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Constable Mike Jackson
Chair, EHI Scrutiny Panel

BY EMAIL

17 November 2021

Dear Mike

Re: Residual Questions following Public Hearing Review: Government Plan 2022-25

Please see below responses to your residual questions following the public hearing on Tuesday 26 October.

Departmental Budgets

1. Can you confirm the amount of the departmental base budget that you hold responsibility for?

Primary responsibility for the budget is held by the Accountable Officer at departmental level within IHE. An approximate split by Ministerial Responsibility for Environment is shown below:

Service Area	2022		
	Income	Expenditure	Net Revenue Expenditure
	(£'000)	(£'000)	(£'000)
Office of the DG	-	-	-
Sport	-	-	-
Natural Environment	773	4,868	4,095
Operations and Transport	-	-	-
Property and Capital Delivery	-	-	-
Regulation	4,459	6,322	1,863
	5,232	11,190	5,958

Additional sums are also held in Reserves in respect of "UK/EU Trade and Cooperation - Biosecurity Border Controls" and "Future Fisheries & Marine Resources Management" (GP22 p124)

In addition, the following amounts are held under the Strategic Policy, Planning and Performance (SPPP) department:

Service Area	2022		
	Income	Expenditure	Net Revenue Expenditure
	(£'000)	(£'000)	(£'000)
Public Policy	-	-	-
Public Health	-	-	-
Strategy and Innovation	-	1,354	1,354
Statistics and Analytics	-	-	-
Arm's Length Functions	-	-	-
Executive and Governance	-	-	-

2. How is the base budget for 2022 broken down between the various services that fall under your remit?

The lower level analysis of the budget by service area for IHE is shown below.

Service Area	2022		
	Income	Expenditure	Net Revenue Expenditure
	(£'000)	(£'000)	(£'000)
Natural Environment			
Administration	-	256	256
Marine Resources	29	641	612
Biosecurity	22	855	833
States Vet	32	286	254
Land Resource Management	78	1,496	1,418
CI Meteorology	612	1,334	722
	773	4,868	4,095
Regulation			
Administration	10	909	899
Development and Land	4,124	3,040	(1,084)
Consumer and Environmental Protection	325	2,373	2,048
	4,459	6,322	1,863

Please note the above does not include all overhead costs.

3. How does this budget compare to that available to your remit in 2021?

The approximate apportionment of the IHE budget relating to my portfolio for 2021 is outlined below:

Service Area	2021		
	Income	Expenditure	Net Revenue Expenditure

	(£'000)	(£'000)	(£'000)
Office of the DG	-	-	-
Sport	-	-	-
Natural Environment	716	4,932	4,216
Operations and Transport	-	-	-
Property and Capital Delivery	-	-	-
Regulation	5,356	5,728	372
Net Revenue Expenditure	6,072	10,660	4,588

4. Can you confirm how much additional funding you are requiring for the services under your remit for 2022?

As identified in Q1, some funds are held in Reserves to allow for uncertainty over levels of funding required. These relate to “UK/EU Trade and Cooperation - Biosecurity Border Controls” and “Future Fisheries & Marine Resources Management” (GP22 p124).

Additional funding allocated to the IHE department in relation to the Environment portfolio in the GP22 is outlined below and on pages 74-77 of the GP22 Annex.

GP22-CSP4-1-06	Housing & Food Licensing Schemes	£1,000,000
GP22-OI3-25	Regulatory Improvement	£750,000

This is supplemented by the continuation of growth funding proposed in the GP20 and GP21:

GP20-CSP5-2-02	Countryside access	£160,000
GP21-CSP5-2-05	Marine Resources Management	£92,000
GP21-CSP5-2-04	Natural Environment - Water	£400,000

5. What funding pressures face the services under your remit and are they being addressed by the Government Plan; and, if so, how?

The States debates on Private Sector Dwellings licensing schemes and charges thereon caused a significant financial shortfall in the budget of the department in 2020 and 2021 as since 2019 there has been an assumed income stream associated with this new legislation (introduced as a “user pays” measure in the MTFP 2016-19). It has now been recognised that there is no likelihood of achieving this income in this GP period and CSP4-1-06 above seeks to correct this.

In addition, following the C&AG’s report on the Use of Enforcement Powers additional resource has been included under OI3-25 to address the concerns raised, details of which can be found on page 74 of the GP22 Annex document.

The impact of Brexit on the Regulation and Natural Environment teams has been met by the allocation of funding within Reserves, to be released as required, as has additional funding required to bolster the capabilities of the Marine Resources team.

The continuation of funding in respect of growth introduced in previous Government Plans is welcomed and is in line with the funding profile indicated in those previous plans.

6. What other sources of income does the Department have and what changes, if any, are envisaged during the Government Plan period?

It is assumed that the other sources of income relate to the Environment Portfolio, and not other areas of IHE. As such, the schedule of income is as follows:

Service Area	Income
	(£'000)
Natural Environment	
Marine Resources	29
BioSecurity	22
States Vet	32
Land Resource Management	78
CI Meteorology Department	612
	773
Regulation	
Administration	10
Development and Land	4,124
Consumer and Environmental Protection	325
	4,459
Total Income	5,232

Departmental Efficiencies

7. We note that there are no efficiency measures solely assigned to the Minister for the Environment, why is this?

Initially a target was set for the department in respect of efficiency measures, however, the list of available options, given other funding pressures being experienced by the department as a whole, was unacceptable to myself, my fellow IHE Ministers and the Council of Ministers and, I believe, represented an unacceptable further reduction in the department's budget.

Over a number of years both the former Departments of the Environment and Infrastructure have taken significant reductions in budget through the various efficiency and savings rounds and this has continued under the IHE department. Growth funding has been more limited. The IHE department reduced its budget by over £6m in the last Government Plan and already had a target set for a further £500,000 reduction in 2022, which is still contained within the cash limit, albeit within the Infrastructure Minister's portfolio under Property.

We continue to review the budgets and services provided by the department and where efficiencies can be made, we strive to achieve them.

Additional Programmes (Fund As Required)

UK/EU TCA Biosecurity Border Controls and Vienna Convention Vehicle Testing

8. Considering that no specific funding allocation has been proposed for this programme, it's our understanding that it would be funded as needed (dependent on a business case being brought and approved). What funding do you anticipate may be required in 2022 to meet the programme's aims?

In respect of the need for border controls, discussions are underway with DEFRA following a proposal that would - instead of copying a formulaic and expensive "built solution" approach - resolve any challenges through a range of technical and operational measures. The outcome of these discussions will determine the funding required for proportionate control measures, taking into account the volume of trade coming into the Island, or whether there is a requirement for a bespoke facility at or near to a port of entry.

The Vienna Convention work, while being undertaken by staff within IHE, is not within the remit of the Minister for the Environment; rather it lies with the Minister for Infrastructure.

Climate Emergency Fund and Sustainable Transport

9. Regarding the 2021 funding allocation of £500,000 for Strengthening Protection of the Natural Environment, what portion of the funding has been spent and on what initiatives?

Strengthening Protection of the Natural Environment	2021 allocation	2021 spend to date
Soil - Soil Health Ph.D.	£40,000	£15,000
Biosecurity - 1 x additional Plant Health/ Biosecurity Officer	£30,000	£0
Biosecurity - 2 x Biosecurity P/T Coordination Projects Officers	£100,000	£0
Conservation - Habitat Management	£100,000	£98,000
Conservation - Marine research	£128,000	£123,482
Conservation - Support for new wildlife law	£60,000	£58,000
TOTAL	£458,000	£298,482

Continuing Programmes

Marine Resources Management and Future Fisheries Support

10. For the Marine Resources Management Project, in a written response to us, you outlined for 2021 a total spend allocation of £150,000 (with the allocation split between industry advocacy and support - £100,000 and to consultancy - £50,000). You also noted remaining funds of £20,000 to date – yet to be allocated. It is our understanding that £250,000 was allocated in the Government Plan 2021 for Marine Resources Management and £92,000 for the subsequent years. Can you explain this discrepancy please?

There appears to have been some confusion as to the type of funding allocated to the Marine Resources team for 2021. I apologise for this. Having checked further, the £150k described in the previous correspondence was not GP funding but an additional sum allocated from reserves funding to deal with specific matters relating to the implementation of the TCA. There is still lack of clarity in respect of this spend as discussions are still ongoing between the parties. £250k was allocated in the Government Plan. This funded two additional officer posts and the purchase and operation of a vessel monitoring system for the smaller vessels and access to an online logbook system. Work on this has been delayed due to the ongoing negotiations with respect to vessel licensing. The £92k for subsequent years is to fund the officer posts.

11. Resultant of our review of the Government Plan 2021, we recommended that the Minister for the Environment should seek to ensure going forward that a wide variety of reputable, independent research on marine resources related matters is drawn upon by Government, and given the implications arising from Brexit, endeavour to find ways to collaborate and engage with voluntary and third sector organisations to form mutually beneficial partnerships and new, innovative ways of working.
- a. Minister has this recommendation been taken on board and actioned, if so, how?

I have committed to working collaboratively to ensure the best data and evidence is available to develop policy and management measures. Please see response to [WQ.433/2021](#) which details the various organisations that have a long-established working partnership with the Department regarding research and management.

12. We also recommended that the Minister for the Environment should seek to ensure that, now and post-Brexit, suitable engagement and support is extended to the fishing industry, given the significant implications this will inevitably have for the industry.
- a. Can you clarify the extent of support and engagement that has been extended to the fishing industry to date?

I have consistently championed support for the fishing and aquaculture industry and, whilst officers can support and advise in that process, support funding for the industry is not within my ministerial remit but rather that of the Minister for Economic Development, Tourism, Sport and Culture to provide direct financial support. In a recent Urgent Oral Question in the

chamber, I advised the Assembly of the support that I am advised is being made available to fishers.

13. What do you hope to have achieved in respect of this project's delivery by the end of 2022 and is the £92,000 allocation for 2022 sufficient to meet the project's aims for 2022?

See response to question 10.

14. You informed us in a written response that two staff members have been appointed. You noted that one role was dedicated to data collection as well as scientific and industry analysis to ensure compliance and delivery of the obligations in the TCA. The other role was for operations and administrative support. Are you confident that the current staffing capacity will be sufficient to meet the required aims, considering the current focus in this area and its ongoing importance?

The resources of the MR team are stretched due to current demands placed on the service, and this is of concern. The ongoing negotiations around the fishing vessel licensing under the terms of the TCA remain complex and, at this time, it is difficult to be clear as to what resources will be required to fulfil the eventual obligations and requirements of the TCA. However, it is safe to say that there will likely be an increased administrative, science and compliance burden placed on the team that will need to be resourced appropriately.

Continuing Capital Projects

Refit & Replacement of Fisheries Protection Vessel & Auxiliary Vessels

15. In a written response to us, you clarified that although an additional spend of £57,000 was incurred on the refit of the Norman Le Brocq, taking the total to £412,000 instead of the original cost of £355,000 that the project remained under the original budget of £580,000. Considering the reduced total cost incurred, can you clarify any other use of the unused budgeted funds?

Since the original correspondence the additional spend is now £69.5k rather than £57k. At the completion of the refit project, all unused budgeted funds will be returned to Treasury.

Planning Obligation Agreements

16. It's the Panel's understanding that Planning Obligation Agreements are a holding head of expenditure to allow for the allocation of revenues received from third parties as part of the Planning Rules for development to ensure the implications of new developments are balanced by the provision of necessary infrastructure and services (the cost covered by the developer), is our understanding correct and can you clarify this further please?

Article 25 of the Planning and Building (Jersey) Law 2002 gives the power to the Chief Officer to make Planning Obligation Agreements with developers. In some cases, these can be in the form of a restriction in the use of land, for example, over the type of occupancy to which a building can be put. However, they are frequently used to extract value from a development. By agreement, so that the burden of public infrastructure does not fall on the public purse.

17. What involvement, if any, does the Minister for Infrastructure have regarding the Planning Obligation Agreements, considering it includes ensuring the necessary infrastructure and services are in place for new developments?

The planning team at IHE (Regulation) confer regularly with officers at IHE (Operations and Transport), working to derive an appropriate charge for each development. As a guide, the officers will use the Supplementary Planning Guidance issued by myself as Minister, which suggests standard sums to be levied. See link.

[Planning obligations agreements \(planning advice note\) \(gov.je\)](#)

Following the signing of an Agreement, either the developer will carry out the work directly, or the Minister for Infrastructure's team will arrange for it to be carried out and the funds will be transferred to that department's budget, on request.

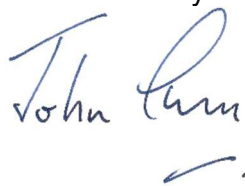
18. Minister, what is your view regarding mandating Planning Obligation Agreements on all applications for multi-occupancy developments to make provision for shared transport? Thereby reducing the number of parking spaces required, reducing the number of cars, and ultimately making more effective use of assets?

The Guidance above is the latest ministerial advice, dating back to July 2017. The aim is to capture new developments over a certain threshold (usually 10 dwellings or 250 sq.m), without discouraging the smaller developments. The suggested change would require further consideration and consultation before implementing.

It should be noted that guidance must be based on policies in the Island Plan and cannot set new policies. Rather they explain how policies are implemented and provide detailed information following public consultation.

I hope the above responses assist your review and please do not hesitate to contact me if you require anything further.

Yours sincerely



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