

# Environment Scrutiny Panel

## PUBLIC MEETING

### Record of Meeting

Date: **10th April 2008**

Meeting Number: **76**

Present	Deputy R.C. Duhamel (Chairman) (RD) Connétable K. A. Le Brun of St Mary (KB) Deputy P. V. F. Le Claire (PLC)
Apologies	Connétable A. S. Crowcroft (SC) Deputy C.J. Scott Warren (CSW)
Absent	
In attendance	Mr. M. Roscouet, Assistant Director - Building Control  Mr M. Robbins, Scrutiny Officer Mr W. Millow, Scrutiny Officer

Ref Back	Agenda matter	Action
<p><b>1.</b> <b>17/03/2008,</b> <b>Item 1</b></p>	<p><b>Bovine Semen Imports.</b> The Panel considered the current situation in relation to the proposed legislation regarding importation of bovine semen.</p> <p>The Panel noted that <i>Draft European Communities Legislation (Implementation)(Bovine Semen)(Jersey) Regulations 200-(P.43/2008)</i> had been lodged by the Chief Minister and not the Minister for Planning and Environment. The Panel, with reference to Standing Orders 72 and 79, considered the potential implications this had for the Panel's ability to scrutinise the legislation and whether the situation highlighted a need to amend Standing Orders. It was noted that there was insufficient time to amend Standing Orders ahead of the debate on P.43/2008. The Panel also considered whether it should speak to H.M. Solicitor General about the lack of clarity within current procedures.</p> <p>The Panel noted that correspondence had been received by all States Members from Mr. D. Quenault in which it had been conveyed that a majority of cattle farmers opposed the importation of bovine semen. Consideration was given to the potential impact of adopting the proposed legislation; it was noted that it raised legal, environmental and economic issues. The Panel considered whether it should undertake work on the legislation and noted that due to its other work commitments, it would not be able to undertake any such work before May 2008.</p> <p>The Panel was informed that the Chairman would meet the Privileges and Procedures Committee (PPC) on 18th April 2008 following a complaint against the Chairman that the Committee had received.</p>	

	<p>It was agreed that the Chairman would raise the possible need to amend Standing Orders with PPC. It was further agreed that a statement would be made to the States Assembly on 29th April 2008 regardless of whether PPC took the view that Standing Orders should be amended. Ahead of this statement, the Chairman would also speak to the Greffier of the States. It was subsequently agreed that the Panel would not seek to speak to H.M. Solicitor General at this time.</p> <p>RD. KLB. PLC.</p>	
<p><b>2.</b></p> <p><b>20/03/2008, Item 9</b></p> <p><b>20/03/2008, item 11f</b></p>	<p><b>Records of Meetings.</b></p> <p>The Panel approved the record of its meeting of 17th March 2008. In relation to the record of its meeting of 20th March 2008, the Panel amended the record to clarify the following:</p> <ul style="list-style-type: none"> <li>• It had been agreed that the Chairman would respond in writing to a member of the public who had raised issues relating to the Bellozanne Waste Plant.</li> <li>• The Panel had welcomed an initiative for charging for plastic carrier bags as a shot in the arm for the Panel's argument about the actual projected waste arisings in the Island.</li> </ul> <p>The Panel deferred consideration of the amended record to its next meeting.</p> <p>RD. KLB. PLC.</p>	
<p><b>3.</b></p>	<p><b>Matters Arising.</b></p> <p>The Panel noted that it had been suggested that it provide a presentation to the Comité des Connétables on 9th June 2008. It was further noted that the Comité had received a presentation from the Department of Transport and Technical Services on 7th April 2008 at which the matter of composting sites had been discussed. The Panel was advised by Connétable K.A. Le Brun of the discussions. It was subsequently informed that Deputy P.V.F. Le Claire was minded to table questions to the Minister on that matter; he was requested to share any such questions with the Panel before doing so. The Panel noted that a second meeting between the Comité and Department would be held on 9th June 2008 and it was therefore agreed that the Panel would proceed with its own presentation to the Comité on that date.</p> <p>The Panel noted receipt of the record of the Council of Ministers meeting of 7th February 2008 as well as the summary of the Council of Ministers meeting of 27th March 2008.</p> <p>RD. KLB. PLC.</p>	
<p><b>4.</b></p>	<p><b>Building Bye-Laws.</b></p> <p>The Panel received Mr. M. Roscouet, Assistant Director – Building Control, for a presentation on proposed amendments to the Building Bye-Laws. It was noted that paperwork had been received by the Panel ahead of the presentation.</p> <p>The Panel was informed of the proposals that Part 11 of the Bye-</p>	

Laws be updated to bring them further in line with European standards and that guidance documentation would be produced in relation to the following:

- New dwellings
- Extensions and alterations to existing dwellings
- Other new buildings
- Extensions and alterations to other existing buildings

It was noted that implementation of the amended Bye-Laws would introduce a standard procedure whereby the energy efficiency of buildings would be known. The intention was that newly constructed dwellings would be 20% more energy efficient than a notional building that would be established as a standard for comparative purposes; within the overall target of 20%, there would be flexibility within the manner in which that target could be achieved. The notional standard was based upon a building heated electrically and the primary aim in setting such targets was to reduce CO<sub>2</sub> emissions (measured in kg/m<sup>2</sup>). For commercial buildings, the aim would be to increase efficiency by 23 – 28%. For work undertaken on existing commercial buildings, the amended Bye-Laws would establish a need for consequential improvements whereby at the time of any new alteration or extension, some work on improving the existing building fabric would be required.

Consideration was given to the current standards of efficiency in Jersey and how these standards compared to those used in the United Kingdom (UK) and Europe. It was noted that standards in the Island were not too bad at present but that Jersey was not leading the way. One difficulty facing Jersey in any attempt to so lead the way was that industry did not produce materials specifically for the Island's needs (for example, insulation materials). There were also potential difficulties for the Island to follow directly developments in Europe rather than the UK; for instance, there were language difficulties although improvements were being made in that area. Amending Part 11 of the Bye-Laws would mean that Jersey met the appropriate EU directives and that its standards would be higher than those found in the UK but they would remain lower than best EU practice.

It was noted that the Bye-Laws would establish standards but would not dictate precisely how those standards had to be met. The Panel was advised that Building Control could feasibly provide an advisory and guidance service to the public although the current level of resources would make such an undertaking difficult to achieve. Building Control currently comprised a staff of 12 people, qualified as Chartered Surveyors, who undertook approximately 16,000 inspections each year.

Consideration was given to the relationship between minimising air leakage within a building (testing of which would result from amending Part 11 of the Bye-Laws) and ventilation. The Panel was informed that amendments to Part 5 of the Bye-Laws (relating to ventilation) had also been proposed. It was noted that ventilation would need to be controllable.

It was noted that notifications would be placed within new

dwelling to indicate the energy rating of the building. Consideration had not yet been given to the format of the notification or the grading system that would eventually be used.

The Panel was informed that 30 – 40% of planning applications related to extensions or alterations of existing buildings and that these would be covered by the proposed amendments to Part 11 of the Bye-Laws. It was noted that provision would be made within the Bye-Laws for historic buildings that would allow for a balance to be struck between improving energy efficiency and maintaining the character of the building: each case would be judged upon its merits.

Consideration was given to when the use of a building changed, for instance from a hotel to lodgings. The Panel was informed that changes of use were covered by Part 6 of the Bye-Laws and that standards had improved in this area since 1997.

Consideration was given to whether amendments to Part 11 of the Bye-Laws should include retrospective provisions and also to the impact that the amendments would have on owners of existing buildings. It was noted that the amendments could lead to more awareness of energy efficiency issues amongst existing owners. The new legislation would therefore provide information but not compulsion and whilst it would engender extra costs for people, this in turn would result in savings in due course.

The Panel considered whether it would wish to scrutinise the proposed amendments to Part 11 of the Bye-Laws. It was advised that it was possible to try to do too much too soon but that the amendments represented a significant step. The Panel questioned whether the proposals could include provision whereby testing of any building listed for sale would be obligatory. It was noted that the proposals did not include such provision and that it would be difficult to include retrospective provision within the Bye-Laws. However, such provision could potentially be included within future energy policy.

Under the amended Bye-Laws, information would need to be submitted to Building Control at key stages of a building's construction and development. There would be no manpower implications for Building Control in this requirement as designers were already obliged to provide other information for assessment. There would potentially be more work, however, for planning applicants.

It was noted that there had been debates in the UK over regulation of existing buildings, in particular regarding the Home Information Packs that had been mooted in recent times. The Panel was advised that there were issues to explore regarding the regulation of standards and whether this should entail self-certification or public regulation; lessons from other jurisdictions such as Norway suggested there had been a move away from self-certification.

The Panel was informed that certification of electrical installations had been required since 2002, a measure that had not yet been

	<p>introduced in the UK.</p> <p>The Panel agreed that it would not review the proposed amendments to Part 11 of the Bye-Laws and that it would inform the Minister for Planning and Environment of its enthusiastic support for the proposed measures. It was further agreed that the Panel would subsequently undertake work on matters not included within the current proposals which it had considered during the presentation, for instance the possibility of requiring energy surveys of all buildings undergoing transaction. It was noted that Deputy Le Claire would undertake work on this matter and endeavour to gather pertinent information.</p> <p>RD. KLB. PLC.</p>	
<p><b>5</b></p>	<p><b>Drainage (Jersey) Law 2005</b></p> <p>The Panel noted receipt of correspondence from a member of the public regarding a change of policy in relation to <i>Drainage (Jersey) Law 2005</i>; the change of policy had been confirmed in a Ministerial Decision by the Minister for Transport and Technical Services on 23rd November 2007. The decision related to an amendment to Drainage Law policy in respect of private developments and concerned Article 10 of the Law. It was noted that Senator B.E. Shenton had lodged a proposition that sought to have that Ministerial Decision rescinded.</p> <p>The Panel agreed to defer consideration of this matter. It was further agreed that, to ensure the Panel was aware of both sides of the issue, meetings would be arranged with the Minister and with Senator Shenton towards the end of May 2008. It was noted that these meetings would need to occur before the debate on Senator Shenton's proposition was held.</p> <p>RD. KLB. PLC.</p>	
<p><b>6.</b></p>	<p><b>Annual Business Plan.</b></p> <p>The Panel noted that it had been asked to contribute before the end of April 2008 towards a document that would be despatched by the Chairmen's Committee to the Council of Ministers on behalf of all Scrutiny Panels. It was further noted that Panels had been requested to consider the funding pressures outlined in the draft proposals for the 2009 Annual Business Plan. The draft proposals included one pressure relating to the Department of Transport and Technical Services (Tipping Fees). One pressure entitled 'Urban Regeneration' had been placed within the Chief Minister's remit although it was noted that it was potentially of relevance to the Panel's purview.</p> <p>The Panel was advised that the Chairmen's Committee had met the Comptroller and Auditor General (C&amp;AG) on 7th April 2008. It was further advised that the C&amp;AG had spoken about pension schemes for States' employees and the possibility that financial management within the States could be centralised. It had also been noted at that meeting that smaller Departments might effectively be underfunded and that potential savings within larger Departments, whilst perhaps possible, would engender political</p>	

	<p>debate. It was noted that the Chairman had discussed with the C&amp;AG potential savings within the Departments of Planning and Environment and Transport and Technical Services but that the C&amp;AG did not intend to look into the specific issues raised by the Chairman.</p> <p>The Panel considered whether it would wish to meet the two Ministers within its remit about the draft proposals and agreed to invite them to a meeting on 17th April 2008.</p> <p>RD. KLB. PLC.</p>	
7.	<p><b>Future Meetings</b> The Panel agreed it would meet briefly on 21st April 2008.</p>	
8.	<p><b>Conference of Possible Relevance.</b> The Panel considered whether it would wish to attend a conference on 5th June 2008 at Westminster on Sustainable Communities. It was advised that a decision would need to be made sooner rather than later in order to take best advantage of prices. The Panel noted the relevance of the conference to its work and agreed that two Panel Members would attend accompanied by the Scrutiny Officer. It was noted that the cost of the conference would be £125 per delegate and that authorisation of associated expenditure would be required.</p> <p>RD. KLB. PLC.</p>	
9.	<p><b>Waste Plant Review.</b> <b>a) General Update</b> The Panel noted receipt of a paper providing an update on work on the Waste Plant Review. The Panel was advised that the meeting between the Chairman and Juniper on 9th April 2008 had been useful and that discussion had occurred over the subsequent work that Juniper could undertake.</p> <p>Consideration was given to the situation in Cardiff and the potential benefit of obtaining information from there. It was noted that information could not be provided over the telephone and it was therefore agreed that the Chairman, accompanied by the Scrutiny Officer, would go to Cardiff to gather information. It was further agreed that the Chairman would speak to Senator Shenton about whether the Senator should also go in his capacity as Minister for Health and Social Services.</p> <p><b>b) Exhibition</b> The Panel received an oral update on preparations for the exhibition. It was noted that the stand would include a computer with interactive games. It was further noted that there had been no progress with Hautlieu School about obtaining the assistance of pupils to hand out flyers.</p> <p>Consideration was given to the catering arrangements. Reference was made to who might attend the exhibition. It was</p>	

	<p>agreed to delegate responsibility for choosing the caterers to the Chairman.</p> <p>RD. KLB. PLC.</p>	
<p><b>10.</b></p>	<p><b>Air Quality Review.</b></p> <p>The Panel was advised of the work that the Chairman had undertaken on the draft report. It was noted that the Panel had been unable to meet the previously stated deadline of March 2008 due to a lack of available resources although an offer of resources had been received.</p> <p>The Panel considered and agreed the photograph that would appear on the front of the report.</p> <p>RD. KLB. PLC.</p>	

Signed

Date:

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Chairman  
Environment Panel