. **(b) Radon:** The Panel considered a request to investigate whether existing legislation was adequate, whether there was evidence of disease arising in Jersey as a result of radon and whether there was any monitoring of private or public buildings or water resources for levels of radon. The Panel noted from comments supplied by the Head of Health Protection Services that forthcoming legislation entitled 'Dwelling Health and Safety Housing Law' would enable the Health Protection Services to deal with issues of poor housing standards affecting health and that radon would be one of the aspects covered under the draft law. The Panel requested that officers undertake further research on the draft legislation and current Bye laws. **(c) Planning Approval process**: The Panel considered a request to examine the Planning Appeals process in the light of alleged inconsistencies in the approval system. The Panel noted that the Scrutiny Code of Practice (7.14) cautioned against scrutinising individual planning consent decisions. It also recalled that the previous Environment Scrutiny Panel had conducted a review of the planning process and it was suggested that it might be opportune to review progress made by the Department in respect of the recommendations made by the Panel. It was recognised that any review of the Planning Process would be a significant piece of work and that this could only be undertaken once other current reviews had been concluded. In the meantime the Panel agreed that it would be helpful to seek the views of the Association of Jersey Architects.	**DW/PLC** **MO** **MH**
	5. Historic Protection System The Panel recalled its discussion with the Minister and the Historic Buildings Advisor on 10th February 2010 in which members had expressed concerns regarding the large numbers of buildings being designated as protected buildings and the onus which this designation placed on owners who wished to develop their properties. The Panel noted that the public consultation on proposals for amending the current protection regime had now closed and requested that the submissions be reviewed to see whether they reflected these concerns. The Panel also requested that the views of the Association of Jersey Architects be sought on this matter.	**MH** **MH**
514/9(8)	**6. Energy from Waste Plant - Waste Management Licence and Discharge Consent Application.** The Panel noted that the above application had been submitted by Transport and Technical Services to the Environmental Regulator. It recalled its discussion with both parties at meetings held on 10th February and 26th March 2010 and in particular the issue of the proposed removal of the secondary gas analyser from the specification for the EfW plant as a cost saving measure. The Panel also recalled that the Assistant Minister for Planning and	

	Environment had voiced concerns in the ministerial briefing on 10th February that the removal of this piece of equipment might compromise effective monitoring of emissions to air from the EfW plant. The Panel had been reassured by both Ministers however that this proposal would be permitted only if it could clearly be demonstrated that the operation of the plant and its emissions would remain within the boundaries of the Waste Incineration Directive. The Panel had also been informed that, in the event of a failure of the equipment lasting more than 4 hours a protocol had been proposed to the regulator. The Panel agreed to write to the Assistant Minister asking whether he had been reassured that the proposed removal of the secondary gas analyser would not compromise the monitoring regime at the EfW plant. The Panel also decided to write to Transport and Technical Services formally requesting (i) details of the baseline studies which were to be undertaken against which the effects of the emissions from the new EfW plant would be measured (ii) the rationale for the planned monitoring schedules including identification of who would be responsible for conducting the monitoring and plans for independent verification of their monitoring systems (iii) confirmation whether or not Health Protection Services had been consulted on the relevant studies and monitoring schedules (iv) details of how monitoring information would be made publicly available (v) information on any role to be undertaken by the Ramsar Management Authority (vi) information on the plans for the de-commissioning of the existing EfW plant at Bellozanne. The Panel was informed that the Health Protection Agency in the UK had recently published an advice paper on the impact on health of emissions to air from municipal waste incinerators. Officers were requested to circulate a copy to members.	**MH** **MH** **MO**
513/27(8)	**7. Comprehensive Spending Review** The Panel noted the CSR project management timetable which contained a limited window of opportunity for Scrutiny to consider 2011 departmental savings proposals. The Panel noted that quarterly briefing meetings had been arranged with the Minister for Transport and Technical Services on 27th April and with the Minister for Planning and Environment on 5th May and agreed to use these opportunities to discuss the implications of their proposals. It was agreed to write formally to the Ministers in advance requesting the rationale for the proposed savings and alternatives which had been considered.	**MH**
Item 9 11.02.10	**8. Sustainable Transport Policy** Deputy Wimberley reported briefly on discussions held with the Minister and departmental officers on 30th March on the vision and targets in the draft White Paper and informed the Panel that two further meetings had been arranged to discuss further details in the draft document. In his view the draft White Paper was a considerable improvement compared to previous documents considered by the Panel. However there remained key issues such as changes to the current system of taxis where there was little detail in the proposals. It was clear that the White Paper was intended to be a high level policy document which would be	

	gradually implemented over time as limited funding allowed. The Panel was informed that the Department hoped to be in a position to lodge the draft policy for debate in the States in July. Members considered that this was an ambitious target which would not allow for a formal Scrutiny review and report on the draft policy. It was acknowledged that, if a formal review was deemed necessary, this would add further delay to this project. Mindful that they had been involved at various stages in the discussion with the department regarding the development of this policy, members considered a suggestion that they might issue comments on the proposals rather than a full report at this stage, with a view to the Panel undertaking ongoing monitoring of the implementation of the policy. The Panel agreed to discuss the issue with the Minister at the next quarterly meeting on 27th April 2010.	**MO**
479/6(1)	**9. Importation of Waste: Approval by the States Assembly (P.17/2010)** The Connétable of St Peter, rapporteur for this proposition, outlined his approach to the States debate scheduled for 20th April 2010.	
510/1(5)	**10. Scrutiny Code of Practice** Deputy De Sousa, member of the review group considering the Code of Practice, attended the Panel to hear members' views. Members welcomed the opportunity to review the Code. They believed that the primary purpose of the Code was to assist the Panels to undertake effective reviews; however, there was a risk that it might be used as a constraint on Panels. The key point of the Code for members was access to information. It was felt that there was an unnecessary tendency on the part of the Executive to insist on confidentiality in order to prevent information from getting into the public domain. The Code should clarify the tools available to Panels when they were dissatisfied with answers received to their requests for information. Members felt that direct access to discuss matters with departmental officers on occasion without the necessity for ministerial involvement might be helpful. One member suggested that the 'Whistle-blowing' Policy might include a means of communicating anonymously with Scrutiny over any concerns that individuals might have about departmental policies and practices.	
Item 11 04.03.10 **514/14(8)**	**11. Monitoring and regulation of Water Quality in the Marine Environment - proposed review** The Panel received a briefing paper from the Scrutiny Officers following a preliminary meeting with officers of the Planning and Environment Department on 30th March 2010 concerning the possible scope of the review. It was noted that further consultation with Planning and Environment would be required prior to the preparation of draft terms of reference for Panel consideration. It was agreed that Officers should seek input also from the Health Protection Department.	**MH**
Item 10	**12. Energy from Waste Plant and Ramsar review**	

02.03.10 **514/9(8)**	Members received a copy of a letter from the Ramsar Convention Secretariat, dated 30th March 2010 supporting the conclusion that an Article 3.2 report should be submitted regarding the likely change in ecological character within the South East Coast of Jersey Ramsar site. Members agreed that this was an important vindication of one of the key findings in their report. They requested that the letter be forwarded to the Ministers for Planning and Environment and Transport and Technical Services and copied to all States members and that a press release be issued. Members also received the response of the Minister of Planning and Environment to the findings and recommendations in its report. They agreed to convene a separate meeting to discuss this response in conjunction with the previously received response of the Minister for Transport and Technical Services. Officers were requested to enquire about the status of the Plymouth Marine Laboratory report on the current ecological status of the SE coast Ramsar Site which had been released to the Panel under confidential cover. The Panel believed that this report was relevant to Key Finding 18 in their report and that it ought to be in the public domain.	**MO** **MO** **MO**
Item 4 **02.03.10**	**13. Draft Island Plan Review** The Panel noted an email from the Chief Executive Officer Planning and Environment dated 20th March 2010 regarding the legal process for the independent public examination of the Island Plan. The Panel noted that the process involved the following steps: • the Minister for Planning and Environment would submit a report to the independent examiner on the public consultation and any proposed amendments to the draft Island Plan • formal examination by the independent examiner of issues raised during the public consultation and the minister's subsequent report • report by the independent examiner to the Minister • publication of a revised draft Plan for presentation to the States. The Panel recalled that it had agreed that it would monitor the outcomes of the independent process and decided to invite in due course: • the Minister for Planning and Environment to discuss his report to the independent examiner; and • the independent examiner to discuss the main issues which he had identified in the course of his examination and his recommendations to the Minister.	
	14. Ministerial Decisions Recent Ministerial Decisions pertinent to the Panel's remit were noted.	
	15. Chairmen's Committee	

	The Panel received: (a) Briefing notes of the meeting held on 18th March 2010 (b) A summary of the meeting with the Council of Ministers on 18th March 2010 (c) A copy of the report of the Media Working Party. The Panel was of the view that the visual streaming of States meetings would enhance the public's awareness and knowledge of States matters.	
	16. Future meetings The Panel noted the following meetings: • 19th April 2010 - meeting (in private) to discuss responses to the report on Energy from Waste and Ramsar (SR1/2010) • 27th April 2010 - quarterly briefing with Minister for Transport and Technical Services • 5th May 2010 – quarterly briefing with Minister for Planning and Environment • 29th April 2010 - next scheduled Panel meeting	
	17. Other Business The Panel agreed to a suggestion from Deputy Le Claire that Dr L. Lamballais of Celtic Energie Environnement, who had previously assisted the former Environment Panel, might be invited to attend a future Panel meeting to discuss whether he could offer assistance with any of its work. The Deputy agreed to contact Dr Lamballais to identify possible dates when he would be visiting the Island. The Panel also noted recent correspondence in the media regarding the fuel additive Soltron and recalled that this had been considered by the previous Environment Panel. The Panel agreed that issues related to procurement lay outside its remit.	**PLC**

Signed ..... Date: 29.4.10

Chairman Environment Panel