

**STATES OF JERSEY**  
**Environment Scrutiny Panel**  
**Air Quality Review**

**FRIDAY, 23rd NOVEMBER 2007**

**Panel:**

Deputy R.C. Duhamel of St. Saviour (Chairman)  
Deputy P.V.F. Le Claire of St. Helier  
Deputy C.J. Scott Warren of St. Saviour  
Connétable K.A. Le Brun of St. Mary  
Connétable A. S. Crowcroft of St. Helier  
Professor D. Laxen (Advisor)

**Witnesses:**

Senator F.E Cohen (The Minister for Planning and Environment)  
Mr. C. Newton (Director of Environment)

**Deputy R.C. Duhamel of St. Saviour (Chairman):**

Well, I have got to read out the notice again, at every meeting we have to do it. I should know it by now off by heart but I do not. So it is important that you fully understand the conditions under which you are appearing at this hearing. The panel's proceedings are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and as a result you are protected from being sued or prosecuted for anything said during this hearing, although this privilege should obviously not be abused. Proceedings are being recorded and transcriptions will be made available on the Scrutiny website. That is probably the wrong message but that is the one we have got. Right, questions we have got for you today, Freddie, I mean they are all relatively easy ones and I am sure you will pass with flying colours with your answers. One of the first things we want to look at, we have kind of grouped them into order, is that when the States moved to ministerial government in 2005-ish, the Council of Ministers came forward with a Strategic Plan 2006-11 which was endorsed by the States Assembly in full and under that plan, under 4.4.5 "What we will do" indicated was to debate and implement in 2007 an air quality strategy for Jersey, including proposals for monitoring and publishing levels of local air pollution and

targets, policies and timescales for reductions in air pollution levels that reflect best practice globally. The lead responsibility was given to Planning and Environment. Now since that time in 2006, I think it was early on, April, we have had a number of reviews and it would appear that although you were put down to be the lead department, it would appear that some of the responsibilities have possibly been moved to Environmental Health. So what we would like to ask you first of all to kick off is what action has been and is being taken by the Planning and Environment Department to ensure that the air quality complies with best practice and the aims outlined in the Strategic Plan at 4.4.5?

**Senator F. E. Cohen (The Minister for Planning and Environment):**

Well, firstly I find it a little curious that the Strategic Plan places responsibility for this area with my department. I suppose I should have spotted it, but had not done so because fairly clearly responsibility for producing the strategy has passed to the Health Protection Department which of course, as you know, is under a different Minister. So effectively the responsibility has now passed to the Health Protection Department and they are assessing our ability to meet the international obligations and it is their responsibility to bring forward the proposals.

**Deputy R.C. Duhamel:**

Do you see that as a particular problem? Because I would have thought that Planning and Environment are there to give its weight and to flesh out overarching strategic ideals with respect to the environment, and the Environmental Services Department are really acting in an executive or monitoring role by and large and I would have thought that meant the thinking goes on in one place and the action goes on somewhere else.

**Senator F. E. Cohen:**

Well, I was not around at the time that responsibilities were carved up between the various different new Ministers, but I would have thought it was far more logical that Health Protection for the majority of its working relation to areas like this, should fall under the Environment Department. This work should be the responsibility of the Environment Department. But, having said that, it is not. So perhaps it --

**Deputy R.C. Duhamel:**

This appears to be the problem; it was at the beginning of 2005 and 2006, but it would appear that as at the beginning of 2007 the responsibilities appear to have shifted.

**Senator F. E. Cohen:**

I do not think that the responsibilities have shifted, I think they were always, as I understand it, with the Health Protection Department and the Strategic Plan should have been more precise. I think it is probably an error in the Strategic Plan. If not an error, it should have been more carefully explained within the Strategic Plan because, as I understand it, it was always intended that air quality would be the responsibility of the Health Protection Department.

**Deputy R.C. Duhamel:**

Right. So in terms of the actions that have been undertaken by your Planning and Environment Department over the last 18 months or so, could you perhaps outline to us what has taken place or has the responsibility just been completely devolved?

**Senator F. E. Cohen:**

There have been some responsibilities undertaken by the Environment Department in that the Environment Department, for example, are conscious that air quality is part of environmental impact assessments. But the main key, as I understand it, and I am far from an expert on air quality, is to have adequate monitoring; the equipment to adequately monitor air quality and again, as I understand it, the equipment currently used is relatively primitive and the cost of acquiring the appropriate equipment is, again as I understand, about £140,000 and the Health Protection Department and Environment Department are looking at ways of trying to encourage the developers of the waterfront to come up with the funds either to purchase the equipment or to rent the equipment so that they will be able to monitor air quality on the waterfront before they start, during the construction and after the waterfront is completed. Whether that will come to anything, I am afraid I do not know.

**Deputy R.C. Duhamel:**

Right. So are there particular resources, monetary resources, financial resources that have been specifically allocated to this area within your department?

**Senator F. E. Cohen:**

Not that I am aware of within my department and as I am sure you are aware, my department is pretty stretched resources-wise. Any slack that was within the Environment budget has more than been taken up with our recent decision to proceed with the purchase of equipment and training programmes in relation to foot and mouth, which I think have cost between £60-80,000 and that was unbudgeted, so there certainly is not any slack within my departmental budget. Of course, remember that the monitoring and assessment work is carried out by the Health Protection Unit and that does not come under my budget anyway.

**Connétable A.S. Crowcroft of St. Helier:**

Before you go on to resources, can I stay a little bit longer on responsibility? You said at the start you thought it was curious that responsibility was given to the P. and E. (Planning and Environment) in the Strategic Plan and that you had not spotted it. I know your officer is not here yet, but if I am in the situation where my officers had not picked up a fairly fundamental responsibility for delivering something to the States as part of an overarching plan, I would be pretty cross with them. I mean, it does seem to me that somebody has not read this document in the Environment Department and has not come to you and said: “Minister, look, we have not discharged our responsibilities.”

**Senator F. E. Cohen:**

Well, I do not think that is really the case and maybe I have been slack in the language I used. The Planning and Environment Department is responsible for reports on compliance. Very clearly the Director of Environment who is an extremely competent person knew what was in the Strategic Plan because he was one of those who was central to the team of crafting the Strategic Plan. But I find it very curious that we are in a position where the Planning and Environment Department effectively seems to be charged with responsibility for delivering something that is carried out by another department being the Health Protection Unit. I do not think that that was something that could not have been predicted and perhaps when Chris Newton arrives we could ask him for the history of that because I have told you all I know about it.

**The Connétable of St. Helier:**

I would like to know why, given 4.4.5, an amendment was not brought to the Strategic Plan to shift responsibility. I mean I am not sure the responsibility should be shifted because P. and E. have been given air, land, water as their overarching responsibilities and it does seem to me that if you take air out then you could argue: “Well why leave land and water in?” I mean, it seems to me that these are ... you know, Planning and Environment does have the strategic responsibility for developing policy and the Environmental Health Protection Unit goes out and deals with bonfires and smoking lorries. I mean they are very much a compliance regulatory body, but the overarching strategic responsibilities is your guys. I am just curious why your guys either have not wanted to divest themselves of that or why they at least have not come along and said: “Well, Minister, we are going to let you down on the Strategic Plan.”

**Senator F. E. Cohen:**

I would agree with you in the first part of your question but I certainly do not think that the Environment Department has done anything other than want to incorporate many of the areas that Health Protection presently are responsible for within the Planning and Environment Department. But I am afraid the decision was taken, as I understand it, by an amendment that Senator Syvret brought, it must have been in 2004 or 2005. It would seem perfectly logical to me that air quality should be within the Planning and Environment Department. I am afraid it is not and it may be worthwhile, if you feel that it should be, one of your recommendations could of course be that it is shifted to Planning and Environment.

**Deputy R.C. Duhamel:**

I think I am picking up on the Constable’s points, I mean one of the difficulties that has been expressed where you do have 2 responsibilities, one responsibility for policy making and one responsibility for carrying out checks according to those policy directives or regulations. The question of poacher and gamekeeper, if both services reside in the same department, has been brought up on other occasions and I would have thought that it goes without saying that the thinking part of the job and the laying down of policy still probably does reside with Planning and Environment. Although

you may feel that it should reside somewhere else. The action part, the testing, resides elsewhere.

**Senator F. E. Cohen:**

I think you are quite right and that is obviously a similar process that applies with waste. Really what needs to occur is a meeting between Health Protection, the Minister responsible for Health Protection and the Minister responsible for Planning and Environment and ensure that the proper elements are in the proper places. You very clearly do need to have some separation but I still find it surprising that air generally appears now not to be within the remit of Planning and Environment.

**Deputy R.C. Duhamel:**

So when were those changes implemented? Because if you look at the reports that are produced by the Council of Ministers on a regular 6-monthly basis to report on the progress of the Strategic Plan, it does appear that on the first 2 the Planning and Environment Department are quite clearly down as being in control and on the last one that was produced it does appear that it has shifted to Health and Social Services.

**Senator F. E. Cohen:**

Well, I think that it should have appeared as shifting to Health and Social Services or the Health Protection Department under Health and Social Services from day one. That is how I understand it.

**Deputy P.V.F. Le Claire of St. Helier:**

Can I just get this clear? I mean --

**Senator F. E. Cohen:**

It would be helpful if Chris was here.

**Deputy P.V.F. Le Claire:**

Yes. I am struggling to understand, did this change occur during the Strategic Plan debate and then just did not make it into the print of this document, or did it occur at the Council of Ministers?

**Senator F. E. Cohen:**

There has been no discussion of which I am aware - remember I have not been to every Council of Ministers - around shifting responsibility of this from the Environment Department to any other department. So I really am unable to tell you what date it shifted.

**Deputy P.V.F. Le Claire:**

Did you not say to me earlier that it was an amendment by Senator Syvret?

**Senator F. E. Cohen:**

No, the amendment by Senator Syvret was an amendment that shifted the Health Protection Department as a whole, as I understand it, from originally an intention to put it within the Environment Department to the Health Department. I understand that there was some tension over that. I do not really know the story because I was not around at the time.

**Deputy R.C. Duhamel:**

Okay. So would it be your intention then, bearing in mind that there does appear to be a lack of progress against the stated targets, because it does indicate in the Strategic Plan that we were due to debate and indeed implement in 2007 - we have only got another month and a bit to go to the end of the year - an air quality strategy for Jersey which would have presumably included some timeframe for the bringing forward of any legislation to give weight to the target setting or the productions. Do you intend to follow through and ask either for the responsibilities to be reinstated in your department or indeed for some work to be undertaken by the Council of Ministers to ensure that adequate financial monies are provided to Health and Social Services through the Environmental Protection Service in order to discharge the aims of the strategy?

**Senator F. E. Cohen:**

Well, clearly it is not a satisfactory position that the Strategic Plan gives a clear indication of bringing the matter forward by the end of the year and we are not going to do so. What we need to do now is to get to the bottom of this and come up with a programme, albeit that it is delayed, to ensure that we comply with the undertakings

of the Strategic Plan as early as possible. I would certainly hope that we can bring forward a timescale proposal within the next couple of weeks.

**Deputy R.C. Duhamel:**

I do find it also curious and perhaps you would like to comment that in the documents reporting the progress on the strategic commitments, this particular area has been given kind of green on target kind of arrows, whereas it would appear that perhaps they should have been given a red kind of going off the scale arrow. There does seem to appear, on first look, that perhaps the truth has not particularly been shown in the progress given for this particular item.

**Senator F. E. Cohen:**

Well, the smiley face green, red and amber is really an embryonic process. I mean I have not spotted it in relation to this one but there have been other areas in my department where I have looked at the colour and said: “Hang on a minute, that is a bit odd” and we have looked through it and found out that it was wrong. It depends on what targets are being used. You will often find that there is a singular odd measure that is used to determine the performance of an area of the department and one example is within Planning; that the key determinant is the number of applications that are determined within 8 weeks. Well, in my view, if you are trying to, for example, raise the standards of design in a department, it is just inconceivable that you could deliver the majority of decisions within 8 weeks unless you refuse everything. So, you know, that is an area where we always get a red and I cannot see that you could do anything better than that and I would like to change the target. In this area I think it probably just has not been spotted. I do not know what the particular measure that is used to identify whether it is red, green or orange.

**Deputy R.C. Duhamel:**

Measure of spin clearly, yes? Professor Laxen?

**Professor D. Laxen:**

If I can just make an observation at this stage? From what I see there seems to be a lack of clarity as to responsibilities, from what has been said so far. Related to that



you then said: “We need to bring forward a programme to make this happen.” I was wondering who the “we” was in that answer?

**Senator F. E. Cohen:**

Well, the “we” will have to be Environment and Health Protection under Health. Part of the problem with lack of clarity is I am trying to answer questions without my officer and I make no bones about the fact that I know very little about this subject. You know, I cannot deal with every subject within the department and this is one I know very little about. I had a briefing yesterday, so I am sort of trying to struggle through, but I am far from an expert in the area.

**Deputy R.C. Duhamel:**

Can I just ask then, has the issue of air quality been discussed at the Council of Ministers meetings and if so, on how many occasions and what was the outcome of those discussions?

**Senator F. E. Cohen:**

To my recollection, it has not been discussed but I have not been at every Council of Ministers’ meeting. But I certainly do not remember it being discussed. It may have been mentioned in passing, but there has certainly never been a proper discussion in relation to air quality of which I am aware on the Council of Ministers’ agenda.

**Deputy R.C. Duhamel:**

Which multilateral agreements are we signed up to currently in relation to air quality strategy?

**The Connétable of St. Helier:**

Sorry, before you go on to multilateral agreements, can I just ask a further question about the Strategic Plan since you are about to leave? I am glancing at the other commitments on the same page of the plan in section 4, it does appear that an awful lot of them have either been delayed or slipped. I mean, for example, is there an contaminated land strategy that is supposed to have been consulted on, debated and implemented by the end of 2007? I am not aware of that having come to the States.

**Deputy R.C. Duhamel:**

I think you are right, but it is probably diverging from the central areas that we are ...

**The Connétable of St. Helier:**

It strikes me that in terms of -- again I go back to, you know, the purpose of an executive in a department, that as Minister with these responsibilities, I mean, it would certainly irk me if I came to a Scrutiny hearing and I was asked about my progress in delivering initiatives and ...

**Deputy R.C. Duhamel:**

It is the first you have heard of it?

**The Connétable of St. Helier:**

Yes, and they simply have not been dealt with. I mean, this Scrutiny review has been known about for a couple of months and I am surprised even there was not a last ditch effort to try and knock something together. But it appears as you were only briefed yesterday, that air quality is not very high on the agenda of your officers and, as I say, I am just a bit curious about that.

**Senator F. E. Cohen:**

Thank you. I do not think it is the case that air quality is not high on the agenda of the officers, it is that air quality is not effectively the responsibility of the department any more. There is no one more conscientious about the areas of his responsibility than Chris Newton and he simply is in a position with this where it is not our responsibility under the current structure. Now whether the result of your report will be that it is brought back under our control or whether Health end up delivering the requirements of the Strategic Plan, I do not know. But clearly something has got to be done because the present situation is not satisfactory. I am not going to say that it is satisfactory because it is not.

**Deputy P.V.F. Le Claire:**

Can I ask a question? Because we are not into the actual specifics of the air quality yet, we are still into the notional arguments of whether or not a department should be aware and managing issues. Recently Deputy de Faye in the States announced that he

had decided that an in-vessel composting facility would be sited at La Collette, given its proximity, distance being the reason why he had decided to choose La Collette over 11 sites. Now, given the importance of La Collette and given the environmental concerns of residents in that district over a long period of time on this issue in particular, and given that the issue of the compost site is predominantly about airborne particles and smells, et cetera, I found it a little interesting that his only caveat to it being sited there was to run his work past your department for confirmation that it had been carried out in the correct way. Now, if the only caveat to his siting the compost enclosed facility at La Collette is to run it past your department and the reasons for locating it there have been predominantly about distance, surely that must involve an issue of air and why is he coming to discuss that with you unless he feels that the responsibilities rest with you?

**Senator F. E. Cohen:**

Well, all I understand in relation to air quality in that particular application as far as it applies to other large applications, is that air quality is an element of the environmental impact assessment and the department consults with Health Protection in relation to environmental impact assessments on large applications.

**Deputy P.V.F. Le Claire:**

But surely the reason for him having identified La Collette and not the other 11 sites that he identified as suitable, was because there must have been some factoring of the suitability of the other sites in relation to their distance and that again goes back to air. So then it would suggest to me that his work is based upon the fact that your department has some sort of oversight in relation to the work that he has been doing for the last 2 years in relation to other sites, other options, distances, airborne particles, et cetera.

**Senator F. E. Cohen:**

I do not think that is the way it works. I think that the way an application works is the applicant, in this case T.T.S. (Transport and Technical Services) decides on the site and then part of the environmental impact assessment work is the air quality assessments through the Health Protection Unit. It is not the Environment Department that says: "You must produce an environmental impact assessment or an

air quality study on all 11 sites and then produce us an analysis of the various different impacts of all the 11 sites.” It is merely on the site that has been chosen by the applicant.

**Deputy P.V.F. Le Claire:**

So your department was not involved in any environmental impact assessments that were considered?

**Senator F. E. Cohen:**

For the other sites?

**Deputy P.V.F. Le Claire:**

The other sites.

**Senator F. E. Cohen:**

Not that I am aware of. I mean, there may have been but, you know, I am not aware of them.

**Deputy P.V.F. Le Claire:**

Is that something that would rest with Health? Health has been working with them or would it be --

**Senator F. E. Cohen:**

Health is consulted on matters including air quality as part of large environmental impact assessments, but that is all.

**Deputy R.C. Duhamel:**

So would you agree, Minister, just to finish this particular area off, that the overall responsibility for looking at air quality and setting targets and regulations and what not, really needs to be reassessed in terms of whether or not it lies with your department still or is across more than one department or indeed lies with Health and Social Services through the Environment Protection Service?

**Senator F. E. Cohen:**

I would go further than that and say that the current arrangements from what I have seen appear to be unclear and unsatisfactory. A recommendation from the Scrutiny Panel would be most useful.

**Deputy R.C. Duhamel:**

Right. Okay, thank you.

**Connétable K.A. Le Brun of St. Mary:**

Can I just ask just the one question through that because we mentioned about the smiley man with a tick alongside it. Who did you think therefore would have given that tick and suchlike on the progress if it was not yourself? Would it come from the Health and Social Services, or would it have been through the Council of Ministers?

**Senator F. E. Cohen:**

No, the way these smiley face things are constructed is that the officers prepare the report, which is a one pager, in fact I have got one in my bag. It then goes to the Chief Officer and from the Chief Officer it is then put together with all the others and then given to the Council of Ministers.

**The Connétable of St. Mary:**

All the others; “others” meaning the reports or the officers?

**Senator F. E. Cohen:**

All the other departments. So you end up with a pack of smiley faces or sad faces from each different department. It is not a very sophisticated measure. I mean, it is an easy way of assessing a department, but it depends on the quality of the measures you are using and how relevant they are in current context to what the department is trying to deliver. I have given you an example; but the one in relation to planning is, in my view, complete nonsense. It will develop, it is a new system. It has got a bit better. We are now in the third or fourth version. It has got a bit better but it still needs further work. Remember, the whole system of reporting to the Council of Ministers as a government, is new and it will take time to sort out and to get it working efficiently. We are not there yet.

**Deputy R.C. Duhamel:**

The overall responsibilities of the Island for signing multilateral agreements generally lies with the Chief Minister's Department. But, in any particular regard, how are those responsibilities passed down to the individual departments who would appear to be closer to the coal face in terms of delivering the things that the Island would wish to be signing up to?

**Senator F. E. Cohen:**

Well, I do not know the answer to the question and I am sure Chris Newton can deliver the answer. But as far as I am aware the obligations on the Island through its relationship with Westminster are delivered through the Chief Minister's Office in consultation with the relevant department. The only one that I have been involved with, and that is only at a peripheral level, is Kyoto where I have asked on a regular basis what is happening with our obligations in relation to Kyoto. I presume that the mechanism is that the Chief Executive, or the person the Chief Executive designates as having responsibility, discusses the relevant elements with the director of the relevant department. Because in many of these international agreements and protocols they are multi-departmental.

**Deputy R.C. Duhamel:**

Right. So what I was driving at really was to see whether or not there was a simple kind of analysis to determine whether or not these things are led from the top down through the Chief Minister's Department or indeed encouraged from the department up.

**Senator F. E. Cohen:**

I think it is a combination of both. I think it is the Chief Minister down if it is an international obligation that clearly we have got to do something about and it is from the department up if it is in relation to something that the department would like to deliver. As an example of that, I am very keen to promote higher environmental standards in building construction, so I am looking for conventions we can sign up to and when we can find them I will be encouraging our department signing up to those conventions through the Chief Minister's Office.

**Deputy R.C. Duhamel:**

It has been stated on more than one occasion that the Island signs first and then maybe quantifies the financial implications afterwards on some occasions and some occasions it does not really look at it at all. Is there any evidence from your particular Ministry to show that the Island is being committed to signing multilateral agreements on particular environmental issues without any regard being paid to the financial implications which your department would have to put into place in order to achieve the aims of the signature?

**Senator F. E. Cohen:**

I am not aware of anything specific. The only area that I can relate this to is, for example, the disposal of hazardous waste where we are still in a position through signing through the obligations under an international convention, of not being able to export our hazardous waste. We are still a few months away from it. Now I was not around at the time that the obligations came into force as a politician, so I am not aware of whether there was any proper analysis. But what has happened is that we have ended up with an increasing pile of hazardous waste which I understand is now about 50 tonnes which we physically cannot do anything about. The reason we cannot do anything about it is because we did not comply with the terms of the relevant conventions. Now, whether that could have been avoided by looking at things some years ago, I do not know. But that is the position we are in today.

**Deputy R.C. Duhamel:**

Right. Are you able to say which wastes specifically?

**Senator F. E. Cohen:**

No. I do not know. I do not know. I know that one of them is battery waste, if that is any help. But I understand there is 50 tonnes of waste that is stored; we are still a few months away being able to export the hazardous waste because there is still a final negotiation being carried out by the U.K. (United Kingdom) on our behalf to ensure that we comply with the conventions to enable us to export hazardous waste.

**Deputy P.V.F. Le Claire:**

Just very briefly on that. Will, when it has been sorted out, we be able to then shift what we have so far accumulated?

**Senator F. E. Cohen:**

As I understand it, that is the case. While the general intention internationally is that you should dispose of your own waste yourself, it is accepted that small jurisdictions like Jersey could not afford to put in place the measures to dispose of certain hazardous wastes and therefore the convention allows you to export to other places where - oh, there he is --

**Mr. C. Newton:**

Apologies.

**Senator F. E. Cohen:**

-- to other places where they are more able to dispose of hazardous waste. Thank goodness Chris has arrived.

**Deputy C.J. Scott Warren of St. Saviour:**

Can I just be -- because I believed that we were told when I was a member of the Public Services Committee and the Bar Convention and the Basle Convention. I believe that we were told we had to wait for the Waste Management (Jersey) Law. Was that a factor as well in this?

**Senator F. E. Cohen:**

The answer is yes.

**Mr. C. Newton (Director of Environment):**

The Basel Convention requires -- if you remember the Basel Convention will have to have adequate domestic legislation in place before you can enter into the Basel Convention.

**Senator F. E. Cohen:**



But what I explained, Chris, is that now we are in a position where, hopefully, very shortly we will be able to export our hazardous waste and I was told that we are about 5 months away from that position.

**Mr. C. Newton:**

Yes, well just to explain a little bit more about that process, there is still no guarantee that you can just export hazardous waste. In each instance you have to make what is called “a duly motivated request”. In other words you have to set out a criteria around which you have concluded that you are unable to deal with that waste yourself in your own territory. That might be because is it economically unfeasible for you to set up the appropriate facilities, or simply that somebody somewhere else has got a better process that will deal with the waste in a better way than you can.

**Senator F. E. Cohen:**

It is not quite the right way round, but can I ask you to ask Chris to clarify the position in relation to how this has ended up being under the Health Protection Department and not under Planning and Environment as it is ...

**Deputy R.C. Duhamel:**

I think we could do, but I think what I prefer to do at this stage is to just hold back any further information on those questions until we have gone through a couple of the other areas.

**Senator F. E. Cohen:**

We had just better check that what I have said is correct, that is all.

**Deputy R.C. Duhamel:**

Can we move? We have been drifting a little bit and talking about waste management

**Mr. C. Newton:**

What time did we start?

**Senator F.E. Cohen:**

9.00 a.m. we started.

**Mr. C. Newton:**

It is 9.30 a.m. on the schedule that is sent to me by Scrutiny.

**Deputy R.C. Duhamel:**

Well, that is agendas for you. Right, so when undertaking environmental impact assessments for large developments, are they undertaken to cover the whole area that has to be developed or just in respect of the individual developments within the area? It has been suggested that in the environmental impact assessments for, in particular, the waterfront proposals have not been extensive enough in covering the problems that would spill over into other areas.

**Mr. C. Newton:**

Well, to put it simply, the environmental impact assessment process covers individual projects but there is an obligation from the developer to include cumulative impacts within that assessment. On the other hand, it is only reasonable at any point in time, to ask people to deal with what is known about rather than sort of trying to deal with some sort of speculative future development.

**Deputy R.C. Duhamel:**

Have those cumulative environmental impact assessments been done for the new waterfront development, for example?

**Mr. C. Newton:**

They are being done now.

**Deputy R.C. Duhamel:**

They are being done?

**Mr. C. Newton:**

Yes.

**Senator F. E. Cohen:**

There has been suggestion of an overall strategic assessment of the waterfront, East of Albert, et cetera. But as we do not know what is going to happen on East of Albert and are a long way off knowing, I think that it is impractical to expect that to take place at the moment. The Esplanade quarter is real; I mean obviously depending on whether the States approve it or endorse it and that is a significant area in terms of land and development. So that will be going ahead on its own.

**Deputy P.V.F. Le Claire:**

Before we go any further, I think it is only courteous of the process to acknowledge the fact that the Environment Director's notification of this meeting was for 9.30 a.m. from us, so there must have been some issue there that perhaps we can look at after this meeting. But I would not want it to go unnoticed that there is an issue about the meeting time setting in the agendas and I do not think it is right that we should just skip over that. Obviously the officer has given us his apologies and I think that we should note that there has been perhaps some issue there before we continue.

**Senator F. E. Cohen:**

Well, I can tell you that the notice sent out on the 25th of October said 9.00 a.m. and the email sent out more recently says 9.30 a.m.

**Deputy P.V.F. Le Claire:**

Right.

**The Connétable of St. Helier:**

Follow up questions.

**Deputy P.V.F. Le Claire:**

Yes. So maybe we can go over there and just say --

**Senator F.E. Cohen:**

So maybe it is 9.15 a.m.

**Deputy P.V.F. Le Claire:**

Could I just, to clear the air, before we continue, say: “Let us just put that to one side” and let us begin from here, shall we? Otherwise I think we are stepping off in the wrong direction and that would not be helpful.

**The Connétable of St. Helier:**

Chairman, can I come back or follow on from what you are asking and talk a little bit about the Hopkins scheme? Because we understand that the environmental impact assessment is being done on this scheme and the question we have for the Minister is whether it will incorporate the impact of predicted increases in traffic movements at peak times and the consequential increases in vehicle emissions? I am particularly minded to pursue this, given that the parking provision on the Esplanade car park is going to be, I think, trebled from about 500 at present to 1,420. So it is going to be almost trebled and there is an obvious link between trebling the size of a car park, then placing it underground, on air quality impact. Of course sinking the road is the second point that we know that the tunnel we currently have from the 1970s is a notorious hot spot for air quality and successive reports to the States have highlighted the tunnel as being injurious to health in terms of air quality. There is no surprises or secrets about that. We are now talking about a longer sinking ... in effect another tunnel. So the 2 questions really are; how is the scheme going to deal with the travelling of vehicular traffic, the consequent emissions and the fact that this is all going to be an underground experience whereas at least, at the moment, for traffic queuing in the underpass the air is able to circulate and so on?

**Senator F. E. Cohen:**

Well, the answer is that those questions are fundamental to the environmental impact assessment and the general analysis of the Hopkins proposals in environmental terms. The environmental aspects of this and the response are going to be multilayered, not only is there an environmental impact assessment, but I am also making sure that Chris is central to the waterfront design group and makes sure that all these areas are properly addressed. But remember, we are not dealing with a planning application, we are dealing with a master plan and all we need to say at this stage is that those areas are vital; that they will be addressed; that if they are not addressed satisfactorily the scheme will not progress but we do not have to answer them at the time of tabling a master plan. We just need to say that they are elements to be addressed. In the

same way as we have not got the final solutions to traffic issues yet. We know that it works. We know that we can make it work better. And before we get to the stage of a planning application we will have the better solution. As far as the underground experience is concerned, again the Constable has raised the issue that an underground experience can be deeply depressing. We want to make sure that the underground experience on our waterfront is quite the opposite. I have invited him to take charge of that area within the waterfront design group if he has got the time to do so.

**The Connétable of St. Helier:**

Yes, so he has not accepted yet?

**Senator F. E. Cohen:**

I was polite.

**The Connétable of St. Helier:**

Pursuing the issue of the number of parking spaces, it does seem to me that there is ample research and evidence, certainly in terms of U.K. transport policy, that increasingly - and I think of Oxford - busy city centres that are growing their economies are simply not ratcheting up parking. They accept that you have got to get people to take more sustainable modes. We have got a bus station just completed a block away and I am just curious why this trebling of car parking has been factored in. It must have an economic impact on the scheme. Why are we not looking at simply reproducing the Esplanade with 500 spaces and saying: "Well, that, guys, is all you are having"?

**Senator F. E. Cohen:**

Well, remember that the majority of the Hopkins master plan offers accommodation which is the central part of the scheme, 620,000 square feet of offices is not new business, it is displacement. So what will be happening is that people who are presently working in other parts of the town will be working and parking in the Esplanade quarter area. You are not suddenly generating another 1,420 cars parking in the town; they are already parking there. But anything we can do to try and encourage more sustainable transport, we should be doing. We have got to be realistic about it. If you say tomorrow to people: "We are not providing you with any

car parking spaces and you have got to find a way of coming in to town,” this morning only you and Deputy Duhamel would have got here because you are the only 2 chaps who go on bikes.

**The Connétable of St. Helier:**

But that is assuming you that you did not make any alternative --

**Male Speaker:**

I walked.

**Senator F. E. Cohen:**

Sorry, there is another one.

**The Connétable of St. Helier:**

That is assuming you did not make any alternative provision. I mean, it just seems to me that the issue of air quality is going to clearly be influenced by the number of cars and not only air quality of the Hopkins area, but the air quality of people living on the routes that come in. It does seem to me that it is something that I would like to know if the environmental impact assessment flags air quality as a problem, do the economics of the scheme permit you to drop the number of car parking spaces?

**Senator F. E. Cohen:**

I do not think you can drop the number of car parking spaces, but I think what you can do is set long-term objectives to deliver and encourage more sustainable transport to and from the areas and hope that in the longer term, which I think will be a natural process anyway, that people will stop or reduce their car transportation into the town. If you provide -- we are really back to the very basic principles. The reason that people like me do not go into town on the bus is because the bus service from the northern parts is hopeless. I cannot get in at the right time. That is not a criticism of anyone. It is certainly not a criticism of the Minister for Transport and Technical Services doing everything he wants, but if we are serious about providing sustainable transport alternatives for people like me, we have got to put a lot of money into it. Then we are back to the Freyburg example that we have discussed before. You have got to provide bus transport, public transportation that is affordable at the right time

that gets people from where they want to go to where they want to go. Reducing the number of car parking spaces on the waterfront is not going to make that happen. You need to provide the car parking spaces and you need to provide the sustainable options in a convenient way and that naturally will lead people to take the second route.

**Deputy R.C. Duhamel:**

Can I just ask why are the other alternatives to mass transport systems being considered by the usage of the environmental impact assessments to encourage a different type of transport which does not rely on petrol engines and diesel engines which produce the air emissions which is a problem in the first place?

**Senator F. E. Cohen:**

There is a piece of work really outside the waterfront, but you do not have to be a rocket scientist to work out that Jersey is probably one of the best places to promote electric car transport. I mean, it is absolutely ideal and the technologies are there, the cars are just about there and what we need is some mechanism to try and encourage people to shift in that direction.

**Deputy R.C. Duhamel:**

That is what I am driving at here.

**Senator F. E. Cohen:**

We have talked about, just peripherally - it was the Chief Minister's idea - of setting a target for a certain percentage of electric cars by a certain date and doing something to make it happen. That is really the sort of messages that I was hoping to promote through Eco-Active to make the information available to people and to make them want to do it themselves. There are problems with it. If you buy an electric car you end up really having to own 2 cars or having to have access to a second car, because if you want to go on holiday you are not going to get terribly far with your electric car. So there are consequences that, as a wealthy Island, there are a large number of people who are able to make those choices.

**Deputy R.C. Duhamel:**

Well this is why, I mean, it goes directly back to 4.4.5 that we were discussing before the officer arrived, in that if indeed there is an overarching interest from the Environment Department in setting particular policies and guidelines for local areas, it might well be that as part of the considerations for the master plan exercise for the waterfront development, or indeed, anywhere else, there might be targets set to achieve a particular level of air emissions without stating how many vehicles would comprise those levels. That would automatically give an incentive for people to switch to electric vehicles. Those emissions would not be part of those calculations. Rather than stating, as the Constable is suggesting, that the other way of achieving a similar aim is to put a squeeze on the number of parking spaces. It is not the parking spaces that is important from the air quality point of view, it is the type of vehicles that are being used and the emissions that they produce individually.

**Senator F. E. Cohen:**

Well, it would seem logical to me that we should have proper targets for air quality in and around the waterfront. They should be achievable targets, realistic targets, but we are starting from scratch, we are digging a big hole, assuming the States endorses it, and there is opportunity to ensure that we have the best standards. It is just a question of addressing those.

**Deputy R.C. Duhamel:**

As you say, that comes back in a circular argument to your department really being in the driving seat, no pun intended, in terms of laying down the guidelines and the moves with the targets.

**Senator F. E. Cohen:**

But it sounds as though, from what I understand, we are in the trailer behind rather than the driving seat.

**Mr. C. Newton:**

To respond to that, and I do apologise for not being here earlier to catch some of these issues before, to put air quality in perspective, from the limited monitoring that has been done, I would stress it is limited monitoring and it is done with relatively archaic equipment and processes, the understanding is that we do have occasional



exceedences of E.U. (European Union) air quality standards. They are primarily occurring at peak travel times, so it is not an ongoing problem, it is a problem that is probably persisting for an hour or 2 each day in some very localised locations in town. What we do not have in Jersey is any regulatory framework around air quality. We have no legislation that relates to air quality, we have no direct means of controlling emissions from either point sources or mobile sources. We do not have the equivalent of the U.K. local authority plans where they would have action areas and the remit to set standards and to achieve those standards in action areas. So I think we are dealing with something where there is a massive lacuna or gap between what we need to know and what we have got, if we want to address air quality seriously. So there are those 2 points; one is it is a marginal problem in Jersey, air quality is not a constant problem across the whole of the Island, it is a specific localised problem at certain times of day and there are probably tactical ways of dealing with that, even if it was in terms of just looking at how you could spread the traffic load across a longer period or something in that nature. I think the Minister has probably alluded to the fact that, in my opinion, there is also not clear responsibility and accountability for managing air quality in the Island and the Environment Department does have this overview where we look at the Island's performance against the various international obligations we are attached to, partly because there is no regulatory regime, there is no sort of follow through into practical "how we should do things around here" and --

**Deputy R.C. Duhamel:**

The Minister was telling us, just to interrupt, that he thought that this responsibility was really part and parcel of the Environmental Health Services. Would you agree with that or do you think it is more firmly in your department?

**Mr. C. Newton:**

Ever since I have been in Jersey, which is 5 and a bit years now, there has been a sort of tacit assumption that air quality issues were dealt with by the Health Department. In reality they have been the group who have set up and managed the limited monitoring that has taken place so far. The logical approach to me and you could say: "He would say this, would he not?" is that the monitoring of any factor that is part of the state of the environment should fall to the Environment Department. Dealing with any problems that occur as a result of that monitoring is probably a job for the

Environment Department in the same way as it is in terms of water or anything else. The role of Health would logically be to advise us on the significance to human health of what we discover about the state of the environment, so that that is sort of how I see it. I mean, it partly has been shaped by the fact that I worked in the U.K. and that is fundamentally how U.K. organisations have distributed the responsibilities in this sort of field. I think it would be logical and it would be a sensible way forward to put some clarity into the roles around air quality for the future.

**Deputy R.C. Duhamel:**

What methods for leverage have you got in working with the Transport and Technical Services in encouraging that department to take up more modern forms of transport which would cut the emissions completely? Like moving towards electric vehicles, encouraging the creation of car parking with electrical power points to charge their vehicles and things like that?

**Mr. C. Newton:**

Leverage is quite an interesting word there. We have no direct mechanisms by which we can require that to happen. But leverage can be effected in a range of ways and one of the ways it is being levered is by the way that objectives have been set out in the Strategic Plan, by the way that we will report, have reported and will continue to report on the state of the environment and the factors that cause the environment to be in that state which will create a sort of picture or a very clear position of what needs to be fixed. Also by the fact that we work very closely with the T.T.S. in creating policies and plans such as the integrated travel and transport plan which has as one of its 3 objectives to look after and improve air quality.

**Senator F. E. Cohen:**

Could I just make point there? Bear in mind, Deputy, that mechanisms to encourage things like electric vehicles depend on 2 things; firstly the presence of education, that is quite easy to do, we are doing that through Eco-Active and secondly, some form of incentive, somehow or other. It usually costs some cash, somehow or other. The only way we are going to deliver the cash is through environmental taxes and as you know, environmental taxes were postponed because the perception within the Council of Ministers was that the Island can only cope with one new tax at a time. The current

proposal is that I will be bringing back environmental taxes to the Council of Ministers in the first quarter of next year and that we will then be bringing forward a proposition to the States to introduce environmental taxes. This is one of the areas we can use them for because the core of the report and proposition is going to be that the tax is hypothecated.

**Deputy P.V.F. Le Claire:**

We have got limited time so we will not get into specifics of the air qualities --

**Senator F. E. Cohen:**

Well, depending on which area do you want to look at? You may have until 11.00am.

**Deputy P.V.F. Le Claire:**

Well, there we are. Can I just ask, around that, just before we skip over it, it is an interesting notion that the States of Jersey would spend so much time deliberating over an unpopular set of taxes and yet, something that the people probably do have support for, environmental taxes, has been postponed. How much money is it envisaged that the environmental taxes that you are talking about would possibly raise in total for the first 5 years?

**Senator F. E. Cohen:**

Can I answer that question? That is because I may not have given Chris my precise views on this. I think that Islanders are enthusiastic about the concept of environmental taxes with the proviso they have to be hypothecated and it has to be genuine and not a trick to fund things that you were intending to fund through other means anyway. I think that the key to it is to start small and build up. I think you need to address what areas you want to deliver right at the beginning and in my view we should pick a couple of areas such as Schools' Education Officer, other education and home insulation because that is where you get the biggest bang for your buck. We should start, if we are going to go, for example, with a fuel duty, we should start relatively low. Get people used to it, make sure they understand what the money is being spent on. So, for example, use measures like if it is a fuel duty at the petrol pumps you have a sticker that says that 1p per litre of your purchase price is going towards environmental taxes and they are delivering bang, bang, bang, bang, bang and

then the following year you increase it. How much does 1p per litre deliver, I cannot remember?

**Mr. C. Newton:**

About £500,000.

**Senator F. E. Cohen:**

Yes. So in the first year you may even only go for 1p or 2p and then you gradually build up to perhaps 12p to deliver the £6 million.

**Deputy P.V.F. Le Claire:**

I mean, it would be interesting if there was a hypothecation of money to apply taxes that were collected for environmental purposes to be put towards environmental solutions to areas where people had concerns. I would like to just perhaps throw a couple of ideas at you; one is Chris says that there has been limited monitoring yet he believes that Jersey does not have an air quality problem. I think that really depends where you are living, because some people have a perception the air quality in Jersey is not what it used to be and it certainly is not as good in some parts of Jersey as it is in others. Admittedly it gets worse but it does not necessarily ever get great for any serious length of time when one lives in town. So I would personally have trouble going along with the fact that Jersey has greater air quality. I have some issues around emissions from boats when they leave the harbour and looking back at Jersey from a trip to France when you see a big smoggy cloud hanging over it, like I used to see over Houston. Is it not possibly throwing at you, you know, a solution to take those kinds of taxes and implement proper monitoring systems to find out scientifically if there is a problem? Also implementing schemes such as investor composting facilities that contain core practices that have a detrimental impact at the moment upon some large numbers of residents where the process is occurring, where no tax at all, no user pays charges whatsoever are being employed in the States running a facility that is costing over £700,000 a year to produce less than £55,000 worth of product.

**Senator F.E. Cohen:**

As far as using environmental taxes to produce better data in relation to air quality is concerned Chris explained to me yesterday that the way we -- I have already said this -- the way we monitor air at the moment is relatively primitive. You need to buy a piece of kit that will cost £140,000 to do it properly. It has been suggested that the waterfront developers may be asked to purchase the kit. It may be more sensible for it to come out of environmental taxes. But I think you will probably get it faster out of the waterfront developers than you will get it out of environmental taxes. But the points you make are, yes, very valid.

**Mr. C. Newton:**

I just have 2 comments on environmental taxes. Firstly, yes, we clearly do need to have clear purpose for the money that is raised through them and the consultation we had earlier this year spelt out what those purposes were, which were fundamentally about encouraging greater recycling; supporting public transport; and working on energy efficiency. It is also worth remembering that in raising environmental taxes, the way you raise environmental taxes can and will send signals to people and can and will change behaviour. So, for instance, the proposals that we had and the proposals that we will probably continue to come forward with will undoubtedly offer incentives for people - thinking about motoring, in particular - who choose to run either electric vehicles, hybrid vehicles or very small engine vehicles. You will have a very straightforward fiscal incentive at the time you buy a car, so if I buy this car it is zero rated for tax, if I buy that car it is punitively rated for tax. That, at the time, can help shift behaviours. As well as then taking the money and re-applying it to good causes.

**The Connétable of St. Mary:**

Can I just come in there being as that you know, one has to always appreciate the difference and I living out at the sticks at St. Mary appreciate that there is the difference between living in the north of the Island and living within St. Helier, shall we say. The only thing -- and I was just thinking about it when you were saying about the fairness of the environmental taxes -- would be ... because Paul incidentally raised about the, you know, for the air quality and such like, the existent people and money could go towards that. I think it has to be a fair one for everybody which you said it would be because -- therefore the aim would be so at least the people out into

the north of the country would know that their environmental taxes are going, as you said, to electric cars and such like for them to have the advantage as well. I think the rest or the other people would feel it a rather unfair situation if it was not just going because **[Interruption]** it is only just recently but it was polluted and it is going to be polluted again, so the air does change because of varying circumstances that arise. So I think it is got to be an overall environmental tax to please everybody, as such.

**Senator F.E. Cohen:**

Remember that firstly a lot of your St. Mary's residents would work in town anyway, so -- and they will be the long-distance commuters, the residents of St. Mary.

**The Connétable of St. Mary:**

This is the point that I am saying, is that yes, an environmental tax would be for, you know, an electric car rather than aimed at that, then everybody would be happy rather than say, well, we are putting that money, monitoring the air pollution in the tunnels sort of thing.

**Senator F.E. Cohen:**

Can I just make a comment on environmental taxes? Progress on environmental taxes has been quite depressing. I would have expected that by now we would have brought a report and proposition to the States. There have been concerns over implementing too many taxes at once. Chris and I are determined that we are going to bring them forward and we are going to keep bashing away at it until we get a report and proposition to the States. My view is that while people do not like taxes of any sort, that providing you hypothecate and providing you give the benefit back to Islanders people are prepared to accept their environmental responsibilities. I am not saying they want the tax but they accept the tax and accept it with a positive mind.

**Deputy R. C. Duhamel:**

A question from Professor Laxen and then Deputy Scott Warren.

**Professor D. Laxen:**

Turning to your role as a planning department I was just wondering whether the planning system here - and I am only really familiar with what happens in the rest of

the U.K. - has a system such as section 106 agreements which can be applied to developers of new large developments; which is a mechanism whereby they can offer or you can require them to do various things, such as implement green travel plans such as, for instance, free parking for electric vehicles. Is that a system that can be operated and is operated?

**Senator F.E. Cohen:**

Yes, planning obligation agreements are relatively new to Jersey - I think they were introduced by my predecessor. We are using them actively. They can be used for a variety of benefits but bear in mind I am already loading developers. I have introduced percentage for art. I am hopefully about to increase planning fees. We are really loading up developers. It is fine, I am quite happy to do it, but there comes a point where you suppress the economy and we have to be careful -- we are nowhere near it yet, and I just think we have to be a little cautious. What would be useful, particularly in relation to the waterfront, are some quick suggestions from the panel on what you think we should be suggesting as section 106 planning obligations for the waterfront development as a whole. It is a very good idea.

**Deputy C. J. Scott Warren:**

I believe many States' Members received a letter a few months ago suggesting that we operated an even/odd number plate system for certain days of the week. I wondered if the environmental taxes could also be - also the encouragement of car sharing initiatives, but whether the taxation could go further to restriction of car use by those methods?

**Senator F.E. Cohen:**

I am not a fan of hitting people around with a cricket bat to try and make them do positive things from an environmental perspective. I am absolutely 100 per cent convinced that Islanders understand their environmental obligations. They want to do things and all we have to do is to provide them with information and a little bit of encouragement and they will do it. You only have to look at the responses to recycling, kerbside recycling, within a couple of weeks St. John had 70 per cent and the town had 76 per cent. Although some people are questioning the 76 per cent, I think it is probably right. We are just not doing enough in terms of providing

information and providing people with encouragement. I do not think you need to go to odd/even car running schemes. I think if you provide the information and a little encouragement people will end up very quickly reducing the impact of their everyday activities. You can already see people are becoming very conscious of environmental improvements in buildings they put up. They are prepared to pay a bit more for it. We are also fortunate that we are in an environment where we can enforce stricter requirements in relation to new buildings, because we have high property prices. When you are selling properties at £400 a foot a developer can hardly argue about requiring another £5 per foot of the construction cost to produce a more environmental friendly building. I think there are lots of opportunities. We just have to take them. I do not think the way to start is by stopping people using their motor cars, because you will just de-motivate them, in my view.

**Deputy R. C. Duhamel:**

A general question. Do you think that the aims of the Planning and Environment Department would be helped or hindered by taking over the responsibilities of transport planning within your organisation?

**Senator F.E. Cohen:**

It is a different skill. We do not have the skills within the department. My only knowledge of transport planning is seeing what is happening with the traffic planning and transport planning for the waterfront. It is all done by people with completely different skill sets. We do not have a John Richardson in our department any more. We do not have a Dave St. George. We do not have the day-to-day relationships with the consultants they use. We do not have the traffic model. We do not have the people who would know where to get the latest traffic model from. So I cannot see that it is practical to even consider moving transport policy to the Planning Department. I think what is more important to the Planning Department is that we increase the relevance of the Environment Department within Planning. It is something we have started talking about - we have this curious position where we have the Environment Department in Trinity, we have the Planning Department in town, there is hardly any interconnection between the 2 and yet the public requirement is now to integrate environmental issues within every area and even in our own department we are not able to do it because of the physical separation.



**Deputy P. V. F. Le Claire:**

Can I ask then, because it has been something of a pet political point of mine, there really is a bit of a conflict with Planning and Environment sitting under the one ministry, do you not believe or do you believe that it is not possibly time to rationalise the arguments and say: “Look, it is time to separate the 2”?

**Senator F.E. Cohen:**

I have been through this; I have been around and around and around. I have had a view at one time that they should be separated. I am now absolutely firm that they should be together but not as they are at the moment. They should be together but completely integrated. When any planning application comes in the application should be tested from an environmental perspective in a variety of ways. I think if you move towards that you will more likely achieve better buildings and a better environment for the Island. One of the things I want to do - Chris is just starting putting it together - is to have organised regular environment brainstorming sessions where we set these long term objectives. What we want to do is integrate the Environment Department literally within every department of the States but starting with our own. Because however much we talk about Planning and Environment we have 2 departments, a planning department and an environment department. The first start would be to get them in one place.

**Deputy P. V. F. Le Claire:**

One of the things that the panel has been discussing is whether or not we could encourage departments or the States and other non-government organisations to conduct environmental audits upon themselves. I wondered whether or not you have given any thought to those sorts of things?

**Senator F.E. Cohen:**

Yes, absolutely. Chris, you can talk about that.

**Mr. C. Newton:**

Except to say that we are doing it at the moment. We are running a trial programme literally within my department now. So we have commissioned somebody who has

come in and done an environmental audit for the department. The intention is to use that as a demonstration project and then roll it out across the States. It is one of the issues that is being considered at the moment by the corporate management board, the collective of chief officers as a potential money saving opportunity as well as delivering environmental goods. It potentially could make savings across the utility bills in all departments. So it is something that is being actively pursued.

**Deputy P. V. F. Le Claire:**

It is something that I raised with the panel because of my concerns about the vehicles the States use and the access to those vehicles. Would it not be great - if it is possible - to have access to electric vehicles for States' departments that were shared? Rather than leased and then arguably being --

**Senator F.E. Cohen:**

There are 3 levels of our work. There is information being provided to Islanders generally through Eco-active and other mechanisms. There is encouraging the corporate sector. We are about to launch Eco-active Corporate which is a business accreditation scheme. We have sponsorship from Standard Chartered. It is kicking off very soon and hopefully that will result in local companies wanting to demonstrate their environmentally conscious decision making. The third strand is what are we doing to put our own house in order? Look at the Planning Department, we are the most inefficient building you can find in the Island where the walls - my wall is less than an inch thick. Where some of the time the air-conditioning and the heating is on at the same time. We are the people who are responsible for setting the example. So we have to do something about it. Environmental audits need to start with our department then they need to be run out quickly through other departments. But it is a costly and time-consuming process.

**Professor D. Laxen:**

You said earlier, Minister, that clearly it is important to integrate environmental issues into the planning process at an early stage. Can you run through the current approach? This relates to question 11 on our series of questions which seems to be that you request input from the Health Protection Unit on environmental issues. How do you determine on which developments you would go to them and ask questions of

and do you believe it would be more straightforward if those responsibilities were within the Environment Department rather than Health Protection Department?

**Senator F.E. Cohen:**

I think that every application whether it is a replacement window or whether it is the waterfront should have some input from the Environment Department. We are a long way from that. That is one of the things I am hoping that we are going to be able to look at very soon. Coincidentally I was discussing it with Chris yesterday.

**Mr. C. Newton:**

I think the situation now is 100 per cent better than it was 5 years ago when I arrived. There was a real tension between Planning and Environment Departments in terms of what each one would consult each other on. In fact the Environment Department was something of a vestige of the Planning Department; it certainly did not get much airtime at all. That has moved on a lot. We do have good processes that allow it to screen all planning applications; there is some automatic screening that filters out things that we probably would not have an opinion on. It allows us to put together a collective view of the Environment Department because the Environment Department is sort of multifarious in the way it might respond to Planning. So there are some regulatory issues, there are some policy issues. There are agricultural countryside issues. All of which within my department have different service heads and they are all collectively put together into a formal response to Planning. We do have processes now that automatically call in health protection advice on bigger schemes. But to answer your question directly, yes, it would clearly be more straightforward that those ... if the advice we were calling in was already within the department.

**Senator F.E. Cohen:**

Let me give you a specific example that I have mentioned to Deputy Duhamel before. We are -- I know it does not apply to every planning application but we are still approving houses in the countryside, whether they be refurbishments or redevelopments of an existing house, where there is plenty of land around them and we are still allowing people to put in central heating run by oil. Why are we not saying: "If you want to build your new house there, you have to use geothermal heating systems?" It is not very difficult, it does not add hugely to the cost of the

house. The house is expensive anyway. That is the sort of thing that I want to see the Environment Department saying ... well, this is what you should be looking to introduce within 12 months. I think there are some quick wins and we are missing them.

**Deputy R. C. Duhamel:**

I think you are right. Just moving on a little bit in a similar area. Within the Ring Road of St. Helier there are some areas that have been identified by the Health Protection Unit as being hot spots and the level of emissions in terms of some substances is over the recommended levels. How can you, through the Planning Department rules and regulations, guarantee that these areas do not become worse in terms of the emission levels when the contributors to the problem are really pretty much down to through traffic passing through a residential area? It really goes back almost to the point I was trying to get to about the transport planning element on the global scale being a planning issue rather than a road building issue. That if there is an environmental idea and if there are environmental issues in terms of trying to clean up emissions and things, there does appear to be a cross-over between departments. If we suggest, as the Minister is suggesting, that the transportation policy is only the remit of the Transportation Department then I cannot really see what policy mechanism we have to apply through the Planning Department to make improvements?

**Mr. C. Newton:**

There are several levels of potential reply to that one, I will try and remember all of them. At a very basic level clearly where we know there are already air quality issues then any development in those areas will be required to produce an environment statement and if it looks like they are going to contribute to worsening that problem they will be required to mitigate against it. That is at the local development level. On the wider scale of things the Island Plan itself, the Island Plan process is the location at which these sort of more macro micro issues will be looked at. So if for instance, as we are doing now, looking at possible creation of new settlements in Jersey, one of the things you would be anticipating - and if necessary modelling - is what do you generate in terms of servicing of those new settlements in terms of traffic. Where is that traffic going to be? Where is it going to pass? Is it going to contribute to an

existing problem? In that sense Planning does have an input to transport policy. But what I was going to say earlier in response to when you raised this question the first time around, is I do think there are some probably political level issues frankly, around the setting of policy within an operational department. It is a debate that I have had many times with the Chief Officer of Transport and Technical Services to the extent to which we should in some way be able to divorce the: “What do we need to do?” from the: “What have we got resources to do?” question. Because in many cases I think the policy thinking of an operational department is necessarily - and probably ought to be - constrained by: “What resources have I got to deliver it?” So you sometimes get a less than optimal outcome simply because you do not ever contemplate really: “What should we really be doing here?” as opposed to limiting it to: “What can we actually afford to do here?” Sometimes they are quite different things. If you think there is still a bit of a gap there in terms of doing the actual strategic thinking about what should transport policy look like, what should waste policy look like for that matter. It is not fettered by the practicalities of having to validate their operations with a budget you know you have.

**Deputy R. C. Duhamel:**

In terms of the suggestion that has been made by the Minister about extending the environmental thinking into areas that it would not necessarily occur, have you got the means and the wherewithal to bring that about with departments who might not necessarily wish to open the door and allow the environment to come in?

**Mr. C. Newton:**

I think we have made good progress. I think we have spread our coverage quite a lot through cross-cutting policy work, like working on the Strategic Plan, as I did, working on energy policy which cuts across all departments. Our resources are limited. We have a very small policy team in environment and we can really tackle one big subject at a time.

**Senator F.E. Cohen:**

I think that that is a relevant point. The quality of material that comes out of the Environment Department is absolutely fantastic. Whether it is the energy policy document or briefing notes for me they are always absolutely fantastic. That is the

function of people not having to do 25 different things at once, they only have to do 20 things at once. Resources within the Environment Department will be strained if we start loading more and more and more. They already are. Imposing Eco-active on the Environment Department caused quite a lot of strain, a lot of resources were taken up by delivering information for the website. With regard to your question - and there is one thing that seems pretty clear to me from my discussions with Chris yesterday - the hot spots may have been identified but we are not monitoring with the latest equipment. I think the first thing we should be looking to do is to somehow or other obtain some modern equipment to enable us to identify what the air quality situation is in all sorts of areas of the Island.

**Mr. C. Newton:**

In a timeframe as well. We probably are getting localised exceedences in real time that are averaged because of the way we monitor them.

**Deputy P. V. F. Le Claire:**

What concerns, if any, do you have about the expansion to the air routes in Jersey?

**Mr. C. Newton:**

Air routes? In terms of air quality?

**Deputy P. V. F. Le Claire:**

Environmentally, how does it ... has it crossed your mind at all that there is going to be the jettison of the new ones coming, that they could be running some large planes?

**Senator F.E. Cohen:**

The total output ... the total percentage of carbon emitted in the world from aviation transport is 1.6 per cent. Stand by is 1 per cent. So that gives you an area ... some comparative figures. I got those from Sir David King at my meeting a couple of weeks ago. They are my 2 current favourite statistics. Jersey is dependent, to some extent, on our tourism industry. Our finance industry is dependent on air transportation. The more links we have, the more flights we have, the greater opportunity we have for tourism, the greater opportunity we have for our finance

industry. The negative is there are environmental consequences. But you have to strike a balance. It is not for me to say where the balance is. I do not know.

**Deputy P. V. F. Le Claire:**

Is it not really ... I mean I think it is all wonderful, we are all politicians and we have to take a realistic approach to what happens in Jersey, it is all wonderful news. We can go on easyJet and finance can get backwards and forwards and everything else, but this is an area of your ministerial responsibility and from an environment perspective has any ... this is what I am asking, I do not say it is a bad thing, I am just asking. Has any thought gone into the announcements? Has any thought or consideration gone into considerations about the types of planes that are flying? Or any negotiations about the age of the planes that are flying?

**Senator F.E. Cohen:**

As far as I am aware that when Economic Development or Harbours and Airports are negotiating they are always conscious to ensure that planes used are the latest. I noticed that the EasyJet planes are - hope I have this right - 737 700s which is the latest version and they are not encouraging new route operators to put their knackered old inefficient aeroplanes on the routes. But clearly from an environmental perspective the more aeroplane traffic you have, the greater the environmental impact but there is a balance.

**Deputy P. V. F. Le Claire:**

What about emissions from La Collette, has that been given any environmental consideration? Because I know that the policy options have not been identified as to whose responsibility they are, but from an environment perspective it just hits me that surely there should be some - I know you are stretched and I know you are doing the best work you can do when you get to do that work - cognisance. Maybe we could hear from Chris as to what does the department do in terms of analysing, acknowledging, addressing or even raising issues with you on the emissions of things such as La Collette and those aeroplanes?

**Mr. C. Newton:**

Can you just be clear on what you mean about La Collette?

**Deputy P. V. F. Le Claire:**

The J.E.C. (Jersey Electricity Company) emissions, for example. Which recently --

**Deputy R. C. Duhamel:**

I think it is clear the testing programme is down to a different department. Any overarching kind of policy initiatives in terms of improving the environment probably rest with Planning and Environment and they are chalk and cheese, really.

**Deputy P. V. F. Le Claire:**

I am just wondering ... maybe it is just me struggling, but I am just struggling to come to grips with the fact that we have an Environment Minister and we have environmental emissions. We have a lot of work that we have done in relation to the incinerator, which must have had the environment's input. We have some difficulty recently since the changeover as to who is addressing and who belongs where on these issues and whose budgets they are. Surely there must be some discussion or thoughts or opinions as to the types of emissions and factors entering the actual natural environment, the human environment. These are the environmental experts and even if they do not have direct identified responsibility or the budgets to handle them, there must be some thoughts and opinions on these issues.

**Mr. C. Newton:**

Clearly we have thoughts and opinions and we do publish a quinquennial report on the state of the environment and the factors that cause it to be in that state which includes an overview of air quality. As I had said before, in the absence of any regime to manage air quality and the like then it is a slightly sort of ... a process without a real end point. Clearly these things are taken into account, so in looking at the New Energy for Waste Plan it has been a working assumption, despite the fact that there is no legislative framework to require it, but it has been a working assumption that the plant will perform to the highest possible standards and will definitely meet any directive that might be in place within the E.U.

**Deputy R. C. Duhamel:**



We do not want to go off on a side issue, that may well be true but it could equally be countered that there has been a lack of interest in ensuring that the existing plant is run to the highest standards possible. It goes without saying it is not the plant that is at fault, it is how it is being run that is at fault. If there is no requirement, for example, to be burning the prodigious quantities of the plastic that we have been putting through our incinerator and there are other closed recycling loops which would derive value from the recycling of that material, it begs a question as to whether or not we are still allowing an aging plant to be burning these materials knowing full-well that they are aging facilities and they do not have the same bells and whistles in terms of emission standards that modern equipment to great expense would provide.

**Mr. C. Newton:**

I agree entirely with the point you are making. I would say as an environmental professional the outputs from the Bellozane plant are unacceptable in this modern time. I would also say there is no regulatory regime whatsoever for anybody to intervene in that process, other than the slightly tenuous route that health protection have through the nuisance law effectively, whereby they could, if they could demonstrate that there was exposure to people or unacceptable levels of toxins or whatever, they could intervene and probably put some sort of notice to the plant.

**The Connétable of St. Helier:**

They only have to prove a nuisance though not exposure to toxins. Under the nuisance law they only have to prove a nuisance which is what the --

**Deputy R. C. Duhamel:**

But the nuisance has to be detrimental to health, and that is the difficult part to prove.

**Deputy P. V. F. Le Claire:**

I thought the interesting thing - just try and tie up this logic for a second - is that environmental taxes earlier were mentioned as a means of raising monies to perhaps identify expenditure. One of the areas that was interesting that you raised was recycling. I am just wondering how a hypothecated tax from States of Jersey managed under the Environment Department can be attributed to any kind of

recycling programme. That is out of your remit. Also interestingly where there are mechanisms for introducing user pays, for example, to businesses that are depositing compost at La Collette, we could charge people for dumping their ... or putting their green waste through a process that is costing the Islanders £750,000 a year. That would perhaps free up some other capital whereby we could address solutions to these issues; such as better recycling facilities that would give the ... for example, if we had a user pays process for the compost facility we would have another large recycling facility in Jersey. But the interesting thing I think that needs to be asked at this stage is, all of that seems to be unconnected, which is obviously an issue that we would have to put in our report. I am just wondering, some of the disconnect between charging for these services from gardening companies, for example, where there is an ability, we are talking about lack of abilities, where there is an ability at the moment, has been dismissed by the offices of T.T.S. and the Minister because of the fact that they believe it would lead to a lot of fly-tipping and the Constable was concerned about fly-tipping of green waste in Jersey. I am wondering from an environmental professional's perspective, what views you have on what damage do these do in the countryside?

**Mr. C. Newton:**

Taking your points in order, if I can remember them. Environmental taxes are not the sole remit of the Environment Department. Environmental taxes are a States-wide initiative. The definition of environmental taxes is simply a tax that is raised to pursue an environmental objective. So it is entirely legitimate that T.T.S. or any other department that had an environmental objective would be involved in and benefit from environmental taxes. I am responsible for developing them because that is my area of expertise. But the beneficiaries will be States-wide. Certainly the working assumption at the moment is that a good chunk of whatever money we raise will go to T.T.S. to support the Integrated Travel and Transport Plan and greater recycling, and that is right way to go.

**Deputy P. V. F. Le Claire:**

Could I help then by ... sorry to interrupt you, Chris, but could I help then by being exactly specific about what I am asking. Is that while we are waiting for all of these hypothecated laws to work their way through the Law Officers Department and where

your expertise lies is in setting up these systems where people can benefit ... and as the Minister says, this is something that I think is, at the very least, accepted. I am quite keen, personally, for environmental taxes, not at all keen for G.S.T. (Goods and Services Tax). Is it not possible - because it is within the remit of the States now - for us to be working on things such as introducing user pays charges to these processes. We do not have to wait for taxes, we can introduce user pays charge for now on the gardening centres, for example, the gardening companies, then use that money to address some of the issues?

**Deputy R. C. Duhamel:**

I think the point though is that it is not for the Planning and Environment Department to be introducing taxes, it is the responsibility of Transport and Technical Services who are running the operation in a sub-optimal way to be doing the things that you are asking for.

**Deputy P. V. F. Le Claire:**

My point in specifics is that the T.T.S. Department has said that it would not want to introduce a charging mechanism because it is fearful that it would lead to fly-tipping in the countryside.

**Deputy R. C. Duhamel:**

I am not sure that that is the case. If you speak to the officers, the officers would dearly love to have a lot more money in their budgets to be spending on the type of equipment that they are not able to --

**Deputy P. V. F. Le Claire:**

It is the last box that I cannot tick in the whole argument. I am just asking ...

**Deputy C. J. Scott Warren:**

User pay charges have to go via the States though.

**Mr. C. Newton:**

A comment that I think would be helpful which is simply that as far as environmental taxes are concerned ... I am sure some of you, many of you will have read the

consultation document. User pays charges are caught within the entire gambit of what we call environmental tax. So any mechanism, fiscal mechanism that has an impact on people, be it a tax, be it a charge, be it a levy is wrapped up in what we are calling environmental taxes. So it is entirely legitimate to call a user pays charge an environmental tax. Some of the thinking that we went through in looking at environmental tax includes charging for waste arising. It includes charging parishes, potentially, for the mixed waste they turn up with for disposal. It includes charging householders at a household level. It will include turning up at a tip face with solid waste. It could include turning up at a green waste composting site with green waste. All of those are legitimate charges you could levy if you thought it was going to have the right impact.

**Deputy P. V. F. Le Claire:**

I know we want to get off this, but I just want to just ask you this - this is the one question that I needed to answer for me and I have really dragged this aside but I would like to know, I mean, are there any concerns about tipping of green waste in the countryside from an environmental perspective? In relation to the introduction of user pays charges from an environmental tax perspective. If you introduced an environmental tax, user pays system for green waste, are you fearful of the consequences of fly-tipping in Jersey?

**Senator F.E. Cohen:**

I can answer that from personal experience. Our wood which runs down from the top of Bonne Nuit Hill halfway down and part of it is accessed from the road is a top spot for fly-tipping. I have no idea why. But we regularly get loads of green waste dumped in our wood. I do not know why.

**Deputy P.V.F. Le Claire:**

That is illegal though, is it not?

**Senator F.E. Cohen:**

I am sure it is.

**Mr. C. Newton:**

I think people will do it sometimes, not because they are unconcerned about the damage, just simply because they do not recognise the damage they are causing. They do not understand that the impact of tipping nutrients effectively into some habitats is going to have a detrimental effect. They just think it will rot and go away and that is it.

**Deputy R. C. Duhamel:**

We are drifting slightly. I am conscious of the time. I had one final question. Then we will go around the table and for final questions from the other members. Bearing in mind that there is evidence to show that the greening of urban areas is a useful mechanism for cleaning up and bringing about investment in air quality within the urban district. Are there any plans on behalf of the Minister or the department to encourage by whatever means are available at your disposal to bring forward plans to green up areas of the town as a way of bringing about investment in air quality within the district?

**Senator F.E. Cohen:**

Yes. The first thing is if you have a look at the Hopkins Master plan you will see how much that is green. One of the objectives of the Hopkins Master plan is to deliver this £50 to £75 million cash the majority of which -- all of which should go into the regeneration of the town, particularly including regeneration projects of areas of town that incorporate improving public space and greening up the public space. It is an area we do not seem to be getting to the bottom of, that everyone is trying to get their hands on this cash but if you look at areas like Broad Street, you do not have to put very much money in to an area to significantly improve it. That is about improving the public space by using high quality locally relevant materials and grooming them. It works, it works everywhere else and we should be doing it. We need a clear commitment that we are going to do it. So far we do not seem to have the clear commitment, we just have: "Yes, we are going to do it." But we need to know how much and when.

**Deputy R. C. Duhamel:**

Any final brief questions?

**Deputy C. J. Scott Warren:**

Can I just ask, we did obviously hear that equipment for monitoring air traffic is ... when traffic is monitored in hot spots in town, is inadequate. Can I just ask you on the sharing of the data between your department and Health Protection. Obviously one has to assume they are equally unhappy about the state of the equipment.

**Mr. C. Newton:**

I am not sure of the question?

**Deputy C. J. Scott Warren:**

Sorry, the question is, the data, the sharing of it, and really the relevance of it under this situation?

**Mr. C. Newton:**

Absolutely, the data is shared across any government department who needs to have it. My comment was essentially on the policy of the data that has been collected. It is shared and I do know that Health Protection have long harboured a desire to improve their monitoring capability but attempts to scrape together sufficient money to buy approved equipment but has never achieved sufficient funding to go the next step. We are talking about essentially buying a small mobile laboratory that you tow around on a trailer to place-to-place, park it and move on when you need to move on. It is a bog standard kit , to use that expression, it is easy to buy in, you just need the money to do it. Then you need the staff time to analyse and make sense of the information.

**The Connétable of St. Mary:**

Yes, if I could ask the Minister, at this very moment in time we have the consultation going on from 9 parishes who are wishing their sheltered homes and first time buyer units and such like coming on stream. To what extent are you going to recommend, enforce, as much of the modernised eco-friendly within that? Will you be having control over the developers and the people and such like? I think this is an opportunity at this moment in time because it is not a haphazard one, it is all-in-one. We have the 9 parishes with all their different ones and I think this could be an opportunity for Planning and everybody else to make a stance and a stand as they will.

This is what we aim; this is our future. Will you be incorporating the whole new regime and that within these developments?

**Senator F.E. Cohen:**

Absolutely, and the Assistant Minister, Deputy Pryke - who has responsibility for social housing - already has a list prepared of all the requirements that will be imposed upon the parishes in these developments. The retirement houses will be of the very latest design incorporating the latest energy efficient measures and particularly things like geo-thermal heating. She has already got a specification for it. I am sure that will be circulated.

**Deputy R. C. Duhamel:**

I think on that note we would like to thank you for staying on longer than we had anticipated, and answering the questions that we put in a helpful fashion. We will be in touch, thank you.