

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY J.H. YOUNG OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 14th MAY 2013**

Question

Will the Minister inform the Assembly of his detailed assessment of the requirements of the United Nations Economic Commission for Europe (UNECE) Aarhus Convention on 'Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters' and their applicability to Jersey; together with details of his progress in considering the adoption of this Convention as notified to the Assembly in the Department of the Environmental Report 2010 (R.126/2011)?

Answer

Concerning the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters; public access to environmental information is clearly a desirable goal and the department has many elements in place which meet the requirements of the Aarhus convention.

As the Deputy will appreciate, requesting the extension of an international convention to the Island should not be undertaken lightly or without due consideration of its appropriateness, the resources required to implement its requirements and to maintain compliance. An assessment was undertaken in 2003 and advice was sought from the Law Officers Department and the Office of the Data Protection Commissioner as to whether it was appropriate to request that the convention be extended to Jersey. The advice given, was, that at that time, Jersey was not in a position to meet the requirements of this Convention and would therefore not wish it to be extended to the Island. The Deputy will be aware that since 2003, considerable progress has been made in data collection and publication of information and also in enabling public participation through the Environmental Impact Assessment process.

In 2007 a further assessment was undertaken which noted the progress made in putting in place a number of the elements to work towards compliance. These included publication of the regular State of Jersey report; developments which require an Environment Impact Statement (EIS) are prescribed under Article 2 of the Planning and Building (Environmental Impact) Order 2006 (the EI Order); the development of the biological records centre.

Compliance with the UNECE Aarhus convention does require the presence of domestic legislation to ensure that members of the public and organisations thereof can have sufficient involvement in environmental matters according to the provisions of this Article. The implementation of the Freedom of Information (Jersey) Law 201- which, when enacted, will replace the existing Code of Practice on Public Access to Official Information, will mean that Jersey is in a position to review compliance with the Aarhus convention and consider whether it wishes the Convention to be extended to the Island. Consideration needs to be given to the resources from within the department and the advice that would be required from Law Officers Department to undertake such a review, as well as the resource implications in respect of arbitration which cannot be assessed at this stage.

R216/2011 notes that the department will 'consider becoming signatory to the Aarhus Convention', I am sure that the Deputy will recognize that considerable progress has been made. However, whilst the Convention has many laudable aims towards which the department continues to work, at the current time we are not in a position to meet the requirements of this Convention and would therefore not wish it to be extended to the Island at the present time. This situation will continue to be kept under review.