

21.02.09

18 The Connétable of St. Martin of the Minister for the Environment regarding the sites that had been identified as suitable for the growing and processing of medical cannabis (OQ.44/2021)

In light of recently submitted development plans, will the Minister publish a list of sites that have been identified as suitable for the growing and production of medicinal cannabis and explain what additional information was requested in relation to these sites; and will he explain what consideration has been given, in relation to these plans, to the potential for increased activity and the impact on neighbours and on the countryside?

Deputy J.H. Young (The Minister for the Environment):

I do not have a list of sites, which have been identified as suitable for the growing and production of medicinal cannabis. The reason is that growing of cannabis is an agricultural activity and land or premises that are already in agricultural use will not require planning permission to change from one crop to another. That has been my understanding.

[14:45]

So the arrangements for cannabis, the Minister for Economic Development, Tourism, Sport and Culture controls the process of licensing applications for establishing the business of medicinal cannabis. Clearly, from the earlier answer today, that is the case. If, however, planning permission is required for any infrastructure or development to support that processing of agricultural produce and indeed cannabis works of course, this would be considered in relation to the planning policy framework and the Island Plan. Where the potential for increased activity and impact on neighbours and the countryside will be among the material considerations. Of course, there are also controls, regulatory controls, under agricultural land controls and licences for extraction of water and pollution, including impacts of nuisance. All of that regulation would be part of our standard process for any infrastructure or development required. So cannabis is agriculture, in a nutshell.

6.18.1 The Connétable of St. Martin:

I would just like to state that we are not talking about growing tomatoes or flowers or even hemp. We are talking about growing medicinal cannabis, which is more of a light industry than agriculture. I would invite the Minister for the Environment to come and see what is happening in St. Martin and what is being proposed. On that, I would like to say it genuinely concerns me that these licences are being handed out without due diligence.

The Bailiff:

Connétable, it does have to be a supplementary question.

The Connétable of St. Martin:

Sorry, my question then is why - because it is not agriculture as we know it, it is different - have environmental impact surveys at these sites not been carried out?

Deputy J.H. Young:

Obviously, I am quite open to taking advice. I would have to take legal advice on the question of whether or not growing of one crop, because it still is a crop, falls within the description that the Connétable has said that it has become an industrial use. My understanding of the information is that it is not. The rationale for that is of course - the assumption that I certainly make - this activity

is not going to go on in the open countryside, it will go on in glasshouses. But of course other growing takes place, hydroponic growing, there are other products and so on. That has traditionally been the case. So cannabis being grown in that way within a structure of an agricultural building, from my point of view, it is agriculture. But I will seek that advice. But I do recognise the impact on residents because certainly I am aware of considerable complaints and concerns that have arisen in one particular site where very big fences are erected. I personally do not want to see these proliferate in the countryside. It is an issue, which we will have to produce a policy on, and in fact I have discussed that with the Council of Ministers already and they have asked me to do so, which I will do that. But, at the moment, that is my understanding and I will have to come back with a statement on that issue of law, which I think is fundamental.

6.18.2 Deputy M. Tadier:

Does the Minister believe that there is a mechanism to ensure that, when permission is given and licences are issued for the growing of cannabis, there should be a condition for supplying to the local market of medicinal cannabis? Does he also agree that it is ridiculous for medicinal cannabis to be produced in Jersey and exported, but for patients in Jersey to not be able to access that and have to rely on imported expensive products for their medical needs?

Deputy J.H. Young:

Yes. I congratulate the Deputy on the creativity of his question. I thought originally he was talking about recreational use, which of course he is not, he is talking about medicinal use. My understanding, and this is very superficial, these products would require very, very precise standards. I understand that is what the Ministers who are doing the licensing would establish. That is likely to require processing to take place and scientific monitoring and so on to ensure compliance. So those sort of things suggest to me in practice that being done for a specialist export market, I can understand why any business would wish to do that. So that is the answer I give to him at the moment.

6.18.3 Deputy M. Tadier:

I have raised this issue with the Minister privately and publicly before. But does he agree that there are far too many derelict glasshouses in Jersey that can only be described as a disgraceful misuse of agricultural land? There should be no presumption, while he is Minister, that any change of use should be allowed for these sites. But a good use of the sites could of course be for cultivation of cannabis or other agricultural products.

Deputy J.H. Young:

I thought I had misunderstood the Deputy's question. Certainly there has been historically, as long as I can remember, a serious problem with dereliction of countryside sites as a result of greenhouses being allowed to get into a dangerous state of collapse. My expectation of that is because their owners have a hope value, or at least they have a notion of a hope value, that if they wait long enough they or their successors might eventually get planning permission for homes to be constructed and deliver the crown jewels in money terms. That is not a thing, while I am Minister, I would seek to encourage. In fact, the policies in the Island Plan will address that. Because glasshouses have conditions; not every, most of them have conditions for removal in the event of their disuse. But we know that does not happen. But of course I have to be frank, that does not rule out where you have a site where the site is a good potential housing site, that will have to be looked at as part of the Island Plan process. So it is not a one-size-fits-all simple answer to this point, but it is a matter that the Island Plan will have to address.

6.18.4 Deputy S.M. Wickenden:

Does the Minister believe that there is enough protection from building large security fences in the country zone during the licensing of these sites? If not, what does the Minister plan to do to strengthen it so we do not see a proliferation of security fences hiding our green Island?

Deputy J.H. Young:

I agree that there is an issue there. I cannot give a comprehensive answer now. Of course, as a member of the Planning Committee, the Deputy will of course have that task to be able to make those decisions. I certainly think at the moment the visual impact and what it does to the character of the area is a matter for a planning decision. Whether the policies are strong enough to give the Planning Committee the tools to stop that, I will have to have a look at. It is not entirely negative, I have heard it suggested in one conversation that it should be possible to put security features within structures and not have to have them in the very unsightly way, which is offensive to many people and not in accordance with Jersey's character.

6.18.5 Deputy S.M. Wickenden:

Does the Minister know the Planning Committee will only address this situation if it comes to them because it has been brought to the committee? These planning applications can be done by delegated authority to planning officers. So, if the policy is not strong enough, then it will happen without the Planning Committee's involvement and it will be approved. Will the Minister go and look at the policies and make sure that they are strong enough and that his delegated powers that he gives to the planning officers, they know where they stand?

Deputy J.H. Young:

This issue of delegation to planning officers is a key one. At the moment, there is a very high level of delegation and there needs to be in order to keep the planning system going. But I do rely on the protocol that is in place, which was agreed I believe between the chairman of the Planning Committee on this matter. I do have powers as Minister to give direction to the chairman of the Planning Committee. I have chosen not to do so because I have faith in the committee. But if the Deputy is suggesting I do that, I am open to looking at that idea so that matters all go to the committee of this nature.

6.18.6 The Deputy of St. Martin:

I am pleased the Minister mentioned security fencing in the countryside. He also mentioned light pollution. Many of my parishioners are very concerned about the potential for light pollution, not light that comes from inside a greenhouse, but lights that are outside greenhouses and used for security reasons. I am not aware of it, but is the Minister aware of any rules or regulations around light pollution or is it something that is subjective and does not have any legal definition?

Deputy J.H. Young:

I stand to be corrected, the answer is I do not know definitively, but I do agree with him that light pollution is an issue, full stop, anyway. But I will undertake to come back to him. I have absolutely no doubt that these sites do have a potential issue of light pollution. At the moment, I am not aware what can be done about it from a technical point of view, if it is possible to ameliorate that nuisance. But certainly if residents are adversely affected by light pollution, I have had incidents of that at Les Quennevais School with the floodlights in people's homes, keeping people up at night. But not yet in

greenhouses. But this is a fast-emerging matter and so I obviously have some work to do. I undertake to do that and to keep Members posted as progress is made.

6.18.7 Deputy R.J. Ward:

I have a point of clarification. It is really quite important. Can I check with the Minister that he is talking about what type of cultivation of cannabis? Is it via a process of hydroponics, which is an industrial process, which does not use soil and uses a vast amount of water and is in an enclosed greenhouse with controlled lighting? Or is he talking about the type of growing of cannabis as with Jersey hemp, which is a slightly different crop, which is outside in open fields? Because there are 2 very different processes there. Can I just confirm what type of growing he is talking about here?

Deputy J.H. Young:

Most of my answers were in respect of the former. I am not a technical expert on these, but we have had products grown hydroponically before, so my answers were in respect of that possibility. My understanding is that the hemp crop grown out into open fields, as it were, would not require licensing because the psychoactive element or the component of it in that particular variety or species does not exceed the legal limit. But I do believe that what was referred to as industrial is hydroponic growing of material, which exceeds the psychoactive substance levels under controlled conditions, which the Minister licenses, but I do not. But the key point is, I will have to check legally whether that constitutes an industrial use or whether it is right, the advice I have been given and gone on, that it is agriculture. I have to get a definitive judgment on that.

6.18.8 Deputy R.J. Ward:

Is there going to be an environmental audit of both types of growing? Hydroponic growing does not add the benefit to the soil that outdoor growing of cannabis can. Therefore, the environmental benefits are very different. Also, it is a more industrial process when you take the hydroponic approach, because you are controlling every aspect of the plant's growth very carefully. It requires huge amounts of water and can attract new types of pest, which may be new to the Island. Can the Minister assure us that a fuller environmental impact can be made? It may be absolutely fine, but it needs to happen.

Deputy J.H. Young:

The Deputy is raising very good issues. I can deal with the question of the water consumption. Yes, that is a regulated matter because such activities have the potential to reduce the water table level from surrounding domestic boreholes that people rely on for drinking water. Obviously, that would be a problem. Those impacts would be assessed. In terms of the other issues of pests and diseases, we have a very capable phytosanitary team, who are monitoring and will deal with those matters. But, in terms of an audit, then these are issues that are going to have to be set down in a policy and, as I said, this has to be included as well as the planning issues.

[15:00]

6.18.9 The Connétable of St. Martin:

I am grateful to the Minister that he said that he will seek legal advice on this subject about what is industry and what is agriculture. I just wanted to ask for clarification on exactly who in Government is responsible for the awarding of these licences. Because the Minister for Economic Development, Tourism, Sport and Culture told me that it was the Minister for Health and Social Services. Then the Minister for the Environment in answer to my Written Question 29 and just now has said that it is

the Minister for Economic Development, Tourism, Sport and Culture. So I would really appreciate clarity on who does handle these licences.

Deputy J.H. Young:

The brief to me is that the Minister for Economic Development, Tourism, Sport and Culture has the responsibility for that licensing. But I understand, I listened to his answers earlier, this is done under arrangements, which our Minister for Health and Social Services agrees. So I am afraid I cannot give a definitive answer. But I can say it is most definitely not myself. Planning and the other environmental issues do come under the Minister for the Environment.