



Environment, Housing and Infrastructure Scrutiny Panel

Quarterly Public Hearing

Witness: The Minister for the Environment

Wednesday, 6th December 2023

Panel:

Deputy S.G. Luce of Grouville and St. Martin (Chair)

Connétable M.K. Jackson of St. Brelade (Vice-Chair)

Deputy M.R. Le Hegarat of St. Helier North

Connétable D. Johnson of St. Mary

Witnesses:

Deputy J. Renouf of St. Brelade, The Minister for the Environment

Deputy H. Jeune of St. John, St. Lawrence and Trinity, Assistant Minister for the Environment

Mr. K. Pilley, Head of Place and Spatial Planning

Ms. K. Whitehead, Group Director, Regulation

[11:02]

Deputy S.G. Luce of Grouville and St. Martin (Chair):

Good morning, Minister. Welcome to our quarterly hearing. Before we start we will just run round the table as normal. My name is Deputy Steve Luce, I am the chair of the panel. With me today is ...

Deputy M.R. Le Hegarat of St. Helier North:

Deputy Mary Le Hegarat, District North St. Helier, member of the panel.

Connétable M.K. Jackson of St. Brelade (Vice-Chair):

Mike Jackson, vice-chair of the panel.

Connétable D. Johnson of St. Mary:

David Johnson, member of the panel, Constable of St. Mary.

The Minister for the Environment:

Deputy Jonathan Renouf, Minister for the Environment.

Assistant Minister for the Environment:

Deputy Hilary Jeune, Assistant Minister for the Environment.

Head of Place and Spatial Planning:

Kevin Pilley, Head of Place and Spatial Planning.

Group Director, Regulation:

Kelly Whitehead, Group Director for Regulation.

Deputy S.G. Luce:

Okay, thank you. Before we start we have had some comments about the volume for people listening online. If we can just try to do our best to talk clearly and make sure we have got the microphone in front of us. I know it is not easy with papers and mobiles and stuff, so we will do our best on that. Minister, just a couple of sort of unscheduled questions for you before we start and the first one is just a very quick answer. Where are we with the Bridging Island Plan and the review of it, inasmuch as I know the panel have a view on it, it is a 4-year plan? I know you have a view on maybe extending it. Can you just tell us where we are though?

The Minister for the Environment:

Yes. With the Bridging Island Plan the view is that we will begin work next year on scoping out a new Island Plan. The extra piece of work, I suppose the extra piece of information I can give you is that we are planning to review what kind of Island Plan we have. It has been a long while that we have just done incremental changes to the Island Plan and we just typically add stuff to it and it has become quite a big document, quite a complex document. I felt that it was a chance to review best practice and to think about what other kinds of planning documents look like in other jurisdictions. That is a piece of work that we will begin next year. We are not going to spend for ever on that; that is just a kind of let us look and see what constitutes good practice.

Deputy S.G. Luce:

But the decision on the next Island Plan, which is supposed to be debated in 2026, is still to be decided then?

The Minister for the Environment:

Yes. I think we will bring a plan for the plan next year, early next year probably.

Deputy S.G. Luce:

Okay, early next year.

The Minister for the Environment:

Yes, yes.

Deputy S.G. Luce:

Fine. The only other thing I wanted to mention before we start, Minister, is C.O.P.28 (Conference of the Parties). Certainly the panel just want some clarification of which Ministers attended, which officers attended, who did you speak to?

The Minister for the Environment:

I am going.

Deputy S.G. Luce:

Okay.

The Minister for the Environment:

I have delayed my departure. Did not delay, I organised my departure so that I could attend this Scrutiny Panel and I will be going straight from here to go and taking over, effectively, from the Chief Minister, who has been there since the weekend.

Deputy S.G. Luce:

Okay, because there is parliamentarians are tomorrow, I think we ...

Deputy M.R. Le Hegarat:

It was today.

Deputy S.G. Luce:

Was it today?

The Minister for the Environment:

No, the main event that I am doing, which the Chief Minister is coming back a day or 2 earlier ... we were going to overlap but the main event that she was going to do is the Crown Dependencies event and that is on Friday morning.

Deputy S.G. Luce:

Okay. You are going.

The Minister for the Environment:

Yes.

Deputy S.G. Luce:

The Chief Minister has been and is there now and will come back.

The Minister for the Environment:

Yes, and going with me is Louise Magris.

Deputy S.G. Luce:

Okay, and that is the ministerial and officer contribution.

The Minister for the Environment:

There is an External Relations officer there, who has been there with the Chief Minister and will be there also when I am there.

Deputy S.G. Luce:

Okay, fine. Thanks. We will move straight on, if we might, to our question plan then. The first heading is around the damage from Storm Ciaran and Constable Jackson is going to lead on that.

The Connétable of St. Brelade:

In the wake of damage done by the storm, there have been calls for the establishment of a tree council and guidance from Government on tree planting schemes. Can you tell us what conversations that you have had regarding assessing the scale of damage to Jersey's natural environment? Is there any data out there yet?

The Minister for the Environment:

I can do 2 things. First of all, in terms of the clear-up, the immediate clear-up from a Government point of view, it is into 2 parts. There is the parks and gardens bit, which is the Railway Walk and the parks basically, that clean-up will be finished in the next week or 2 before Christmas, hopefully. The natural environment bit, which is things like the coastal path walks, the woodlands, normal

places like that, that is going to take another 2 to 3 months into the new year to get those cleared and the focus will be on the coast paths and the most in-demand areas. In terms of the longer-term recovery, I asked officers in natural environment to set up, effectively, a co-ordinating group. I think we have called it the tree and hedgerow recovery group and it is at the moment an ad hoc group I would say but it includes natural environment officers, representatives of the farming community, Trees for Life and the Lieutenant Governor's office. There may be others but that is all I have got off the top of my head. They had a meeting and are trying to do several things, work out what might be a sort of a flagship, tent pole kind of project that might inspire people on the one hand, but then also trying to come up with a plan for how we are going to repopulate trees in the Island and that includes several different things. We are trying to think long term. These trees that we are planting now will be there for 50 to 100 years. Our climate will be slightly different in that time period. We want to be thinking about that sort of thing. We need to make sure that we are trying to plant species that work in Jersey and thinking a little bit more about where we want woodland and what kind of woodland we want, what kind of management we might want for it and so on. That group at the moment is ad hoc but I think it will solidify into something. You will be aware there is various propositions in front of the Assembly and out of that might come more formal arrangements. It was certainly part of the tree strategy that there should be a formal tree group in the Island and that might be one thing that this falls into.

The Connétable of St. Brelade:

Just to dig a bit deeper into that, I have spoken to Kevin in the past about tree protection and it was stimulated by an attempt to protect the tree at Overdale, the President's Oak I think it is called. The process at the moment is convoluted. Would you have in mind making it simpler for the public to list a tree with the proper controls? But do you feel there is an appetite to improve that?

The Minister for the Environment:

I might ask Kelly to talk a little bit about the listing process because we have a process for listing. I think it is the same, is it not? Is it different for trees or is it the same as for every ...

Group Director, Regulation:

There is a different Article for trees but it runs similar.

The Minister for the Environment:

There is a different Article for trees. But, yes, at the moment, in effect, what happens is trees get listed when they are perceived to be under threat and that is reasonably sensible. You do not particularly need to list trees out there because nobody is planning to cut them down and nobody would cut them down. You want to focus your listing in places where it is going to have an effect,

otherwise it is just a badge. The point of listing partly might be that but I think the greatest point of it is to protect and make sure that they are looked after. Yes, I do think that we should look at how we might make that a more proactive process, so it is not just reactive to a perceived threat. There might be trees that we know are important because they are specimen types or because they provide a particularly interesting role in the landscape, an important role in the landscape or whatever.

The Connétable of St. Brelade:

Going back to the storm and the destruction which occurred, is there any record of the destruction or of habitats and perhaps the wildlife corridors and how would you deal with that?

The Minister for the Environment:

I think that is coming. As I said at the beginning, that natural environment piece of work to go into places like St. Catherine's Woods and those sort of very, very badly damaged areas, I think only the preliminary work has been done there. The assessment of what has gone on there in those very badly damaged areas has not really been done yet. It is certainly something we need to be monitoring and understanding because that is part of the recovery programme, is working out what we have lost and also, potentially, seeing what the opportunities are in the medium term when we eventually sort of get over that sense of recovery, what the opportunities are for enhancement, not just replacement but maybe enhancement.

The Connétable of St. Brelade:

Have you got the resource to do that work? Obviously it is not inconsiderable.

The Minister for the Environment:

It is not inconsiderable. We have officers who do that work. It is going to take 2 or 3 months because there is a limited resource. It is not something where we are just going to ... we cannot just employ loads of people. As you know, there are relative shortages of that sort of skill in the Island anyway. In an ideal world would there be more? Possibly but I am not feeling massively resource-constrained and officers are coming to me and tearing their hair out and saying: "I cannot do this."

The Connétable of St. Brelade:

Are you intending making funding available for tree replanting or are you aware of the scale of funding necessary to carry out the work?

The Minister for the Environment:

That is a good question and I know that from the charity sector, if you like, the voluntary sectors and so on, I think there are questions being asked of Government. I think before we leap straight to the taxpayer in this, I think it is worth thinking about what other resources might be available. This is a project that might attract private investment, people might be interested in that project. I know that the Crown is keen to help; whether that is financial or not we will wait and see. I think that we should not just think of it as automatically a taxpayer thing, but I would imagine that at some point there will be some conversation around that. I would not want to put a firm commitment on a figure at the moment.

The Connétable of St. Brelade:

You mentioned a group. Does that include bodies such as National Trust and Trees for Life?

The Minister for the Environment:

Yes, sorry, the National Trust was in there. Sorry, I meant to say, yes, they are in that ad hoc group. I beg your pardon.

The Connétable of St. Brelade:

Thank you. Since we last met at a quarterly hearing, the debate on the Draft Planning and (Commencement of No. 8 Amendment) Law, which for those listening is a tree-protection legislation, has been delayed a number of times and has now been withdrawn for a further 6 months. Can you just expand on your intentions and do you intend bringing it back in 6 months? Are there any changes that you are intending to put into it prior to it coming to the Assembly?

The Minister for the Environment:

Yes. Obviously this may be irrelevant, depending on P.90, Deputy Bailhache's proposition which may repeal that. But if we assume for a moment, as I think you are in that question, that that does not happen, I have withdrawn it for at least 6 months and I think 6 months is the absolute minimum. It is not in my mind to be counting the months. The conversation is different at the moment, I acknowledge that. The conversation is about recovery. We have been through a significant trauma in terms of trees.

[11:15]

The conversation is not about the details of how you might protect trees and what exemptions there might be and so on; that is not where people's headspace is. It is not where my headspace is at the moment. I think we need to let that play out, see how long that takes. How long is it before we are into a different phase of thinking about that? Then I think this has stimulated some interesting ideas. Deputy Scott has brought forward a proposition that is interesting. I am keeping

a completely open mind about whether the appropriate way to go forward is through continuing with Amendment No. 8 or whether there might be other methods of achieving tree protection. I think there may be a way of getting together a group, you might say professionally-chaired group, an independent-chaired group of people in this space and to try and have a mediated discussion around it to bring forward proposals. I would be open to that as an option to try and not break the log-jam in a way, try and have some fresh thinking.

The Connétable of St. Brelade:

Yes, a good pun, Minister.

The Minister for the Environment:

Log-jam.

The Connétable of St. Brelade:

But a facilitated group is sometimes certainly a way forward. You previously said that you will publish a lot more information about the guidelines, especially with regard to this. Can you give us any details of how you would be engaging with those? Really that would be a way forward, shall we say, a facilitated body to take it forward with perhaps the landowners, tree surgeons and so on.

The Minister for the Environment:

Yes. As I say, I am not absolutely committed to bringing back Amendment No. 8, even if it is not repealed. I am open minded about the way we are going to approach this. It might be that that is the best way but I am open to looking at it. It does not feel appropriate to be thinking about publishing details around something which is not in play for many, many months, but if we do go down that road again they will be published well in advance, well in advance, so that there is a proper debate around it. I do feel that something that has been slightly missed is an examination of the detail of it but, as I say, I think the space I am in at the moment is to build from the bottom up again.

The Connétable of St. Brelade:

Are you in discussion with Deputy Bailhache about his rescindment proposition?

The Minister for the Environment:

I am going to have discussions with Deputy Scott. Deputy Bailhache has postponed, as I understand it, his debate until the new year, or will do, so that is my understanding but that is a whisper rather than having spoken to him direct.

Deputy S.G. Luce:

Okay. Thank you, Minister. We are going to move on to water strategy, if we may.

The Minister for the Environment:

Yes.

Deputy S.G. Luce:

In your response to questions from us about bits that were contained or naturally were not contained in your Government Plan proposals, you indicated that the timeline for the delivery of the water strategy is going to be delayed by a year. Can you just tell us why that work was not prioritised for funding?

The Minister for the Environment:

Yes. We all want to prioritise everything, do we not? My view is that there is a lot of work being done in that space anyway. Jersey Water are doing a lot of work on water resources. We are doing a lot of work around issues around cleaner water and P.F.A.S. (perfluoroalkyl substances) and so on. What is missing is the strategy piece and that is what the water strategy would have done. In an ideal world it would have been funded; it was not funded. We could not get it through the Government Plan process. We are going to wait another year and put another bid in and see and, hopefully, we will be more successful this time. It is not ideal but in any Government you only win so many battles.

Deputy S.G. Luce:

Okay. I hear what you are saying, Minister, there is work going on. But is there an impact on the delay of 12 months? How much work can we do in the background before we get round to the strategy?

The Minister for the Environment:

Of course there is an impact. In my view it would be better to have been doing it this coming year but one has to live within one's means. Is it a serious impact? The water strategy has been talked about for quite a while and it has not happened. I am committed to making it happen in my ministerial term of office if I possibly can. It is an important piece of work for me personally. I feel that climate change is one of the ways that it filters into Jersey in its most kind of acute form is about water resource. It is a piece of strategy work we need. I am disappointed we cannot start it next year. I would say that it is not absolutely certain we will not start it next year. We do not have specific funding for it. Should we get underspends, should we be able to free up resource because other things happen quicker than we thought, then we can start to work on it.

Deputy S.G. Luce:

Okay, so we will probably leave it there. But do you have any timeline in your mind whereby Jersey Water are going to need a decision on this? If we end up going down the road of a new reservoir, for example, that is not a 6-month lead-in time, that is probably 15 or 20 years.

The Minister for the Environment:

Yes.

Deputy S.G. Luce:

Then you have to project forward to where we will be in 20 years' time. Have Jersey Water indicated to you the last possible date they could have a decision by?

The Minister for the Environment:

They have not. I should ask them; that is a good question to ask. I do not think it is that imminent and I do not think necessarily it is just about reservoirs; that is why the strategy is so important. There is clearly a water-use reduction is a key part to that. Clearly, there is also a bit about extending the mains network, that is another part of it, but it also ties into how we treat our wastewater and the potential for reusing wastewater and putting that back into the reservoirs as an additional resource and that is the kind of holistic thinking that we need. I would say quite a bit of work is already going on in Jersey Water in trying to understand how those things might work, but it is the overarching kind of how do you put all this together.

Deputy S.G. Luce:

Yes. I certainly take on board the wastewater and the recycling of water and it may be that that is the direction we go in and that would be a much quicker fit timeline wise because it might only be 10 or 15 years.

The Minister for the Environment:

Yes.

Deputy S.G. Luce:

But we need to decide we are going to do that and eliminate the reservoir option, at a time that if a reservoir is going to take 20, 25 years we cannot ...

The Minister for the Environment:

There are questions about whether we need more desalination and so on. Yes, I do not underestimate that and, as I say, Jersey Water can do a certain amount war-gaming these things within their own organisation but the strategy allows them to understand, for example, future population projections. I think, interestingly, those projections, there is going to be a new

population projection exercise coming out very soon, I think, in terms of household modelling for the future, because it is not just about population. It is also about how big households are, how many different properties there are and that kind of thing. Those things are all what needs to be tied together.

Deputy S.G. Luce:

Okay. We will leave that one here. We are going to move on to offshore wind, which is an up and coming subject. Deputy Le Hegarat.

Deputy M.R. Le Hegarat:

Yes. Are you able to provide the panel with any indication of the level of interest and responses to the recently launched offshore wind farm consultation?

The Minister for the Environment:

Yes, thank you for asking. I was at a meeting last night in the Town Hall, 1½ hours of public discussion and very, very good engagement, really sophisticated questions and intelligent debate around it, really, really good. In terms of hard figures, which I suspect is what you are after, rather than hearing about what I get up to in the evenings, we have had about, I think, 400 consultation responses. We aimed for 500, given that we are not even close to halfway through yet. I think I am going to revise my target upwards on that. I have just been this morning at a session at Les Quennevais School where the school groups, G.C.S.E. (General Certificate of Secondary Education) groups are being engaged in that consultation. We are trying to get the whole demographic because I have to say that at the public meetings the demographic tends to be slightly older. It is good to kind of engage younger people as well. This is about their future. I would say the consultation is going well in the sense of numbers. I do not really have a story to tell you yet about what is emerging from that, in terms of where the weight of argument is.

Deputy M.R. Le Hegarat:

You have already said your responses are sort of quite significantly high but the consultation is open to responses until 16th February with a publication date of the 28th. Do you feel that this timing provides Government States Members and Scrutiny sufficient time to examine the responses ahead of the in-principle debate, which is being held on 19th March?

The Minister for the Environment:

Yes, so it is a month basically, 5 weeks or so, is it not, 4 or 5 weeks? I think so. What will happen is that the report will analyse and collate all those responses. There will be a kind of a grouping exercise, I guess. There is about 5 or 6 freeform questions and then there is one sort of ranking exercise. The ranking one is obviously relatively easy to analyse, the freeform answers will

require reading and analysing, but a lot of that work can be on the hoof and we can get that underway before the end. It is a cumulative exercise, not a sort of a big bang. I guess it will be for States Members to decide whether or not they have had enough time to understand that. The whole point of the consultation was to provide rich information. It is not just, are you in favour, yes or no? There are so many different variables in there. It could be different sizes, electricity could go in one direction or several directions. Your views about it might change according to which of those things it is. Understanding where the public is, what they value is important in that decision, is the kind of rich information that I hope Members will be able to analyse and then make their own decision about where they think that suggests that the public are and, therefore, where they should go.

Deputy M.R. Le Hegarat:

You did talk about last night and your other engagements. Do you know roughly how many people have attended number wise? Is there any record being kept on those?

The Minister for the Environment:

I think there is. Last night in the Town Hall I would have said there was about 50, 60. I would have said in St. Brelade there was quite a lot more. You were not there for that one, were you, Mike? No. I would say there was at least 100 in St. Brelade. We have got 2 more of the big ones to go. There are also these drop-in sessions as well, a dozen drop-in sessions. I went to one of those in town as well and those are sort of much more free, a few people dropping in conversational style.

Deputy M.R. Le Hegarat:

Is that what you had sort of expected?

The Minister for the Environment:

I do not know what I expected really. I think I did expect engagement because I think it is a subject that people are talking about a bit. The thing I did not expect, I suppose, was quite such an early response to the consultation, the online consultation response. You typically kind of expect quite a lot of people at the end to fill in, so that is encouraging to me because it suggests that when we add in those people who come in at the end we might get quite a good number.

Deputy M.R. Le Hegarat:

Finally, what conversations have you had with key stakeholders such as Jersey Electricity ahead of that debate?

The Minister for the Environment:

Loads and that is me and Deputy Jeune but also officers separately have regular engagements, very regular engagements. They come in formally to present to us, we have regular routines with them on various issues, not just wind farm but other issues and connected to net zero as well. We have some informal conversations as well. I think the relationships are there. I think what you may be burrowing at is what sort of role do you envisage for Jersey Electricity? I think that is a live debate and hard to say because we do not know. There are so many moving parts here. How important is France going to be in this in terms of their E.D.F. (Electricité de France) and the quasi-government organisations in France? How much will this be a political negotiation? How much will it be a purely commercial arrangement? Will we be doing a completely open bidding process with lots of consortiums bidding for us or will it be a more managed process? Each of these different things leads to slightly different implications for Jersey Electricity. I think the very important thing is that we keep the conversation going. It is absolutely clear that Jersey Electricity are key to the project. They are the consumer of the electricity here. They have expertise in cable laying and they have relationships in France. The exact role that they get in terms of the operation of a wind farm, I think that is too soon to say and it probably will be, to be honest, by the debate. I do not think that is a decision that is imminent.

Deputy S.G. Luce:

Can I just follow up then, Minister, with a final question on that? We have an in-principle debate in March.

The Minister for the Environment:

Yes.

Deputy S.G. Luce:

Where are you drawing the line between the principles and the detail because when I heard you say just now mentioning whether the power goes to France or it comes to Jersey or it goes somewhere else, is that not a detail? That is not part of an in-principle debate then.

The Minister for the Environment:

No, no. What we are asking the Assembly for is permission to go to the next step: are you, in principle, agreeing that we should investigate the idea of a very big wind farm, far bigger than is needed for domestic consumption, off the south-west coast and to take the next step, which is the development of a law that we would set the framework?

[11:30]

Deputy S.G. Luce:

But the people who are coming to your consultation, I guess, they might be answering that question but then going very much further into the detail.

The Minister for the Environment:

They are.

Deputy S.G. Luce:

Yes.

The Minister for the Environment:

It is frustrating for some people that they want to know how much is it going to cost. We could not say that. We do not know how big it is. We do not know when it is going to be built exactly. We do not know what technologies will be used. The wind turbines are getting bigger, which is producing the unit costs but we know there is also supply-chain inflation, but the key points which we try and make to people is that it will only happen if it is commercially viable. We cannot force these people to build a wind farm.

Deputy S.G. Luce:

We are having our in-principle debate and we will move on from there. Very, very final question: gut feeling on consultation, percentage of people in favour in principle of building a wind farm?

The Minister for the Environment:

I am told that in general there is positive responses in the consultation but I have seen no analysis of it and so I think it is a bit early to say. I would say that I very much hope the Island does get behind it because I think one of the key things that investors will want to see is they want it de-risked. It is a huge potential investment, £2 billion to £3 billion. That money does not get borrowed and invested if there is substantial political risk. One of the ways we can de-risk it is by de-risking the political risk. The political risk that sits around this is this Government is super in favour of wind, great, but when the next election comes the next Government might not. When you reduce the chances of that reversal happening, if the public are demonstrably in favour of it because the only reason why the Government will change their mind is maybe if it is on a knife edge and then you can argue, well, the public are divided on this and we are the new Government and we do not like it. I hope that we are able to demonstrate strong public support through the consultation process.

The Connétable of St. Brelade:

If I just can deal with a couple of final questions on the wind farm. There is a degree of scepticism, I think, from some quarters over the fact that Jersey might be selling its soul to the devil in this.

What will the general public of the Island get out of it? Will they get reduced electricity charges? What is your view on that question? How would you answer that?

The Minister for the Environment:

There are choices to be made here and that is one of the things the consultation tries to address. It asks the public to say, what would you value most if there was a wind farm? Would it be cheaper electricity? Would it be just stable electricity prices? Would it be energy independence, so that we would not be as reliant on France? The consultation is attempting to understand that. I think that is a choice for us. You can extract value from this project in different ways. One of them would be to hold down electricity prices; that would make the company less profitable so you would make less money on tax but that might be the way that we would want to do it. There might be tranches, you might have a certain wedge of electricity at a lower price and then more normal prices. In a way, the thing I focus on is: what is the total economic benefit likely to be? The total economic benefit comes from taxing the profits of the company, it comes from leasing the seabed and then it comes from all the other things that might spring from it; jobs that might come to the Island, relatively high-skilled jobs in terms of maintaining the infrastructure and so on. Interestingly, it already is happening to some extent with Saint-Brieuc. We know that some of the people building that wind farm stayed through the Island because we have got good air links. There is a water taxi company that runs them out to the boats that are sailing by and there is already business being generated from the fact that there is a wind farm off our waters and one would hope that there would be an awful lot more if we are making it one in our own waters.

The Connétable of St. Brelade:

In terms of aesthetics, what are your views on our skyline being, shall we say, compromised by the creation of a wind farm?

The Minister for the Environment:

Our views on the view? Well there is no doubt that a wind farm of the scale that we are proposing would have a visual impact from the south-west. At the moment you can see a wind farm all the way from Noirmont around the coast to L'Etacq and Le Pinnacle. You can see the French wind farm on a clear day anywhere on that arc. My sort of feeling is that is a wind farm that we gain no benefit from, apart from the people coming in and out using services and so on but essentially we gain no economic benefit from that wind farm. What we are trading here is a visual impact, a greater visual impact no question. They are going to be bigger turbines and they will be closer to the Island. We are trading that for a wind farm that we get a benefit from and which contributes to our future economy and helps solve some of those economic diversification issues that we have talked about and generate new income to help with our ageing population and help us on a journey to net zero. It feels like a future-facing project where, yes, there will be some loss. If you

do not like the sight of wind turbines on the horizon, there will be a loss, I cannot get away from that, but there are also gains.

The Connétable of St. Brelade:

Personally, as a sailor, Minister, I am aware that sometimes it is windy and sometimes it is not and there is a suggestion that 56 per cent of generation takes place during 30 per cent of the time. The experience in other places is a lot of the energy gets dumped. You have obviously done a bit of research. Do you consider we have the right natural conditions, natural conditions which we cannot control here, to feed the wind farm?

The Minister for the Environment:

Yes, I do and I am influenced quite heavily in that by talking to people who do a lot of wind farm development, who say that in bald terms what you have got is shallow seas and a very good wind regime and you are close to markets. Those are 3 things which are good for a wind farm, potentially. The question of what happens to the electricity and so on ... wind is intermittent on a day-by-day basis but it is not intermittent on a year-by-year basis. It is highly predictable. In terms of a wind farm consortium wanting to predict their future income, number of turbines by wind regime, they know what that income is. It is their business to sell the electricity. It will not be the Minister for the Environment's or anybody in Jersey's business to sell the electricity, except for the tranche that comes here. The export part of the electricity will be down to a contract between the consortium and whoever they are selling to. It is up to them to make that happen and if they cannot make it happen, as I say, it will not get built. I think it is de-risked from that point of view.

Deputy S.G. Luce:

Okay. We have got an in-principle debate coming up, Minister. If that debate is successful and we move forward, as we may well do - obviously Scrutiny will have a big job of reviewing that - but are you expecting anything from Scrutiny this side of the in-principle debate?

The Minister for the Environment:

I think that is up to you. I think what you would find is it is frustrating in that a lot of the answers are going to be versions of "I do not know". They can be quite intelligent versions of "I do not know", as in saying these are the options and these are the reasons for uncertainty and so on. If you feel it is helpful to tease out those things because at least it exposes what the issues are and I am very, very happy to do that and we can put some very knowledgeable experts in front of you and you will no doubt find your own. I guess the bigger question for me for Scrutiny is a question I think we have raised once or spoken about once or twice, which is do you want to set up a completely bespoke Scrutiny thing, as I think happened with the hospital project to look at this, because it will become a big beast, definitely.

Deputy S.G. Luce:

I think on the basis that it will at some point, if it gets past the principle debate, become a very big piece, we will address it then. I do not see a lot of point in putting a lot of effort in ...

The Minister for the Environment:

No, no, no, understood.

Deputy S.G. Luce:

... on the basis that it might not get past the principle stage and it would be time wasted.

The Minister for the Environment:

Yes.

Deputy S.G. Luce:

Okay. We will move on and ...

The Connétable of St. Mary:

Before we do move on, can I have a question on this?

Deputy S.G. Luce:

Yes, certainly, Constable.

The Connétable of St. Mary:

Minister, the Chair has just asked a very good point, the time between publication and the debate. The publication is 28th February, debate is 19th March; that is a little more than 2 weeks to view the extent of the matters. Do you think that is enough period for Members to consider it before ...

The Minister for the Environment:

As I say, I think that is kind of for Members to decide. If it is not and Members have a strong view to move it, then I am sure Members will let us know and it will get moved. The fundamental thing here, there is a tension here, is there not? We want to get moving, there is an opportunity now and we want to signal to investors that we are not hanging about. We are not going to delay things just because we are politicians and we like to talk about them a bit more and so on. We want to signal that but, equally, we do not want to move so fast that there is discomfort. I think we will take soundings on that, to be honest.

The Connétable of St. Mary:

Okay, thank you. Perhaps a smaller matter for the Chair to take into consideration as to whether we scrutinise anything at that stage as well but that is not for now.

Deputy S.G. Luce:

Judging by what is projected and the timelines for this, I think we will look at the results of the consultation when they come out and it may provide a comments paper and move to the principle debate, but I would very much expect the enormous piece of work you refer to to be happening some time in whenever it is, March, April, May.

The Connétable of St. Mary:

Okay, and moving on to the area you suggested.

Deputy S.G. Luce:

Okay. We will move on, yes, to conservation areas.

The Connétable of St. Mary:

Conservation areas, yes. In response to the 72 debate last week of course but my understanding is that St. Aubin is the first intended beneficiary of this, could you please outline the first steps which will be taken in relation to the designation of St. Aubin?

The Minister for the Environment:

Yes. I am lucky in having Kevin right next to me here and he can talk through the exact sequence of things, but essentially there is the regulations we passed, which were a relatively small part of the package but which I used as an opportunity to talk about the bigger picture. There is an order I have signed and then there is a consultation that is out at the moment which is about the general development order and what will and what will not require planning permission. But, Kevin, can I ask you to just give me chapter and verse?

Head of Place and Spatial Planning:

Yes, certainly, Minister. As the Minister has outlined, there was that legal framework that we talked to the panel about earlier that would enable the introduction of conservation areas into the Island. As the Minister said, the regulations have been approved by the Assembly; they came into force today. The Minister signed the designation order, which comes into force tomorrow. Then the consultation on the general development order closes in the middle of January next year. That is around the permitted development rights and when planning permission is required in conservation areas. Once that consultation is complete the Minister will then look at the feedback about the protection regime in conservation areas and look to then make changes to the general development order. It is not until we have got that last piece of the legal framework jigsaw in place

that we would then start exploring the potential designation in St. Aubin in earnest. The reason for that is of course it is only right that people understand what the implications of designation might be in somewhere like St. Aubin. On that basis, it probably will not be until February next year that we start to look to engage with the residents of St. Aubin. What is proposed is that we have an informal sort of workshop style event first, just to make contact with residents to find out what they think about St. Aubin, what they value about St. Aubin, what is important to consider when we are looking at a conservation area designation. Hopefully, that will take place some time early in the new year around February. Once we have got the outcome from that initial workshop we would then look to work with Jersey Heritage to produce something called the conservation area appraisal, which is the more formal documentation, if you like, of where a conservation area in St. Aubin might be, what the basis of it might be, characterising what is special about St. Aubin. We would then publish that as a draft for consultation. Hopefully, say, sometime in March ...

The Connétable of St. Mary:

Of ...

Head of Place and Spatial Planning:

Of next year, well, say March, April and residents would then have a formal opportunity to comment on that conservation area appraisal. The Minister would consider the feedback from consultation.

The Minister for the Environment:

That would include the boundaries.

Head of Place and Spatial Planning:

That would include the proposed boundary, that is right. Then the Minister would consider the feedback prior to looking to make a designation. Those are the steps that we envisage taking next year. I suppose the other thing I would add is that because this is the first one, St. Aubin is very much a sort of test bed. Obviously we have got the legal framework which sets out the sort of high-level steps that the Minister has to go through but obviously the proof of the pudding is in the eating. It is in the informal meetings with residents, businesses in St. Aubin, we will really get a sense of what this process should involve and how long it might take to complete one of these processes. Those are the sort of high-level steps.

The Connétable of St. Mary:

You answered the second question, which I did not even ask you, about community engagement, so thank you for that.

The Minister for the Environment:

Yes. No, it is critical.

[11:45]

The Connétable of St. Mary:

The regulations provide for the legal framework for you, Minister, to make funds available to the owner of whatever land, if you are satisfied that it is in the public interest to do so for the purpose of protecting and improving the character or appearance of the conservation area - and I quote there - what level of priority are you going to be giving to that and how much will it feature in the future engagement in the ...

The Minister for the Environment:

In terms of the grant ...

The Connétable of St. Mary:

Level of funding, yes.

The Minister for the Environment:

At the moment there is not funding, so that is a theoretical power should funding become available. You will be aware that in the Assembly last week there were questions asked about that similar funding. It is the same provision, essentially, as the provision for listed buildings. It is the regulations, virtually identical I think. The question is: will we get funding for it? Then when the funding is in place we then need a mechanism for disbursement. But at the moment it is a theoretical power to disburse funds, not a ...

The Connétable of St. Mary:

But if the conservation area is going to perhaps impose funding requirements on the residents, will it not be ...

The Minister for the Environment:

Or the parish.

The Connétable of St. Mary:

Yes, indeed, looking at my fellow Constable here. Will it not be almost necessary to have some prototype in place before you go out to consultation?

The Minister for the Environment:

In terms of listed buildings, which is the kind of model we control through what happens when planning applications come in. There is not a sort of march down the street kind of saying “do this, do that”. It is a kind of when you put in a planning application, which is a process of improvement in property generally, then the relevant provisions of the listing kick in and that, I think, is the same process that we would be planning with conservation areas.

Head of Place and Spatial Planning:

Yes, I think that is right. I think the other thing to bear in mind is that the conservation area appraisal will look at things like: what is the basis for designation; what makes St. Aubin special; what is its character? The other thing that the conservation area appraisal does is affords an opportunity to say: how can we improve St. Aubin; what are some of the challenges in St. Aubin? That exercise will help to identify some of the challenges or perhaps opportunities in St. Aubin that might exist to improve St. Aubin. It might be that that helps to define areas where if funding were available, there might be some form of financial assistance to deal with those issues or opportunities to improve the area.

The Minister for the Environment:

I can give you an example because I lived in a conservation area in London and one of the things that the local authority, which was Westminster Council, did was to make available funds for the estate on which I lived, which is a Victorian working-class estate. During the war all the metal railings and door furniture, which were metal, were all cut down for war purposes. They instituted a programme whereby you could apply for funding to reinstate the metal railings and the things and the door knockers and so on, which were bespoke items. You can see that you might identify things like that that were part of the character of a place and try and make funds available for them, but it will be funding-dependent and I cannot say at the moment what funding would be available.

The Connétable of St. Mary:

What we are trying to get at is that the question of funding might well be relevant to the views of the local residents and it might be difficult to comment until and unless they know that funding will be available from some source. It is almost like a chicken and egg situation.

The Minister for the Environment:

Yes, I take your point. What you are saying is it is kind of iterative, that you might be in favour of more kind of stringent in a way or a more prescriptive approach if you knew that there was going to be help achieving it. I think we would have to bear that in mind as we go through that consultation process. It is not like we are talking about St. Aubin as being in a terrible state. St. Aubin is a beautiful, beautiful part of the Island and it already has significant character, but the point about a

conservation area is it gives you control over things like street furniture or finishes. There might be areas of cobbles and areas that are not cobbled, are there opportunities to unify those, things like that that improve the public realm. Then there will be things to do with private properties as well you might improve.

The Connétable of St. Mary:

Yes, a related point, is there not a danger of making a distinction between properties within a conservation area and those without? If funding was available for those within a conservation area, will it not set the hare running for a debate as to whether a listed property should be less ...

The Minister for the Environment:

It will be very interesting, will it not, to see whether people would see the potential of being in a conservation area is a good thing or a negative? I would hope they would see it as a good thing - certainly when I lived in one I thought it was a good thing - but they might think it was an even better thing if they knew there was going to be funds to help them improve their house or their property in some way.

The Connétable of St. Mary:

Precisely, yes.

The Minister for the Environment:

I think we are going to have to consult and see where the people's sensitivities lie.

The Connétable of St. Mary:

Okay.

Deputy S.G. Luce:

I was just going to ask a question on a similar vein, Minister. If you were going to provide funds to somebody in a conservation area, surely one would have to provide a fund that would allow people from outside of conservation areas and listed buildings to access as well.

The Minister for the Environment:

Yes. It would feel like those 2 things had to happen together. You will be aware that the funding for listed buildings ran out in about 2010. In the last year I think there was a grand total of £10,000 allocated.

Deputy S.G. Luce:

It would go nowhere.

The Connétable of St. Brelade:

Two windows.

Deputy S.G. Luce:

If you had that much, yes.

The Minister for the Environment:

Even a few years before that it was only in the order of £100,000. It has never been a massive thing and to some extent we want people who can afford to do this stuff to do it. Some of it is work that they might be doing anyway. They might be doing a home improvement and what the conservation area gives you is guidance about how you might do it one way rather than another way. It may not mean an additional expense and we need to be careful of dead weight. We do not want to just spend money on things that would have happened anyway.

Deputy S.G. Luce:

I think the worry has always been though, Minister, that it is not the people you have just spoken about, it is the people in the countryside who may be very asset rich but cash poor who cannot afford to maintain their listed property in the way the department would wish them to. The answer has always been, well, if you cannot afford to do it you do not do it and the property deteriorates further and, inevitably, in the end falls down because it cannot be maintained.

The Connétable of St. Brelade:

Have you consulted with the architectural profession or do you intend to, because obviously they will be intrinsically involved?

The Minister for the Environment:

I think the consultation would be very wide; it is underway now. Have we specifically gone to the trade and gone to the industry on the conservation?

Head of Place and Spatial Planning:

Yes. We are proposing specific meetings. We have representative bodies like the Association of Jersey Architects. Yes, appreciating that it will run over Christmas but we will set up meetings with them in the new year. The consultation runs for the first 2 weeks of next year. But I think conservation areas have been a proposal for a long time and clearly they have featured in successive Island Plans. I think there is general support for the principle of conservation areas being introduced into the Island but clearly the consultation that the Minister is undertaking is

around the detail of that. We will seek to get the view of the development industry as part of the consultation.

The Connétable of St. Brelade:

Going back some 15 years I held a facilitated residents' meeting regarding whether to reclaim land or not at St. Aubin. Recently there is interest from infrastructure about how to treat sea walls in the area particularly and the question of rising sea levels comes in. How do you see that playing with the conservation plans? Would you see you, as Minister, having an influence on what might be proposed?

The Minister for the Environment:

Possibly an influence but it is not me going around with them drawing the lines on the map. But I think what you are really getting at there - sorry, this may be putting words in your mouth - is there a danger that in creating a conservation area will that restrict our ability to deal with issues like to sea wall defences or future methods of protection? That is something we will have to bear in mind as we draw those boundaries. I have not seen even a draft version of where those boundaries might go, I do not even know if it exists, but it is a valid point. We need to make sure that we are not creating something that is so, potentially, restrictive that it gets in the way of what would be essential infrastructure work.

The Connétable of St. Brelade:

Indeed, we do not want to create sort of a further layer of red tape to prevent something essential happening, but you may have an influence, of course, on the design of it and that may be under your remit.

Head of Place and Spatial Planning:

If I may, Chair, I think just like the normal planning process would consider the pros and cons of a development proposal and weigh it accordingly. Clearly, there is a strategic issue about defending the Island's assets in the face of sea level rise; that would be given the weight that is required in the context of a planning decision about any major bits of infrastructure.

Deputy S.G. Luce:

Okay. We are going to move on, Minister, to something very simple and straightforward and non-contentious.

The Minister for the Environment:

I doubt it.

Deputy S.G. Luce:

The Marine Spatial Plan and Constable Jackson is going to lead off on the initial questions here.

The Connétable of St. Brelade:

Could you explain the importance and purpose of the Marine Spatial Plan?

The Minister for the Environment:

Yes. The land surface of the Island is obviously very well known and it is intensively developed and we think quite hard about it, every square metre is contested at some level. We have got vigorous policies in place to try to manage those, the conflicts that arise. But the marine estate is also increasingly a contested area and there are ways that we would like to develop it; a wind farm would be one, fishing. These issues are now coming into conflict more and we are seeing it in inshore waters with leisure uses, different leisure uses coming into conflict occasionally, power boats versus paddle boards and so on. It feels very important to me that we start to think about how we manage those issues. The Marine Spatial Plan is our first attempt to do it. You could also say that these are being done all over the place now and it is regarded as good practice and so on and so on, but I think the real answer to the question is that we do have issues that we want to manage and that also does create opportunities. I think there is a real terrific opportunity through the Marine Spatial Plan to clarify what we want to do with our marine estate and to manage the issues that arise from that.

The Connétable of St. Brelade:

I attended a meeting hosted by your officers with fishermen at St. Brelade's Parish Hall a couple of weeks ago. They were quite vocal in their objections to the process and the lack of time for consultation, given that their business sort of will be affected and that there was no economic impact assessment. How would you answer that?

The Minister for the Environment:

I was in a meeting in the Town Hall way back last year when we started the process. It was a meeting specifically for the fishing industry, so this would have been in the first quarter of last year I think. It was specifically with the fishing industry and it was to introduce the whole process, to give them a knowledge of the process we would go through to create the Marine Spatial Plan and to make clear where their input could happen. I remember one of the things that happened there was loads of maps were handed out of the marine estate and they were asked to go away and think about where on those maps was valuable to them, where there were fishing areas and so on. My understanding is that was a well-attended meeting, I was there and that there has been a continuous process of engagement since then. I do not think it has been that rushed. I think this relates to the fact that there is a feeling that the original plan for this was that it would begin a year

or so later than I began it. There is a slight misunderstanding there. My memory is that the timetabling for the Marine Spatial Plan was in both the Carbon Neutral Roadmap and the Bridging Island Plan. It was 2 different dates and I chose the earlier one. I do not think it is rushed but I do think that we are in a process of consultation now, it is still ongoing. If that consultation process, if there is a feeling that that has not surfaced everything, then we will reflect on that and respond appropriately. There is no intention to railroad but there is an intention to make progress.

The Connétable of St. Brelade:

The deadline of 2nd January is fast approaching and obviously the industry are very concerned. In terms of investment, fishermen's investment in their boats tends to be pretty long term, so they need to make decisions. Are you considering on the basis of that being positive about extending the consultation period?

[12:00]

The Minister for the Environment:

We can, if that is what they want. I am not sure that extending the consultation is what they want. I am in the process of arranging a meeting myself with Mr. Thompson and the representative of the fleet who want to come, anyone who wants to come, so that I can hear that first hand. Perhaps I should have that meeting and then reflect on that.

The Connétable of St. Brelade:

I am sure your officers will tell you but the message was very clear at the meeting that those attending wanted the deadline extended. But I think that would be a fair and reasonable approach.

The Minister for the Environment:

Yes.

The Connétable of St. Brelade:

Have you had feedback from the industry on the proposed fishing zones and the expansion of the protected area?

The Minister for the Environment:

Marine protected areas, yes, so that is a key part of it. Obviously the expansion of the marine protected areas will have an impact, more on the mobile-gear boats than the fixed-gear boats. What I want to hear from the fleet is what that impact is and we can start then talking about mitigation and what we might do to cope with that.

Deputy S.G. Luce:

Does that include financial mitigation and stuff?

The Minister for the Environment:

I think it could include several things. I am just slightly reluctant to get into a sort of discussion at the moment about what those things are. They could be financial but there are other options as well, there might be.

Deputy S.G. Luce:

Such as?

The Minister for the Environment:

You could delay the introductions in some areas, you could move around which areas are protected at different times. You could have grandfathering rights. There is lots of options that might come into play. I think that is what the discussion is about.

The Connétable of St. Brelade:

Do you think there is flexibility in the designation of the zones?

The Minister for the Environment:

The thing about the designation of the zones is that there are 2 things really. First of all, we have international commitments that mean that everybody is going to sign up to 30 per cent of their waters being protected by 2030, 30 by 2030. France is doing it, the U.K. (United Kingdom) is in the process. The marine protected areas that are proposed in the M.S.P. (Marine Spatial Plan) are about 26 per cent, I think, of our waters. They get us a long way there but not the whole way there. The point about them is that they have to be evidence-based and that is because of largely the T.C.A. (Trade and Co-operation Agreement). We cannot do things just because we fancy it. There has to be an evidence base, otherwise the French can say, as our fishing fleet would say: "Why? Why have you chosen that? There is no reason for that particular area to be protected." It is evidence-based and I think there is not a huge amount of flexibility in terms of changing because that is where the evidence drives us. It says that these are the valuable areas, and of course I have a legal duty to protect valuable areas.

The Connétable of St. Brelade:

Where is the evidence coming from?

The Minister for the Environment:

From decades of research, but it is all in the M.S.P. consultation documents, a huge number of appendices based on the survey work that has been done that have identified key marine habitats and then explained why those habitats are important. Some of them are less important, that is why we are not protecting more than 70 per cent of the estate.

Deputy S.G. Luce:

Can I just ask about the 30 per cent, Minister? Is there not a fundamental difference in Jersey in as much as we have legal protection, whereas in many other jurisdictions they designate 30 per cent without any protection at all and nobody takes a blind bit of notice?

The Minister for the Environment:

Yes, that has been the case up until now. I think the direction of travel is very clear that there has to be more meat on the bones now so I do not think countries will ...

Deputy S.G. Luce:

But you would concede that we are streets ahead of other jurisdictions inasmuch as we do give legal protection as opposed to just designating an area?

The Minister for the Environment:

We legally protect our 6.4 per cent, or whatever it is, yes, which is good.

Deputy S.G. Luce:

Which is much better than other jurisdictions do.

The Minister for the Environment:

Than many others; I would not say everyone but, yes, that level of protection is good.

The Connétable of St. Brelade:

Given that fishermen do not usually want payouts, they just want to go fishing without government interference, what can you say to give them confidence that they can continue in the industry and that their children can continue in the industry in years to come?

The Minister for the Environment:

I really fundamentally believe that over the long term this is going to be good for fishing. We need a sustainable fishing industry and we have to face the fact that some practices in some areas are damaging. They are not good for the long term sustainability of the industry and we have plenty of examples in Jersey where things have got out of hand, there has been too much destruction of an asset, whether it is oysters or whatever, and so we need to manage it. The Marine Spatial Plan is

really about managing conflict. It is about understanding what is valuable, why it is valuable, and then trying to put in place measures that protect it while respecting the rights of fishermen. Indeed we want fishermen to be fishing to have our own produced fish and we want to know that that is a highly sustainable fishery. So, what is in the future? Well, we have, thanks to Deputy Luce, an enhanced financing mechanism now. More money is potentially available at the economic development level; that is not under my direct control but we talk all the time about how we can make the environmental and the economic objectives align. I do not think there is a Rizla between us in terms of those objectives. So there is a future in that sense; there is an economic development piece but the environmental piece I would say is in the end it should work for the long term future of our industry. It has to.

The Connétable of St. Brelade:

Will that work at the 6-mile limit where there is pressure from the French fleet in addition for our fleet to contend with?

The Minister for the Environment:

What do you mean, sorry?

The Connétable of St. Brelade:

At the 6-mile fishing limit where the French are presently accessing our grounds ...

The Minister for the Environment:

Yes, you mean will we be under pressure to give the French access?

The Connétable of St. Brelade:

Indeed.

The Minister for the Environment:

I am not remotely thinking about that possibility.

The Connétable of St. Brelade:

Good.

Deputy S.G. Luce:

I cannot disagree with much of the general thought process that you are getting behind, Minister, and I can see in the future a fishery in Jersey that is well stocked, well managed, and fishermen have to put in less effort in order to get more out, good livelihood, good local production. The difficulty is how do we get from where we are now to that situation; which is not a pipe dream, it is

quite doable, but the industry needs basically hard cash in order to allow their fishermen to do less to build up the stock so that in the future we can get to that point. How are we going to achieve that?

The Minister for the Environment:

I do not disagree. I do not disagree.

Deputy S.G. Luce:

But it is a question of money fundamentally.

The Minister for the Environment:

There is more money available than there was, but how it is allocated and whether it is just about money, as I say, I want to hear from the fleet about what they think is the answer to that.

Deputy S.G. Luce:

Do you think there is more to be gained from the marketplace?

The Minister for the Environment:

In terms of?

Deputy S.G. Luce:

Well, I mean, in investment in infrastructure and helping fishermen to help themselves to make more from their catch?

The Minister for the Environment:

Yes, I mean, I think it has been talked about for a long while that we could do with a facility that was able to process fish at the quayside in order to make them meet the standards that would allow them to be sold say in supermarkets, which currently they cannot do, and indeed to also then process them in a way that means they can be stored and we can smooth out some of the peaks and troughs, and potentially have export markets and so on. The model of Jersey Dairy who have a co-operatively owned facility and so on has always felt like the right thing in some form or other, and I think that is being explored. It probably needs another shoulder to the thing, or whatever the phrase is.

Deputy S.G. Luce:

One more on this one, Minister. What is the status of our relationship with France over fishing at present?

The Minister for the Environment:

Well, now, I hesitate to answer this because you are sort of tempting fate, but I would say that at the moment it is not bad. I am told that the replacement vessel process that we put in at the beginning of the year has been very well received in France and was seen as a little bit of a changeover moment in perceptions, that we were not just going to be saying no all the time, that there would not be difficulties all the time. Here was something legible that they could understand and work with. It has led to a few replacement vessels. The scare stories have not been borne out; the French fleet is currently under its ceiling compared to the T.C.A. level. I think it is okay. The wind farm will be an issue, I suspect, because the French are quite active down in that area. Of course some of our boats as well, but there is quite a lot of French activity down there, and the marine protected areas will also be an issue, I think.

Deputy S.G. Luce:

I was going to ask, Minister, have you had any specific response from Brittany and Normandy on the M.S.P.?

The Minister for the Environment:

No. Officers have met and there is a general acceptance that they understand the process, they have got similar things going on in their areas. There has not been a big push back yet but those sorts of things only come into focus when one boat sails somewhere and says: "Oh my God, that means I cannot go here" and suddenly it sort of blows up. I am very mindful of the need to keep those discussions going but the evidence base is the key thing there again.

The Connétable of St. Brelade:

Is the criée in Granville available to our fishermen yet?

The Minister for the Environment:

No, as far as I understand it. I would have to check with External Relations colleagues to be sure but I think that is still caught in a sort of Paris versus ...

Deputy S.G. Luce:

Would that apply also to the border inspection post in Granville, because there has been a lot of talk that we will get one there?

The Minister for the Environment:

Can I ask to update you on that because I have not caught up on that recently? I apologise.

Deputy S.G. Luce:

Okay, a change of subject - very much a change of subject, Minister - the EVie electric credit subscription. We understand the scheme, Minister, in partnership with EVie there is a trial scheme. Islanders can purchase £25 of credit and get an extra £75, totalling £100. The first question is: is there a target in terms of uptake to measure the success or otherwise of the scheme?

The Minister for the Environment:

Do you want to take this?

Assistant Minister for the Environment:

Yes. The scheme has just ended at the end of November so a full analysis has not happened yet and, yes, bearing in mind, as you said, that this is a trial because it was a test to see the appetite of the Jersey public to this kind of subscription based model, but the idea was to have 500 subscribers between the launch of the scheme in August and November. Unfortunately that target was not met. We had 143 applications and 71 confirmed subscribers, so it was very much under our target and that is something we need to do an analysis on but, as I say, part of the whole point of this trial was to test that assumption.

Deputy S.G. Luce:

What promotion took place and education for the public to inform them?

Assistant Minister for the Environment:

Yes, we did spend quite a substantial amount of money on marketing - it was £5,000 - to try to encourage Islanders to take up the scheme, so we felt there was a lot of marketing around this scheme.

Deputy S.G. Luce:

So we put enough money into marketing, it is advertised, the public should know about it, and there has been a real serious shortfall in our expectations. Where can we go next? What is the next step, because obviously it is something I guess you are going to continue to promote? Where are we falling short? Do people not see £100 as enough of an incentive these days?

Assistant Minister for the Environment:

I think we have still got that analysis to do on that, on saying: "Yes, was it the £100?" Of course there was the £50 from the Government and then there was the £25 from EVie going towards that, and then it was £25 for the public. I cannot answer that yet in the sense of understanding if it was that, or if it is too early for a wider change of habits in the Jersey public to do these kind of EVie exchanges.

Deputy S.G. Luce:

Is there more incentives, and I use the word "incentives" very lightly? Are we going to have to incorporate lots of other initiatives here in order to encourage the public down this road; high car parking charges, more difficulty in getting your car into town, cheaper bus? I do not know, but is it just part of a bigger scheme that we are going to have to look to use?

Assistant Minister for the Environment:

Yes, I mean, of course under the carbon neutral roadmap the transport policy has 12 policy areas so it is already ... a number of those elements that you have talked about we are testing and doing that analysis on to seeing how we can move the public out of fossil fuel cars, but this is a very specific focus on kind of testing that sharing model idea. We do see the bikes being used; of course it was related to bikes, vans and cars, and we would want to see how those carry on in the future. I know from a planning perspective we are seeing more and more asks for planning applications that have this shared mobility as part of the planning application as well. So that could be further in the future but I think for right now while we say we have to still do that more detailed analysis, but it has not ...

[12:15]

Deputy S.G. Luce:

Is there a generational thing? Will your analysis of what has happened allow you to decide whether it is younger, older, medium age people?

Assistant Minister for the Environment:

Yes, I think it can. I think with the application form I think there was that, looking at that as well.

Deputy S.G. Luce:

Shared transport is obviously a very interesting subject, people like their cars, they do not share it, but we are going to need to move that way. I mean, the hope would be that the younger generation will find that a lot more acceptable ...

The Minister for the Environment:

Than ownership.

Assistant Minister for the Environment:

I think part of the issue was also the insurance. I think the limit was ... I cannot remember exactly on the insurance but we had a discussion on that. Even though for the bikes you can get bikes for

a younger age, because it was a mixed scheme - we did not prescribe which form of transport you could choose - we had to then go up to a kind of higher level for the cars.

The Minister for the Environment:

I think it was 25. Was it 25 or 21? I cannot remember.

Assistant Minister for the Environment:

I cannot remember exactly but it did mean we had to make that decision to make it a higher access as well.

Deputy M.R. Le Hegarat:

Are you able to provide a success story for us somewhere else in relation to this kind of scheme?

Assistant Minister for the Environment:

Well, I lived in Brussels for many years and car sharing in Brussels is absolutely huge. There is about 5 or 6 different companies and it is just cars but you have also got the bikes and mopeds and other aspects. I think in cities around Europe and the U.K. it is building substantially. It is an interesting one; I think it is generational, I think it is about where you are located and what access you have to other forms of transport as well. So I think it does play into a lot of things, which means in Jersey we are a small Island and so, therefore, it becomes more difficult to play out those different things. But I would hope that we could say it has not been a complete failure; we had 71 subscriptions, we know that people do use that sharing model, so it is out there. We would just hope that we would be able to continue having companies like EVie being supported in Jersey so that we can eventually change and nudge people towards shared mobility.

The Connétable of St. Brelade:

Just referring to Brussels and big cities; we see a lot of scooters of course. Now, those are not strictly legal in Jersey. Would you see yourself working with the Minister for Transport or D.V.S. (Driver and Vehicle Standards)?

The Minister for the Environment:

Home Affairs in fact.

The Connétable of St. Brelade:

Is it Home Affairs?

The Minister for the Environment:

Well, it is about legalisation.

The Connétable of St. Brelade:

What are your views on that?

Assistant Minister for the Environment:

I believe Home Affairs and the Minister for Infrastructure are talking about what that looks like from legislation change, and taking, of course, best practice because I know that in a number of cities there is scaling back around electric mopeds at the moment, I know in Paris for example. So there needs to be that analysis. In a way it is useful that Jersey is a bit behind on a number of these things because we can then take from different jurisdictions the lessons learned and try to make the best outcome for what we want.

Deputy S.G. Luce:

Okay, we will look forward to seeing the outcomes of that and what your decision will be to move forward and where we go. We are starting to run short on time but Constable Johnson has got a few questions about medicinal cannabis.

The Connétable of St. Mary:

Yes, thank you. By way of preamble, you recall that the Economic Affairs Scrutiny Panel conducted a review in the last Assembly, a panel in which the Chair and I were involved and we have an ongoing interest. It is also fair to say that during that review the Minister of the day - your predecessor - made it clear that he had very little involvement in the regulations which then applied. So my first question really is: do you concede that the regulations at that stage were inadequate? The next phase is to ask you to remind us as to what you put in place to rectify the situation?

The Minister for the Environment:

You want me to duff up my predecessor, do you?

The Connétable of St. Mary:

No, he was happy to go on record that he had no involvement.

The Minister for the Environment:

As you know, we changed the law by an order in May, I think it was, when we brought in the cannabis order. May?

Group Director, Regulation:

Yes, May.

The Minister for the Environment:

So now we have much greater control because all works that involve growing of cannabis are now controlled by the Planning Law and previously they were not. That means that going forward we have the normal position in place with planning applications, we would have to do an environmental impact assessment, which is one the bugbears of previous applications. They did not do environmental impact assessments and so on because they did not need to do a process, they were just doing permitted development. So I think we have much greater control now. I will leave it to others to judge whether or not it was inadequate in the past.

The Connétable of St. Mary:

Yes, thank you for that. I can see one of the problems is that there was no E.I.A. (environmental impact assessment) required and indeed it is now. Can you just reinforce, because there is some doubt about this, the form of E.I.A. you are talking about, what you mean in planning terms; it is not the one which the Home Office required?

The Minister for the Environment:

No, so there was a different E.I.A., it was required not through the ... because it was not a planning issue, but through the licensing issue, the Licencing Authority, which went through the Minister for Health. That was under a different process and there was no public element to that so the disclosure of that E.I.A. was at the discretion of the applicant. We cannot force them.

Deputy S.G. Luce:

It was incredibly frustrating, Minister, to have something which was an assessment of the impact on the environment that was not an E.I.A. I mean, it was just the use of words.

The Minister for the Environment:

I share your pain.

Deputy S.G. Luce:

It was not right.

The Connétable of St. Mary:

Just one extension of that, I take it that any existing business which applied under the old rules, if they were to extend their business anyway in floor space they would ...

The Minister for the Environment:

They would have to submit a planning application ...

The Connétable of St. Mary:

Planning application, and be subject to the ...

The Minister for the Environment:

... which applies to any new developments or any more growing of cannabis or associated activities would require planning permission. Kelly, do you want to clarify? I may have got it wrong.

Group Director, Regulation:

Just to expand on that point, you said any use of a building for the production of cannabis, so the growing itself is not the issue, it is the use of a building for the growing of cannabis. So it would be in the expansion, if there was an expansion into another building or a building was to be built and then cannabis to be grown in that building. That would require planning permission.

The Connétable of St. Mary:

So if the building was only half used at the moment he could expand his business in that building without a further application; is that what you are saying?

Group Director, Regulation:

No, any expansion within a building would require planning permission.

The Connétable of St. Mary:

Okay, thanks. Are there any other steps you are thinking of taking or that are necessary regarding the regulation of the industry in any way?

The Minister for the Environment:

Well, I think I would like to see how that order plays out. My impression is there is not a massive queue of new businesses waiting to establish in this area, and I would see that the businesses ... I have been to see one recently that is, as far as I could see, exemplary in its approach to community engagement, to the environment, and so on. I know that the feeling is that not all have been that good but certainly there are some that I think we should celebrate and be proud of in the Island; they have done a good job. That is the good practice that we are hoping to encourage through bringing things within the planning process so that everybody can see a much greater transparency as you go through the planning process.

The Connétable of St. Mary:

Going away from cannabis generally, on the question of organisations or companies carrying out development without permission, I think the average member of the public ... the sanctions for doing that are very limited. So have you considered introducing fines a for breach?

The Minister for the Environment:

I will let Kelly say some words in a moment but I think you are covering a whole range of things there.

The Connétable of St. Mary:

Yes, I have gone away from ...

The Minister for the Environment:

There is everything from - it has not happened here yet - people building a house behind a row of straw bales and whatever, which is then kept there for 5 years and then: "Oh, hey presto, I have hidden it well." So we do not get those sort of abuses but you would get ... the thing is the definition of development is quite wide, so development can include putting a whole load of rubbish on a field and that is a development control activity. I guess that is where the issue tends to lie, certainly in terms of the number of complaints that I have to deal with is with things like misuse of fields or extensions that maybe are not being done to the plans. That is quite a common one I see: "I thought it was going to be like this but it has turned out like that." All of those are dealt with ... what I think we have to have regard to here is proportionality. So the first step is not to go in with a fine. The first step is to go in with a kind of: "This is the situation, we appear to have a problem here. Can you explain what is going on? Do you realise that you might need planning permission for this?" Kelly, do you want to talk a little bit about the enforcement in those sort of situations?

Group Director, Regulation:

Thank you, Minister. I think you are absolutely right, there are degrees of breaches of development control and there is a proportionate and expedient then response to the degrees, and that is related to the harm and whether it is in the public's interest. It is also related to a test on evidential basis, so is there a benefit of doubt that somebody was not aware of the rules that are in place when the breaches occurred. The collection of evidence is to how long the breach has been ongoing and the harm that it has caused to the public interest. So there is a matter of factor and degree, so it is not necessarily black and white. The law itself already has fines attributed to breaches of development control and, as the Minister said, in terms of prosecutions, that would be our very last resort. So we do aim for a proportionate, consistent and fair response to breaches of development control, which is to engage with the person, explain the rules, encourage compliance

to bring people in line with the law voluntarily, and then as a last resort use the enforcement powers under the law.

Deputy S.G. Luce:

But the encouragement discussion leads usually to some sort of retrospective application. Is a double fee enough of a deterrent to make sure people behave themselves a bit better, Minister?

The Minister for the Environment:

Well, I think Kelly has hit on the issue which is people get outraged quite easily when they see something happen. Sometimes it is a mistake; sometimes it is a lack of knowledge. We get outraged about breaches where there is what we perceive to be a cynical abuse of the system, and indeed there will be occasions of those. But I also come under a lot of pressure for heavy-handed regulation, over-officious zealotry around minor rules and so on. So that proportionate approach means that some people who probably deserve to be treated in a more stringent and harder way will have a certain amount of leeway that possibly feels unfair in order that we do not hit people who are genuinely trying to do their best with that same sledgehammer.

Deputy S.G. Luce:

If we could move straight to question 31, if that is okay, because we are getting short on time.

Deputy M.R. Le Hegarat:

This does relate to the issues in relation to complaints from production at Retreat Farm. Could you please advise as to the present position as to noise? If they are not such as to constitute breaches under the Statutory Nuisance Law, are you considering any further amendments to the law?

Group Director, Regulation:

I would like to advise the Minister that noise at Retreat Farm is a current open compliance case and, therefore, its contents are confidential.

The Minister for the Environment:

There is a lot going on there, which some members of the panel will be aware of. An updated report has gone out and maybe it would help ...

Group Director, Regulation:

Last Friday.

The Minister for the Environment:

... because that is in the public domain in a way, if you could update just in terms of those issues. That might assist the ...

Group Director, Regulation:

There is an open noise abatement notice essentially with Retreat Farm and that matter is still ongoing, it is not closed, and, therefore, obviously we are in an active compliance position and, therefore, we are unable to disclose the details around that.

Deputy M.R. Le Hegarat;

No, but I think it was more about would you consider changing any of the laws in relation to the sort of planning and things like that, as opposed to ... do you know what I mean? It is not so much ...

Group Director, Regulation:

Yes, so there are 2 separate laws at play. One law is the Statutory Nuisance Law and that is where there is an active compliance matter and that law has been in force since 1974 so it is a well established law. The second law at play is obviously the Planning and Building Law, so the machinery of which omits the noise and whether that piece of machinery has planning permission on it is also an active compliance case under that law. So there are 2 separate laws and they are both active compliance cases.

[12:30]

Deputy S.G. Luce:

Maybe we could just ask a general question then, Minister, as to whether you consider there is law changes needed in relation to odours and smell?

The Minister for the Environment:

Again relating to cannabis I think. Well, the question around odour is often asked about whether or not ... the statutory nuisance threshold is quite high on odour and it really sits around health and health impacts because odour is expected in the countryside and odours that some people find obnoxious other people will not. In terms of cannabis, clearly people living nearby have an issue with it. The question of whether it passes the statutory nuisance threshold I think Kelly can update on.

Group Director, Regulation:

So again odour in a statutory nuisance threshold is quite high. An unpleasant smell is not necessarily a direct proven causation with evidence to ill health. It is very difficult to essentially

establish odour as having that direct link. For example, odour that might be equally as unpleasant could be sewage treatment or industrial smells down at La Collette, so those are very strong, very unpleasant smells. I think the other issue with odour is the variable nature of odour, so at some point it does not smell, it might be a light smell, the wind may move the smell in different directions. So trying to establish a very consistent strong smell that has a direct link to ill health is difficult, at a regulatory level, to establish. It is not to say that there is no smell from many activities across the Island but to establish that regulatory threshold is quite a high bar.

Deputy S.G. Luce:

Minister, we are after our time and I said to the panel we would try very hard to finish at 12.30 p.m. We have got a couple of questions left which we will save to next time. So for today can I thank you and the Deputy and officers for attending and we will see you in a couple of months' time.

The Minister for the Environment:

Thank you very much indeed. Appreciate it.

[12:32]