

Environment Scrutiny Panel

PUBLIC MEETING

Record of Meeting

Date: **16th December 2009**

Meeting Number: 17

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

Ref Back	Agenda matter	Action
	<p>1. Records of meetings</p> <p>The minutes of the private meeting held on 27th November 2009 were approved and signed</p>	
Item 5 27.11.09	<p>2. Matters arising</p> <p>The Chairman's letter dated 9th December 2009 to the Minister for Planning and Environment re the carbon intensity study and the gas pipeline propositions of Deputy Le Claire was noted.</p> <p>It was agreed that the Panel would seek an update on the proposed study in January.</p>	MH
	<p>3. Correspondence</p> <p>The Panel noted comments received from members of the public arising from the Scrutiny Newsletter regarding</p> <p>(a) the limitations of the bus service - these comments would help to inform the review of the Sustainable Transport Policy (reference item 6 below)</p> <p>(b) the lack of district heating system connected to the new Energy from Waste Plant</p> <p>(c) a proposal to establish a Road Works Audit Board - it was agreed to consider reviewing highways maintenance in next year's work programme. (reference item 6 below)</p> <p>(d) Building Control - The Panel was of the view that the problem quoted in the letter was an example of an underlying problem. Members expressed some concern that engineering requirements were being over specified, thus adding unnecessary additional costs to restoration and building works. It was noted that the correspondent had written to the Minister and it was agreed to see whether the Minister had responded prior to considering whether to undertake a review of this matter.</p>	MH
Items 2 27.11.09 514/9(8)	<p>4. Energy from Waste Plant and Ramsar - Planning Process - update</p> <p>The Panel received its adviser's report and noted that it revealed serious failures on the part of both Planning and Environment Department as the regulatory authority and Transport and Technical</p>	

	<p>Services as the project proponent. The adviser had built a meticulous case detailing shortcomings in the environmental impact assessment (EIA) process and inadequate monitoring and reporting procedures during construction, as a result of which the marine environment and in particular the Ramsar site had been exposed to unnecessary risks.</p> <p>Members noted reports from Save Our Shoreline (SOS) that the Harbour authorities, the Marine and Coastal Officer responsible for the Ramsar area and other stakeholders had not been informed about the potential pollution incident which was under investigation.</p> <p>It was agreed that issues arising from the pollution incident would be the subject of a further review once the outcome of the Regulator's investigation was published.</p> <p>Members were also informed that the former Project Manager for the Energy from Waste plant had agreed make a submission but had not recently been in touch with the Scrutiny office to confirm a timescale for the production of his evidence.</p> <p>It was agreed that the Panel's report should contain robust comments on the responsibility of both departments to ensure that the EIA process was sufficiently rigorous, challenging and inclusive of third parties who had legitimate rights as consultees.</p> <p>Members were asked to feed their comments on the adviser's report to the Scrutiny Officer who was in the process of preparing the Panel's report on the review. The Scrutiny Officer outlined the timetable for the production of this report and indicated that he expected it to be ready for publication in the week commencing 18th January.</p> <p>It was agreed that the Panel's draft report together with the adviser's report would be referred to the Department for the Environment, Food and Rural Affairs (DEFRA) and the Ramsar Secretariat for comment at the same time as the stakeholder draft of the report was sent to the two relevant States departments.</p> <p>The Panel noted the latest invoice from the adviser and agreed to increase the indicative budget for the review by a further £3,000.</p>	<p>MO</p> <p>MO</p>
	<p>5. Zephyrus Planning Application</p> <p>The Panel considered a proposal from Deputy Wimberley for a proposition the aim of which would be to ensure that the Minister for Planning and Environment did not determine the Zephyrus planning application before learning all the lessons from the review of the Energy from Waste Plant and Ramsar - Planning Process.</p> <p>Deputy Wimberley said that it was clear that the EIA process for the Energy from Waste Plant and the subsequent environmental monitoring had been inadequate. In his view the Environmental Impact Statement (EI) and the Construction Environmental Management Plan (CEMP) for the Zephyrus project contained similar deficiencies. He believed that it was essential that the Minister give a firm commitment to respond formally to the Panel's report and recommendations and to acknowledge how they had a bearing on the Zephyrus application. He said that the credibility of the Scrutiny process would be undermined if, before a major report was published, an application directly comparable in terms of site, risk, danger to the environment to the one considered by the Panel was determined without full consideration of that report.</p> <p>The Chairman, however, said that he was satisfied with the assurance given by the Minister both in the States and in private that he would</p>	

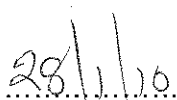
	<p>take account of the Panel's report and recommendations, provided that they were available to him in good time before he was required to determine the Zephyrus application. Therefore, he was opposed to the Panel submitting the proposition proposed by Deputy Wimberley and suggested that he consider taking this forward as a private member.</p> <p>The Scrutiny Officer said that he had been given indications by the Planning Department that the Zephyrus application would not be considered by the Minister until towards the end of January 2010, by which time it was anticipated that the Panel report and recommendations would be available to the Minister.</p>	
	<p>6. Panel Work Programme 2009 and 2010</p> <p>The Panel considered a briefing paper prepared by the Scrutiny Officer reviewing its work programme for 2009 and indicating potential priorities for 2010.</p> <p>Members identified the following topics as potential subjects for review in 2010:</p> <p>(a) Draft Island Plan: It was noted that the consultation period on the draft Island Plan had been extended from 31st December 2009 to 31st March 2010 with a view to allowing the general public and stakeholders greater time to respond. Members decided to set aside a half day in January 2010 to consider issues arising from the draft planning document. It was also agreed to invite the Connétable of St Saviour to join the Panel for this piece of work. Members were requested to forward initial comments in advance to the Scrutiny Officers.</p> <p>(b) Management of the Marine Environment: Mindful of the pressures on Jersey's coastline, as evidenced in development projects such the new Energy from Waste Plant on the Ramsar site and pollution threats from sewage discharges from outfalls, members agreed to seek an opportunity in 2010 to visit selected areas of the coastal region, including the oyster beds and coastal reefs, in order to inform themselves about the monitoring and protection strategies for marine environment. The Scrutiny Officers were requested to make the necessary arrangements.</p> <p>(c) Disposal of Food Waste: The Panel noted that the draft Community Provisions (Animal By Products) Regulations 200- were still in the law drafting stage. Having also noted that the draft Regulations dealt, among other things, with the safe disposal of catering waste, members asked for further information on ways in which food waste in general was disposed of in the Island.</p> <p>(d) Bus network: The Panel requested the Scrutiny Officers to seek a progress report on the consultants' report and a date for a presentation.</p> <p>(e) Highways Maintenance Programme: Members were conscious of concerns expressed by members of the public relating to the costs of high profile road maintenance projects such as the resurfacing of Victoria Avenue as well as other smaller scale improvement schemes. There was a perception that such schemes were often 'gold-plated', architecturally beautiful but hugely expensive. Deputy Wimberley said that he was also concerned about issues of liability in cases where accidents occurred as a result of poor road maintenance.</p> <p>(f) Out of court settlements Members said that they were concerned about accountability and sources of funding in cases where</p>	<p>MH</p> <p>MO/MH</p> <p>MH</p> <p>MH</p>

	<p>departments settled legal cases out of court. It was suggested that this issue might more properly belong to the remit of the Public Accounts Committee.</p> <p>(g) Streetworks legislation: Members cited a number of incidents where developers had failed to properly reinstate roads.</p> <p>(h) Ramsar - environmental impact of EFW plant (part 2) It was suggested that issues arising from the pollution incident at La Collette in April and the evidence of the former Project Manager could be the subject of a further review once the outcome of the Regulator's investigation was published.</p> <p>(i) Energy Efficiency in States Buildings: The Panel recalled that work on this review had been suspended in 2009 in order to allow the panel to focus on other issues</p> <p>(j) Independent Advice service on energy efficiency and carbon reduction: Members noted that it was a long term aim of the Jersey Energy Trust to develop an advice service to all energy users.</p>	
	<p>7. Chairmen's Committee</p> <p>Briefing notes of the meeting held on 12th November 2009 were noted</p>	
	<p>8. Panel expenditure</p> <p>The Panel noted a report detailing its expenditure for the year to date.</p>	
	<p>9. Forthcoming legislation</p> <p>The Panel noted that P189/2009/ - Draft Planning and Building (Amendment No. 5) (Jersey) Law 200- had been lodged for debate by the States on 2nd February 2010:</p>	
	<p>10 Ministerial Decisions</p> <p>Recent Ministerial Decisions pertinent to the Panel's remit were noted. Members noted a decision, (MD-T-2009-0109) relating to capital budget transfers and requested further information on these transfers.</p>	MH
	<p>11. Appointment</p> <p>Members noted that the appointment of Mr. J. Rogers as Chief Officer of the Transport and Technical Services Department had been confirmed and requested that a letter of congratulations be sent to him on behalf of the Panel.</p>	MH
	<p>12. Future meetings</p> <p>The Panel approved a schedule of meetings for 2010 commencing on 7th January 2010.</p>	

Signed

.....

Date:

.....

Chairman Environment Panel