

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY THE CONNÉTABLE OF ST. MARTIN
QUESTION SUBMITTED ON MONDAY 21st JUNE 2021
ANSWER TO BE TABLED ON MONDAY 28th JUNE 2021**

Question

Will the Minister advise –

- (a) whether Environmental Impact Assessments (E.I.A.s) required to be undertaken for the granting of commercial cannabis cultivation licences take into account the material change of use, or operational development, of the land used to cultivate medicinal cannabis on a commercial scale;
- (b) what consideration, if any, has been given within such E.I.A.s to the impact of noise, smell and transport on the surrounding area; and
- (c) how firms awarded licences following the successful completion of such E.I.A.s are monitored to ensure that they continue to comply with the findings of the E.I.A., and whether further E.I.A.s are due to be required whilst medicinal cannabis is subsequently being commercially cultivated?

Answer

The following answers have been prepared in consultation with officers for the Minister for Health and Social Services and officers in the Infrastructure, Housing and Environment Department. Please note that licencing for medicinal cannabis sits solely with the Minister for Health and Social Services and does not fall under the responsibility of the Minister for the Environment.

- (a) I am advised that the term EIA was used as part of the licencing criteria in a more general sense of: what mitigating action, if any is required, would be taken by the applicant to reduce any and all impact on the environment as part of plans to cultivate cannabis. As part of the application process applicants have detailed, when deemed appropriate by the Minister for Health and Social Services, any impact on the surrounding environment in the intended general sense when the conditions were approved.

No EIAs as described in planning related legislation have been carried out for that purpose as they have not been deemed required by the planning regulators which are independent from the licencing of medicinal cannabis.

- (b) Considerations that would trigger the requirement for an EIA are detailed in the [Planning and Building \(Environmental Impact\) \(Jersey\) Order 2006](#).

It is important to note that, in planning terms, the use of agricultural land to grow different crops is not a material change of use and so EIAs are unlikely to be required by the planning application process. However, an industrial process will likely require an EIA. Advice has been given that where crops are not sent directly to market but are subject to processing and that product is marketed, that will comprise an industrial process. The extent to which this industrial use is ancillary to the activity of growing is a matter of fact and degree in each case.

- (c) I am advised there is no process to check compliance with an EIA as intended in the licencing criteria (see (a)) as this is intended to be a pre-assessment as part of the licence application process.

Compliance with EIAs under the planning law, if these are required in future in relation to activity in this area, would be monitored per the usual process for all EIAs. This is a mixture of, but not

limited to, intelligence gathering via members of the public as well as site visits by officers from the relevant regulatory teams.

As Minister for the Environment I have been advised that the Minister for Health and Social Services recognises that the use of the term EIA in his licencing conditions for medicinal cannabis was not correct and, as explained, requires clarification. I understand it is the Minister's intention to amend his licence conditions to clearly delineate the difference between the regulation of medicinal cannabis and the EIA's required by the Planning & Building Law to regulate development.