



Environment, Housing & Technical Services Panel Quarterly Meeting with the Minister for Planning and Environment

THURSDAY, 7th MAY 2015

Panel:

Connétable A.S. Crowcroft of St. Helier (Chairman)

Deputy D. Johnson of St. Mary

Deputy J.A. Martin of St. Helier

Deputy M. Tadier of St. Brelade

Witnesses:

The Minister for Planning and Environment

Assistant Minister for Planning and Environment

Director for Environment / Deputy Chief Officer, Department of the Environment

Business Manager, Department of the Environment

Director: Policy, Projects and the Historic Environment

[10:30]

Connétable A.S. Crowcroft of St. Helier (Chairman):

Good morning. We welcome the Minister for Planning and Environment and his Assistant Minister and his officer team. I think we all know each other. So if members are happy to just crack on. Also welcome the public and the media who are here. Thank you for attending.

Deputy J.A. Martin of St. Helier:

I think you need to identify everybody for the tape who is here.

The Connétable of St. Helier:

Good idea. Thank you. Okay. Let us quickly go round then. Simon Crowcroft, Chairman of the Environment and Housing Services Scrutiny Panel.

Deputy D. Johnson of St. Mary (Vice-Chairman):

David Johnson, Deputy of St. Mary, Vice-Chairman.

Deputy J.A. Martin:

Judy Martin, Deputy of St. Helier, member of panel.

Deputy M. Tadier of St. Brelade:

I am Deputy Montfort Tadier.

Business Manager:

Yannick Fillieul, Business Manager, Department of the Environment.

The Minister for Planning and Environment:

Deputy Steve Luce, Deputy of St. Martin and Minister for the Environment.

Deputy Chief Officer:

Willie Peggie, Director for Environment and Deputy Chief Officer.

Director of Planning Policy and Historic Environment:

Kevin Pilley, Director of Planning Policy and Historic Environment.

Assistant Minister for Planning and Environment:

Steve Pallett, St. Brelade and Assistant Minister.

The Connétable of St. Helier:

Excellent. Minister, we just had a Strategic Plan debate and as we have just been discussing with the panel, it is our first review. We are grateful to your department's co-operation in the review and we thought we added value to the Strategic Plan. Obviously you will be coming back to us with your responses to our first report. At that stage it will be very interesting, I think, to see what extra strength we have added to it with the panel, and working with the department we have added to the Strategic Plan. But that is clearly another piece of work. Once we hear back from you we will be in touch about the Strategic Plan. Our initial feelings are from the fact that all our amendments were accepted last week it was an exercise that was worth doing, whereas it remains to be seen what difference it makes in the coming 3 years.

The Minister for Planning and Environment:

Well, yes, the Chairman and I thank you I think ... I am sure I thank you for your amendments to the Strategic Plan, all of which tried to focus the whole plan more on the environment and certainly from my perspective and my department's perspective; we are very grateful for that. I do not think there will be any secret that there are challenges ahead, and that Health and Education are the 2 ministries that the Government are going to spend more money on, and there is going to be a real big emphasis moving into the future. Historically environment will always take a bit of a back seat inasmuch as it is difficult to justify spending money on certain parts of the environment when we need scanners or teachers or things like that. Certainly I and the department are very grateful for that extra emphasis that you have managed to put into the Strategic Plan. It is going to be down to me now to continue to shout as loudly as I possibly can around the Council that the environment is important and that I need as much resource as I possibly can to move forward with all matters to do with the environment really.

The Deputy of St. Mary:

Leading on from that we have a few questions beginning with the resources and yes, you mentioned the challenges ahead. What discussion has taken place with your colleagues about such challenges and any budget requirements?

The Minister for Planning and Environment:

Yes, the Council of Ministers have discussed how we move forward collectively as a Government to face the challenges that we have financially. That is why we recognise that there are some financial issues that need to be addressed, and my department knows that we have taken up the cudgels and agreed that we will take on our own percentage of deductions in spending. The way that we have identified that we can do that primarily over the next 3 years, with the next M.T.F.P. (Medium-Term Financial Plan), is to put in place immediately a freeze on recruitment so that as jobs become available we do not re-recruit people unless the Chief Officer and myself have a discussion about the importance of that job and whether we feel it really is necessary. There will be some roles coming up which we feel we may be able to cope with in our existing resources. There may well be some roles that we feel we cannot. I mean one in particular that jumps out at me will be the States vet I believe the States vet will be up for retirement in the term of the next Strategic Plan, but that position is one that is vitally important to the Island. It is vitally important to the agricultural sector and we have a number of laws and reasons, disease and pestilent control that we will need to keep that post going. We will not be able to survive as an Island without a States vet. I do not know if you want to say more.

Deputy Chief Officer:

No. I think that is absolutely right. We looked at whether we could do without one and we looked at ... well, we had a bit of consideration as to whether we could perhaps share resources with Guernsey but it is recognised that both States veterinary officers are extremely busy within their own jurisdictions and there is a particularly good reason in terms of disease control, for example. In terms of notifiable disease, for example, if we had foot and mouth here or anything like a blue tongue epidemic we would need a States veterinary officer to be able to control a lot of the activities that surround that. We also have issues with the ability - the physical ability - of veterinary staff from another jurisdiction being able to come to our jurisdiction in terms of disease transfer, disease control. That combined with, I think we discussed at a previous Scrutiny hearing, that we have got a backlog of legislation from a veterinary perspective that needs to be updated. Then there is a degree of expertise there - a quite significant degree of expertise - that is required from a legal perspective to take that work through. That is something that we would have no real choice but to replace that position. But, that said, the Minister is absolutely right. There are a number of other retirements that will be happening throughout the course of the M.T.F.P. which we would certainly consider or would have to consider as to whether we would be replacing the staff member; and that will be a job for, as I said, the Minister and the Chief Officer to consider. So there will be serious financial implications wrapped around that.

The Connétable of St. Helier:

Getting back to States vet, I think it is important to stress that the temperatures are rising ever so slightly and what we are seeing is the migration of some of these Mediterranean-type diseases in animals moving slowly north. As some of these move into the French mainland we are obviously very close. It is much less an impossible for some of these insects to fly from the French mainland, as we know - Colorado beetle in the past - and it is really vital that our States veterinary officer stays on top of all those types of diseases. In Jersey obviously our proximity from the U.K. (United Kingdom) makes us an outlying almost survey point or the first point of contact for some of these Mediterranean-type animal diseases. Certainly the U.K. look to us for early indications of things that may be changing which will then affect them in the future.

Deputy Chief Officer:

Yes, that is an interesting point. That is both veterinary issues and also from a notifiable disease or an invasive species perspective we have agreements with Defra in the U.K. in terms of early notifying of incoming notifiable diseases and of invasive species.

The Connétable of St. Helier:

Can I ask about support staff? Does the States vet have a support team? How many people are involved in that?

Deputy Chief Officer:

The States vet has a veterinary assistant who is not a vet but is an assistant to the vet. But also has a meat inspection veterinary officer who regulates the abattoir facility which is run by T.T.S. (Transport and Technical Services).

The Connétable of St. Helier:

What about clerical and secretarial?

Deputy Chief Officer:

No, that is it. We have a degree of administrative assistance in the department, but over the years that has been rationalised quite significantly. So there is no dedicated ...

The Connétable of St. Helier:

I am just interested in this that you have ruled out sharing a post with Guernsey. I wonder whether because we do so little with Guernsey, we have regulatory funds and we have a Data Protection Officer I think, and that is about it.

Deputy Chief Officer:

I think the roles are so large within their own jurisdictions that it would be impracticable to share a vet. That is not to say ... we do do work together at the moment. In fact we did work together a couple of weeks ago when we were scoping out the possibilities of using French veterinary labs in place of some of the U.K. ones, with a view to looking towards the M.T.F.P. and seeing whether we could make reductions in our spending pattern. So the relationships that we have there are good. We share expertise; we share knowledge with them. The actual job though I think would be extremely difficult, if not impossible, to share.

The Deputy of St. Mary:

But given your value to the U.K., you say we are an outpost almost. Is there any possibility of the U.K. making contribution towards ...

Deputy Chief Officer:

Given the current parlous state of Defra, I think we are in an interesting situation over the course of the election process in the U.K. Colleagues in Defra have indicated that should Labour become the dominant party then they would consider that the Defra role and all that hangs off it may be unchanged. If the Conservatives come in then it might be significantly changed. So they have very serious resource issues as well and have done for a number of years. We have very good links with Defra like most teams within the department. Because we are few people we rely on a lot of outside assistance. A lot of the people have come back to Jersey and into Jersey from the

U.K. and have got quite significant contacts - very fantastic contacts - in the agencies in the U.K. So we rely on their expertise and rely on their assistance in many instances as well.

The Deputy of St. Mary:

So they give input already, really.

The Minister for Planning and Environment:

If I can say also that I think moving into the future one area where we may be able to make better use of our resources would be to engage even more with Defra. They have obviously vast resource over there. They have a cutting edge with often new technology, new diseases and that type of thing and I think certainly 20 years ago we may have had even more input into Defra, Defra's resources. It may have slipped a little bit, but that is certainly something we will be needing to look at into the future.

The Deputy of St. Mary:

Do Defra charge for their services?

Deputy Chief Officer:

Defra tend to rely on very good working relationships and quid pro quos.

The Deputy of St. Mary:

Right. So it is quid pro quos or direct change or something.

Deputy Chief Officer:

That is not to say that that will continue in the future, but that is also the situation with ... for example, you know we run a Met Office and we have a quid pro quo agreement with the Met Office as well in many instances. So with major agencies in the U.K. where they are duplicated in Jersey, and necessarily so, we do rely on good working relationship probably more than financial recompense in order to take our work forward.

The Deputy of St. Mary:

Boarding out to resources generally, given the transfer of functions which is at last going through, will that make any difference to you in any way?

The Minister for Planning and Environment:

The only very small transfer of functions which affects the department is the legislative part of Fisheries which was transferred to Economic Development in Senator Cohen's ministry, but it has now been decided that it will come back to the Environment Ministry. But apart from that there are

no changes for us. My title is going to lose the planning part, so I just become the Minister for the Environment. It will not make any difference to the way I work. But no, these administrative changes will not make a great deal of difference for us at all.

Deputy Chief Officer:

Under its previous home, or its current home, for Marine Resources and the Fisheries' legislation there was no dedicated financial resource allocated. It was work undertaken by our department on behalf of the Minister for Economic Development when it came to regulation of fishing activities.

The Deputy of St. Mary:

So your fishing patrol vessel, for instance, which has always been with you, still is going to be?

Deputy Chief Officer:

Yes. It is still paid by ... and yes, there is no transfer. It is a transfer of function only, not a transfer of any resource.

The Deputy of St. Mary:

In the context of the new Medium-Term Financial Plan, are there any further growth possibilities?

The Minister for Planning and Environment:

I do not know that I can use the word "growth". Certainly under the new M.T.F.P. the likelihood is that we will have less resources to work with rather than more. In fact, I have to say that is extremely likely. We are going to have to find new ways of working and we are going to have to find ways of working with less money to grant aid to the agricultural community. We have had some initial discussions with them. I have to say that they are quite disappointed, but in the big scheme of things, as I said earlier, with a Government that is looking to try to address the health and education problem, we have as a Government to prioritise where our money is going to go and we have committed to save money where we can. I think what is going to happen is that some of those cuts will have to reflect on the environment and where we grant money to the industry.

Deputy M. Tadier:

Is there an argument to be said that your department has been the poor cousin in many ways, historically, and that you need more resources not less?

The Minister for Planning and Environment:

Absolutely. We could go back to the 1970s when we had this peculiar relationship agreed with the early E.E.C. (European Economic Community) and it was a commitment given that farmers and

fishing and farming would not miss out on the basis that we were not part of the Common Agricultural Policy. Since then you could quite easily argue and quite rightly that the resources put into the environment, into agriculture and fisheries have reduced annually, whereas the C.A.P. (Common Agricultural Policy) and Europe has continued to dominate. I mean I think at the moment it is running at one third of the total expenditure in the E.U. (European Union) goes on the Common Agricultural Policy. That obviously gives farmers and fishermen much greater benefits to those who are in Jersey. I personally always held the view that I thought the C.A.P. might collapse before the Jersey agricultural industry really succumbed to the pressures that the Spanish and the Mediterranean countries put on us for our second crops. But that has not been the case. We have lost a lot of flower growing, we have lost courgette growing, we have lost out to a lot of our competitors on these second crops which were valuable for a number of reasons. You know, they rotated the soil, they gave us more freight to send to the U.K. which has an effect then on harbour dues and things like that, and the effectiveness of the freight companies.

[10:45]

There are many, many numbers of reasons why second crops are very good for Jersey, but we cannot continue to grow them. If the farmers cannot make a profit out of it they will not grow it.

Deputy M. Tadier:

Is it all right if I just follow? Is there a risk though with the short ... I mean, you have signed up to cuts, we know that there are unilateral cuts across the Council of Ministers irrespective of whether some departments are better placed or not to take those cuts. Is there a risk that by looking at this in the short term, in the longer term we are making a false economy? There may be a scenario where there is extra resourcing you need in the short term, for example to bring in an ecocide law, polluter pays laws, which ultimately will save you money and the taxpayer money because we are not paying to clean those things up, but it might need a short term investment. Is there a risk that holistically we might be going down the wrong path?

The Minister for Planning and Environment:

There is always a risk to everything and I am sure it would be accepted by everybody around the table that the reason St. Helier is in this Strategic Plan is we want to safeguard the countryside. We want to do that because we know it is valuable to the tourist industry; it is also valuable to everybody who lives here. But I have made no secret of the fact that to have a countryside which is vibrant and working and that looks beautiful - as it does - you need a viable agricultural industry. This returning fields to nature does not mean that everything to nature looks wonderful because it does not, as a rule. When you let fields go they come up with weeds and brambles and things like that. They do not look pleasant. So there is a definite risk that if the agriculture industry comes

out of pocket and cannot make a go of it, the countryside will suffer. Certainly I will be looking to ways to try to keep everything in balance and the less money I have available, the less resource I have available to help the industry to keep the countryside vibrant the more of a challenge it is, because if farmers cannot make money they will stop growing.

The Deputy of St. Mary:

That brings on the more general question about the rural economy strategies that where we are in the context of funding, I mean ...

The Minister for Planning and Environment:

I will let Willie have something to say in a minute, but certainly up until the point where we got into discussions about finances around the Council of Ministers' table in the new year or just after, the new R.E.S. (Rural Economy Strategy) which is going to come into play on 1st January 2016, there were draft forms of it and certainly they were expecting to have continued amounts of grant aid to put into that strategy. It is quite evident now that we will not have those levels of grant aid that we had previously and the challenge for officers is to go away and come up with a new strategy which allows us still to try to keep the countryside vibrant but without the resources to put in. Until the M.T.F.P. is finalised we will not know, but certainly we have all had to offer up some savings of where we think we can find money. In my department, as I said, through the vacancy situation we have done a few looking at ways we might cut budgets for grants to farmers and we are actively looking at the moment for ways that we might have unfortunately to chop the energy budget.

The Deputy of St. Mary:

So talking about cutting grants, that is not going to affect essential to the soil, water ...

Deputy Chief Officer:

The grants typically provide an environmental service or are able to provide environmental services to the countryside and I think we suffer, as the Minister has suggested in that the initial drafting of the Rural Economy Strategy was being put together as we discovered what the size of the hole in our economy. So what we need to do now is re-review what we think is viable within the initial drafting of that and consider how we can deliver or which parts of that can still be delivered with no money, which parts can be delivered with less money and which parts can be delivered in different ways with working together better with some of the stake holders across the field. We also of course suffer because funding for the Rural Economy Strategy straddles 2 departments and the significant contributor to Rural Economy Strategy is of course E.D.D. (Economic Development Department) and a much more minor contributor through the contract housing scheme is our own department; so there has to be negotiation between those 2 departments as well to determine what level of spend is going to be available and that has to be

brought into the mix. So we will be having to have quite serious conversations with both of the finance providers and the stake holders.

The Deputy of St. Mary:

That is my other question. I appreciate there has to be interaction between yourselves and the Economic Affairs.

The Minister for Planning and Environment:

Certainly the Minister for Economic Development will have to decide how he is going to proportion his budget and which parts of his budget which he is committed to reducing as well; where he is going to make those savings, whether he does that in the digital sector and the finance sector in the money that he gives to the rural economy. He does that in big chunks in 2 separate departments. One is the single area payment which is a grant that goes to every vergée that is under agriculture and there are different views as to what might happen if that grant was to reduce or to disappear, and some people would say that that will reduce the price of rent which in some ways sounds very good. In other ways you can look at it and say that the vast majority of people who own land in Jersey live in Jersey. If their rent was reduced that would reduce their spending power within the local economy. So there may be a good side and a bad side to rents being reduced on the Island.

Deputy M. Tadier:

Can I just ask about the single area payment? That is given irrespective of whether farmers are employing good practice or bad practice; whether they are flooding their fields with nitrates or whether they are using organic methods?

The Minister for Planning and Environment:

The area payments are given to farmers if they are farming; bone fide agriculturalists.

Deputy M. Tadier:

Is there any scope to ... because clearly you are going to have less money and you will need to find new revenue streams, are there any incentives you can put in at source to essentially tax bad behaviour and reward good behaviour at the moment?

Deputy Chief Officer:

I think that is already in place through cross-compliance through the agri environment scheme. It is trying to reward good behaviour.

The Minister for Planning and Environment:

We have a quite a large number of things now which farmers have to do in order to qualify for the payment. I mean, there is a manure plan, there is a waste plan, there is ... you will have to remind me.

Deputy Chief Officer:

The wild life corridor, et cetera.

The Minister for Planning and Environment:

I was thinking of slurry around bore holes and in fact the list increases every year of things that farmers need to do in order to qualify for the payment.

Deputy M. Tadier:

Can I particularly focus ... I will not try and dominate this too much, but I think it is quite important is the ... I read your written response to the question about nitrates and polluter pays, and it is clearly a tricky area to go to pinpoint the polluters and to get prosecutions even if that were desirable. Is there another method perhaps to tax the toxins at the point of entry to the Island so that when they are coming in that is the point at which that money will be ring-fenced and that can be used for clean-up purposes? It might act as a disincentive.

The Minister for Planning and Environment:

That would be a way of approaching the subject. Although I think one would have to accept that the vast majority ... there is a big agricultural input into the nitrates' problem. It is not the only input and there are private individuals and obviously garden centres which can sell nitrate-based products to go in your garden. I appreciate that is very small compared to the agricultural industry but there are inputs from other things. Soak aways and septic tanks would be another one. There is a number of different ways that one can approach this. Certainly when it comes to nitrates we have started discussing any number of different ways that we might be able to address the nitrate issue agriculturally. The feeling is that we are getting there slowly anyway. We are not very far away from meeting the targets that we need to. We need a further reduction from the industry, which I feel is quite reasonably capable of doing. I do not think that is a major, major challenge and I am certainly looking to put forward an accord and say this needs to be done. As regards to using the single area payment, yes, there would be a way of doing that, but I think the point I am making is that there may well be the likelihood at some time in the future when the single area payment will disappear because ... again we wait for the Minister for Economic Development. There is an indication that that may be one of the first things that would be under threat when it comes to cutting his budget generally.

Deputy Chief Officer:

If I can just carry on, which then has a knock-on budget to the thought process around how we fund the agricultural and rural sector. But that then obviously has an effect on ... you know, we are just talking about agricultural and rural issues here. We have another 5 sections of the department that also need funding. So what does that mean for the rest of the department? How do we need to prioritise those funds into the future throughout the M.T.F.P.? There are some big questions to ask coming forward.

The Minister for Planning and Environment:

Our top scientist in the EMRE Department is working on some really good schemes at the moment to try to identify species of crops that our farming community could take up and use as alternatives to potatoes. It is tricky trying to find alternative crops, but we have to do everything we can to find other ways for farmers to make money out of the countryside. He is also a very important person. We talk about the States vets but I mean that position is also equally important from an agronomy point of view because we need to make sure that plants and trees, wildlife and the fauna ... flora are looked after as well, and they are just as much under threat from new diseases which come as a result of 2 things: one being the potential change in the climate, but the other one is globalisation. It is just so much easier now to buy products from far afield, the other side of the world and have those imported into the Island. We need to be even more wary than we ever have been before about potential for importing diseases to crops and plants. That is why that position is another one which we have to be really careful we do not cut too much of the resource out of that department.

Deputy J.A. Martin:

Can I just ask, you said the Rural Economy Strategy is being rewritten as we go back to the drawing board. Firstly, who is the lead on that? Is it you or E.D.D.? The second question is how in partnership are you working because is it economic versus environment we are more interested in? How you will protect the environment, with your opening comments about how the rural farming is so important to Jersey, but farmers have to make it pay.

The Minister for Planning and Environment:

We do have an interesting ... we have a good relationship with Economic Development but it is interesting because if we take ... I will come back to farming in a second, but if I take the fishing industry for example, we have historically given no grant aid to the fishing industry, unlike the farmers. So if the fishermen come to us and have an idea for promoting their product, lobsters or something like that - new initiative - historically we have always said to them: "You need to go and see the Economic Development because what you are trying to do here is develop the economy. It is a job for that Minister. He may find you some money to help with your promotion." We have

this interesting balance in the Environment Department where we have 4 officers who sit inside our department who are funded by E.D. and work very closely with our environment officers. The Minister funds the vast majority of the grant aid that we give to farmers via the R.E.S. Do you want to just go on about how the R.E.S. works between us and E.D.?

Deputy Chief Officer:

Yes. We have one of our directors who is a director we share between 2 departments; so it is Director for Environmental Management and Rural Economy and he has a very good background in both economics and in environment and agriculture. It is his job to sew the 2 together if you like, development of the rural economy while promoting and protecting the natural environment here. It is a tough job and it is becoming tougher with reduction in finances. I think historically he and his team have been particularly good at cutting their cloth accordingly. I think the question now is: "How much cloth are we able to cut? You know, what is the actual scope of the cloth cutting?" It is a bit up in the air at the minute. So yes, we have a very good relationship. That team, as the Minister says, sits within the wider context of our other professionals who are able to link in and work in a team environment to ensure that the right information is provided to the team who are developing the Rural Economy Strategy.

The Deputy of St. Mary:

Can I clarify? You say fishing can go to the E.D.D. to apply for grants. That means that they are going to go to you to apply for grants now?

Deputy Chief Officer:

Historically we have no funding which is dedicated specifically for the marine industry and never have done. The industry has historically applied to the better nature of Economic Development with a view to trying to find funding for, for example requirements that have been foisted on them by European directives for example, safety requirements et cetera. Historically they have been relatively successfully. I think it will be very interesting to see how that relationship carries on into the future, because I think the question you raise is where do they then go for funds if there is no funding from Economic Development. I think it is a conversation that has to be having at this moment.

The Minister for Planning and Environment:

Certainly small levels funding we can sometimes find within the department. I mean, I cannot emphasise enough that the total budget for Planning and Environment is only £6 million and we are offering up our reductions just like everybody else is on a percentage basis. But we have a very small budget and I would make no bones about the fact that I feel that we have a tiny budget compared to the effect that we can have on the Island. We are supposed to be looking after the

environment and yet we are given a fraction of the monies that other departments have in order to do that.

The Deputy of St. Mary:

Yes, I think the panel appreciate that. All I am really getting at is that fishermen looking at the transfer of functions might be a bit alarmed that they are less likely to get any help.

The Minister for Planning and Environment:

No, I do not think there is any ... the very small transfer legislative function that is transferred from Economic Development to the Environment it going to make no difference to that at all.

[11:00]

I think the point we are trying to make is that the fishing industry is an industry capable of big plans to promote a particular of their catch, we as a department would have to say to them: "Unless it is only just a very few thousand pounds ..." and they want a large amount of money to promote to the other side of the world, for example ... I mean I will use the example of the oyster industry which at the moment are looking to co-ordinate their marketing much better. They would like to sell into the Americas and to the Far East and to China. They are asking us about how that might be done, and we are having to say: "Look, we are sorry but if you want to go on a big promotion in the Far East you really need to be talking to Economic Development because that is what they do. You need to talk to Jersey Business; you need to talk to those people who are going out there. It is not for the Environment Department per se to start getting involved in promoting a part of the industry for sales business."

The Deputy of St. Mary:

Some resources ... I mean, I hear what you say. There is no scope for outsourcing, is there?

The Minister for Planning and Environment:

There is some scope for outsourcing, but I think what we are going to have to do is to look very closely at where we are headed. I think historically we had an Agriculture and Fisheries Department that had quite a lot of budget. It had a large number of people working inside it and a large amount of money to give out in way of grants and all sorts of schemes over the decades. What has happened is that the amount of monies available for grant aid is reduced and it would not surprise me if some time in the not too distant future we find that our budget pays all the staff and the people working within the department but it has nothing left to grant to the industry. I think when that situation arises we will have to have a very interesting discussion with ourselves as to the role of the Environment Department at that point - whether we become literally just regulators

and hand over the business side and the development side and all the running side to outside like Jersey Business.

Deputy M. Tadier:

Can we develop on that? Set our minds on that thought about working with what one might call the third sector? We know that in other departments you have organisations such as the Jersey Community Relations Trust which are partly funded - receive a grant - from the States in order to carry out a certain amount of social policy and other politicians in the past have described it as lobbying, but clearly it is more than that. It is probably slightly pejorative to call it that. But there are environmental groups that we know about in Jersey which have got keen interests who are not paid and is there (1) a way the department could work more closely, and (2) is there a possibility of statutory funding for groups who promote the environment?

Deputy Chief Officer:

If I could perhaps jump in here, I think the answer to the first part of that question is, yes, there is most certainly the ability to work more closely with those third party sectors, and I think we do that quite well already if I perhaps allude to the Marine-resources Panel as an example, which is a Ministerial Advisory Panel which ultimately proposes to the Minister if any change in legislation is required. The benefit of that is that we sit down with a cross-section of marine users including for example Société Jersiaise; and Société Jersiaise particularly are a body that is becoming stronger ????- and offering more to it. So that is just one example perhaps across the board of areas where we already work well with third party sectors but, yes, there is room for improvement and we will seek to do that because of reduction in funding. The reduction in funding, taking on the second point: is there any potential for statutory funding of these bodies? I think the answer at the moment is probably no, insofar as there are limited funds for funding of the government bodies themselves, never mind third party bodies.

Deputy M. Tadier:

In terms of an investor saving did you envisage a way where the third sector could take up some of the workload that the Environment Department might or might not necessarily be able to do?

The Minister for Planning and Environment:

I think, as the Chief Officer says, we already take quite a lot of advice. He mentioned the Marine Panel; we have Dairy Liaison Panel as well. So we have a cross-section of talking to the dairy industry. The same happens to agriculture as well. E.M.R.E. (Environmental Management and Rural Economy) as well is another one where we environmentally get around the table and discuss how we move forward with the rural economy. There is scope for working, but I think at the end of the day what we will need to do is to take advice because we are at the end of the day

regulators and I would just move on to regulation, and I have indicated it might be quite a drastic step that might be needed in the future. But if we could find ourselves in the situation where we are signed up to so many conventions and laws and other responsibilities which we need. We have statutory, we have the E.U. and others. It cannot be beyond the realms of possibility that we may have to look at some of these conventions. Can we continue to afford to do this? I mean, I am not going to quote any particular convention. But it may well be in the future that we say: "We are really struggling for funds here and we are having to do all this work to comply with all these agreements that we have." We may get to the point where we have to charge some of them and say: "Is that really making a difference to our environment?" Is that extra work that we are having to do, taking resource away from something else which could be more important?"

Deputy J.A. Martin:

That is interesting. But from memory, we do not sign up to any of these conventions on our own. Do we not sign up through the United Kingdom, who is signed up to the E.U.? I do not want to go off topic, but it is a massive statement you have just made.

The Minister for Planning and Environment:

It is going to be explored, because the last thing we would want or the last thing we would do would be to pull back on something like that, where the U.K. had signed up on our behalf. Because that would put us in hot water, I am sure. Certainly there must be others where we are not obliged and we do it voluntarily.

Deputy Chief Officer:

Very possibly. I think we have signed up to something like 30 M.E.A.s (Multilateral Environmental Agreement) and a review of the requirements is something that would be beneficial to us, in terms of what do we need to do. Why did we sign up to them in the first instance? It is all to do with credibility. It is all to do with how we are seen from abroad and whether we are complying with our, in this instance, environmental liabilities and responsibilities.

The Connétable of St. Helier:

Can I just come in here? One of the points that I made at the beginning was about the Strategic Plan and the fact the environment had been pushed up the agenda a bit. It does seem strange to me that we are even talking about a possible scenario where we back off certain environmental commitments.

The Minister for Planning and Environment:

It is not quite the nuclear option, but it is not impossible to conceive that sometime in the future we might find that we have a ... was it 30?

Deputy Chief Officer:

Yes.

The Minister for Planning and Environment:

Yes. We need to look at one or 2 of them ...

The Connétable of St. Helier:

Just to pick up the general thrust of the conversation about exacting dips and cuts across the board which are going to affect the small departments, such as yours, far more than they will Health or Education, for example. It does seem to me there is a case for fighting those cuts, particularly now the States are committed to more environmental education, best practice and things like the sort of amendments that we have brought.

Deputy M. Tadier:

What does a 2 per cent cut mean in terms of, let us say, the Chief Minister's Department? 2 per cent for you is presumably maybe 0.1 per cent of the Chief Minister's Department. I am speculating.

The Minister for Planning and Environment:

It is all relative. You can look at the Health Department and say: "What is 2 per cent of the Health Department?" It is an awful lot of money. It is tens of millions of pounds. Then you look at the way the level of health inflation has gone over the last 4 or 5 years when cost of living stayed relatively stable. Health inflation continues to rise.

Deputy M. Tadier:

We have used the analogy before: if you have a room full of people; you have some fat people, some skinny people, you do not say: "You all have to lose 2 per cent weight, because you are on average 2 per cent overweight." You say: "You have got to do your exercise, reduce your calorie intake and you need to eat a bit more."

The Minister for Planning and Environment:

Well, that is not the analogy I would use looking round the Council of Ministers, **[Laughter]** but I understand where you are coming from when it comes to using that as regards to the departments. Health have particular challenges. There are Ministers that are looking to challenge them to make sure we are spending and getting good value for money. We all know that the population is living longer. They require more in the way of health care. We have a population increase coming now with the above 65s that we can do nothing about. We will have an additional 14,000 who are retired by 2030. They are going to need health care. We know that we have

these costs coming down the line. The really difficult thing, and I fully appreciate the points you are trying to make in keeping money in the environment, and the challenge is that Health and Education will come back to us and say: "Why should you not be making your tiny little cut compared to the enormous cut that we are making?" Which is an equal percentage across the board.

Deputy M. Tadier:

Is there a long-term risk? I mentioned it before, if we do not invest in the environment now and if we get ultimately bad quality food, people cannot afford to necessarily buy local organically produced food, they are buying massed produced food from, let us say, one of the big supermarkets of low quality. They are getting fatter in the future. All that has health implications. Could we not find ourselves in a false economy if we are not making the cuts in the right areas?

The Minister for Planning and Environment:

I think local farmers will hopefully continue to produce local food for local consumption. I have been very strong on that recently, but have not quite crossed that bridge, but hope they are very close to being able continue with the situation we have enjoyed for the last 10 to 20 years with that amount of produce being grown locally. I would like to see even more grown locally. It is interesting, but I do not know that the organic sector will stay where it is. There is only a certain number of people out in the community who can afford to buy organics. Certainly that is an example of where I have managed to find a few extra thousand pounds. I have done it twice now since I have been Minister. The first one was to give a little bit of extra money to the organic sector across the board. The second one was to agree very recently, I signed an M.D. (Ministerial Decision) to agree to pay the registration charges for all the people involved in organics. Because the first money that I gave them it became apparent that there were some organic farms that only grow very small amounts under plastic tunnels who were not qualifying for that. So we are looking to encourage the organics. We are looking to encourage any diversity that we can find inside the countryside, because it is not just all about growing potatoes. We realise that potato growing has become even more of a monoculture as those second crops that I spoke about earlier have fallen away. Diversity is hugely important. Anything we can find to do in the countryside, which one can make a profit out of, is good. We have to look at every option and find ways of doing that.

The Deputy of St. Mary:

I think the point being made, and we made one on this, your point is that we do not all accept what the Environment Ministry is trying to do, and hopefully with our support is, as a priority, the burden of them should not fall on Environment alone. They do cross into other ministries. For instance, Education, which is in the strategic projects to ... why should that not go to the Education

Department. There must be lots of other examples. That is what we are hoping you are going to be fighting for. I am sure you are.

The Minister for Planning and Environment:

There will be. As I said right at the beginning, I am very grateful for the extra initiatives and emphasis that the panel has managed to get into the Strategic Plan. That then allows me to sit down at the Council of Ministers' table and bash the table even harder for the environment. Be under no illusions that I am not quite a lone voice. Every Minister is fighting his own corner and we need to come to conclusions and it is really tricky when you are faced with health and education issues to find an agreement around the table that says you need a scanner or you need a particular part of the education system to help our children to do better in life ...

The Connétable of St. Helier:

Can I suggest that what we have as we approach the M.T.F.P. that Scrutiny works with you before you agree any cuts? We do not want to be in a position where we bring amendments to the M.T.F.P. to try and increase your budget and you do not accept ... we need to work with you on that. It certainly has happened in the past where Scrutiny has tried to get more money for a particular function and the Minister concerned has said: "I do not want it, because I am being a team player." So, we do need to ...

Deputy M. Tadier:

There is an issue, is there not? Even if you individually would like our amendments to be you are bound by collective responsibility.

Deputy J.A. Martin:

That adds on to every amendment we brought. I understand it was not lip service, but every amendment we brought was accepted by the Council of Ministers. So, it is quite alarming to hear you say you are going to be not a lone voice, but you are going to have to be banging the table. All the amendments were accepted without a fight.

The Minister for Planning and Environment:

The reason for that was that there was nobody around the table who could find a reason to disagree with you, because they were all good. **[Laughter]** I was delighted. Other Ministers may have been less delighted, but they could not argue against them, because they were all brought with the best of intentions or for very good reasons.

The Connétable of St. Helier:

Together, what I am hoping we can do, is just as the position of St. Helier is going to require funding and the Council of Ministers cannot have strategic priorities without putting money into it, so we are going to be coming to the Council of Ministers hopefully together to say that you cannot simply agree with these environmental priorities and then expect the same kind of funding cuts to go forward. I would simply ask that we are able to work with you so that at least we have a slightly stronger case if you feel that you have to go against the Council of Ministers on certain issues. We are particularly struck by the presentation by the Environment Department, which we had right at the start, which made it clear that with the increasing population pressure on the Island then we cannot simply cut environmental resources, because we are going to get degradation of soil, water and air. This is the time when we need to make sure we maintain the department who are promoting that.

Deputy J.A. Martin:

As you say, you are talking about looking into the future; it was that presentation that looked us into the future. To have any decent environment across the board, agriculture, water, needs to be planned today and budgeted for, because we do not want to find -- and we are with you on that, Steve.

[11:15]

The Minister for Planning and Environment:

Yes. I cannot stress enough the value of the uncalculated agricultural industry to the Island. I take one very small example, one of the peculiar laws that we have in Jersey is around branchage. I think it has been calculated if the State had to pick up the cost of cutting the hedges twice a year it would be millions and millions and millions of pounds.

Deputy J.A. Martin:

Yes.

The Minister for Planning and Environment:

That is an input that we get back from the ministry, but it is much bigger than that. Because without a profitable agricultural industry we do not have the brown cows and greenfields, we do not have plots being grown and hedges being cut and the countryside looking good and doing what it should do. We cannot lose that focus.

The Deputy of St. Mary:

We have almost run out of the topic, but if we are not getting the necessary financial support from Government, as such, is there scope for rendering charges/fees of your own for services?

Deputy Chief Officer:

It is fair to say that we are in a situation at the moment that everything is on the table. We obviously have to look at where our areas of potential cuts are. I think we have a vague idea or a pretty good idea really going forward through the M.T.F.P. what that could be. It very much depends on what will be required of us. Yes, of course, increased revenue streams would be thought about. Polluter pays principles is always at the head of our thought process, being a regulator particularly. It is whether the Island will stand that. Yes, the cost that we administer, for example, for applications for waste management facilities, discharge consents, agriculture concessions, fishing licences, recreational fishing licences and obviously planning applications as well, we have a broad panoply of subject matter that we could consider in terms of increased charging. It just depends on whether we can bring it in and whether it will make a difference.

The Minister for Planning and Environment:

Certainly my intention is to work as closely as I can with the industry. I have already done that. I will continue to do that into the future. It is very much the way Montfort was saying earlier about trying to be fair to Environment around the Council of Ministers where you have Education, Home Affairs and all the others. I think certainly inside our Environment Department we have an industry that wants to realise that they are being treated fairly when it comes to the way of the cuts. I think agriculture is still a responsible community from that point of view and provided they feel that they are being treated fairly I am sure they will respond and will want to continue to work with them. My challenge is going to be able to show the industry that, yes, we are going to have to make cuts there, but they are not being cut indiscriminately compared to other parts of the environmental budget or other parts of Island strategy, for that matter. I think if one is fairly open with people and you explain why things are happening and they understand then we hopefully can go a long way down that road. It is going to be a challenge, because if farmers feel they are having their grants cut and still see other activities happening around the Island which they think are not so valuable, it is going to be down to us to make sure we prioritise everything, so the monies that we do spend are on the things that we really need to be spent on.

The Connétable of St. Helier:

Okay. If we could move on to planning policy, Kevin, and perhaps we are starting off by referring to your Chamber of Commerce. I was not there, but I gather you were talking about a tall office building as being a possibility. What kind of policy obstacles are there? There was an

amendment by a former Deputy limiting building supply and storeys. What is your understanding of that?

The Minister for Planning and Environment:

Maybe Kevin could give us the chapter and verse on the policy.

Director of Planning Policy and Historic Environment:

Yes, as the Constable said, when the Island Plan was debated back in 2011 Deputy de Sousa brought an amendment to the Island Plan in relation to the tall buildings policy. I think what that did was that the policy does not necessarily preclude tall buildings. It just sets some criteria against which tall buildings should be assessed. If buildings come forward of exceptional height then they should be tested against the criteria in that policy. Deputy De Sousa's amendment sought to ensure that tall buildings were not out of scale with their neighbours in the immediate vicinity. The Minister subsequently published some guidance in 2013 which looked at the definition of immediate vicinity and used some of the work that we undertook in relation to defining character areas in St. Helier. So, we have 10 character areas in St. Helier. The definition of "immediate vicinity" relates to a character area rather than a building that sits next door. So, there is a policy framework against which applications for tall buildings can be considered, as set out in the Island Plan and in that Supplementary Planning Guidance. So, any proposals that came forward could be assessed on that basis. The essential thrust of the policy is that tall buildings, if they do come forward, should be in relative scale to the existing character and scale of development that we have in town already.

The Connétable of St. Helier:

The Minister's comment was about a stand-out building. To have a stand-out building it cannot simply be a storey higher than the neighbours, a stand-out building is going to be significantly higher than those. I am not saying I am opposed to that, but how can you achieve any kind of tall building of that sort while this policy is in place?

Director of Planning Policy and Historic Environment:

Clearly the law is that the Island Plan is setting the framework against which decisions should be taken. The policy is trying to set out some criteria against which if something comes forward and is exceptional in its height it should be assessed against. Clearly the Minister or the decision-maker has an ability to approve something contrary to the Island Plan policy if they feel there is sufficient justification to do so. But, they need to set out what that justification is. I think the policy gives them the tools to be able to do that if it is exceptionally good, in terms of the quality of the design.

The Connétable of St. Helier:

So, it might be aesthetic, it might look fantastic, I think you talked about: everyone can look at it and say: "We did that and it is good," so a building that would ...

The Minister for Planning and Environment:

Yes, the intention was quite deliberate. I wanted to get the subject out there in the public arena for some discussion and quite rightly it has received discussion from both sides of the fence. I am quite firm in my belief that I would like something which we can all be proud of, which we can take pride in. I was just scribbling while Kevin was talking there, I know they are major cities, but you think about the statue in Rio, you think of Paris, you think of London, Sydney, New York, but then you think of other places like Portsmouth with the tower there or you think of the Angel of the North and you can think of other smaller pieces of architecture is probably the best way to say it. The word "stand-out" is probably the highlight word. It does not necessarily need to be high, although I am sure height would have something to do with it.

Deputy M. Tadier:

Can I just interject? Was Deputy De Sousa's amendment passed?

Director of Planning Policy and Historic Environment:

Yes, it was adopted by the States.

Deputy M. Tadier:

The bit it seemed to add was that development which exceeds the height of buildings in the immediate vicinity will not be approved.

Director of Planning Policy and Historic Environment:

That is right.

Deputy M. Tadier:

That is fairly tight, is it not, insofar as ...

The Connétable of St. Helier:

Except we have departures from the Island Plan. Not regularly, but from time to time they happen.

The Minister for Planning and Environment:

Yes. I made the statement in the full knowledge that the Island Plan may well have to be amended. What I wanted to do was to put out there in the public arena the possibility of some private development, which of course it would have to be. This is not going to be a States funded

project. This would be private development, but it would be something that everybody could relate to, everybody could take pride in. There is no reason at all why one would not share the concept that we have in a lot of these tall buildings in London where you have a particular amount of office space, you might have a very small amount of residential, but then there would be a tourist offering as well, where people can go up to the high floors and maybe simply eat a meal or just take the view. Most of us will have had the opportunity to walk around the top of Cyril Le Marquand House, it is a phenomenal view. It is not that tall. If we went up a few storeys higher and you had a building which was built specifically to enjoy the panorama of the town it would be a really good tourist offering. I am sure people would do it. Locals would want to do it as well. That was the reason. I think it is going to be a good discussion to have. I think at the end of the day if there is enough enthusiasm for it, and we could find a piece of really fantastic architecture because it would need to be good. I am not looking for plain bland building, like the *Jersey Evening Post* managed to find to put on the front page of their newspaper. I am looking for some really stand-out architecture here.

Deputy M. Tadier:

Can I ask why it would need to be offices rather than residential?

The Minister for Planning and Environment:

I think the cost would probably prohibit it being residential, but there is no reason why certain parts of it could not be. It could be residential. It just seemed to me that what we are trying to do ... and I made quite a distinctive difference in my speech to Chambers that I do not particularly want high-rise residential. I do not want to go back to the days of building high office blocks. There is enough criticism of the way we are proposing to potentially put some housing in St. Helier. What I am trying to get away from is high-rise residential. If we can come up with a plan where it works, great, but my intention would be to make residential in St. Helier not high-rise. If you are going to have a stand-out building that is going to be higher, you do not necessarily want to put residential in it, what do you do? If you are going to fund it by the private sector it is probably going to have to be offices. I am open to all suggestions, but the last thing I want to do is to get into a mindset where the residential sectors of St. Helier become Le Marais type.

Deputy M. Tadier:

Although spacious ...

The Minister for Planning and Environment:

Having said that, yes, the other argument I make for high office buildings in St. Helier is that you have 4 buildings of 4 storeys and you take 3 of them out and make one building 16 storeys high. If that 16-storey high building works and everybody is happy with it you also create for yourself a lot

of open space for those people to then go and enjoy when they are not at work. It is swing and roundabouts, but certainly I think when we talk about pressures on the environment and the fact that we do not want to be building in the green zone. I completely agree with that, but I think we need to acknowledge that in certain parts of town, and it may well be the business sector, we are going to need to build higher. The alternative to not building higher is building out. Really the priority is not to build out.

The Connétable of St. Helier:

Yes. Do you see any possibility that in your term you may be seeking to bring amendments to the Island Plan along these lines? Another one that has come up recently in discussion about parking is that we currently have a parking standard of 0.7 per unit and there seems to be across the board support for putting that back up to one parking space per unit. That would presumably require amendment at least to the supplementary guidance.

The Minister for Planning and Environment:

I think from the department's perspective on parking - Kevin may well have something to say - we are led, not completely by the T.T.S., but we are certainly ... the levels that we apportion of parking on the residential sites we place a lot of emphasis on what T.T.S. are telling us. I have told the Minister for Transport and Technical Services that from a planning perspective I want to sit down with him and discuss where he is going, because it is obviously a big challenge for us. The 0.7 has already been challenge. You would know all about that, and other Deputies as well. If there is a serious challenge to the 0.7, let us potter it out, let us think about what the number needs to be and if it needs to be 0.8 or 0.91, let us sort it out, so that when we are making our planning decisions and our policy here reflects what T.T.S. are saying. Have you got anything more to add to that, Kevin?

Director of Planning Policy and Historic Environment:

The only thing I would say is that clearly the States have adopted a Sustainable Transport Policy which sets the Island's objectives in terms of travel and transport. Clearly other documents that then come forward from other States departments seek to work towards those objectives. Those objectives, in terms of travel and transport, talk about trying to reduce peak hour traffic into town, reduce peak hour traffic by 15 per cent, they talk about encouraging modal shift and the part of the private car to other forms of more sustainable transport. Clearly you are more likely to be able to provide people with more choice in terms of transport options in those centres of concentration, urban centres, in Jersey, which is clearly in town where they have other options as to how they might travel to school, travel to work, travel to the facilities that they need to use. In that sense, any parking standards that the department brings forward are likely to seek to reduce car parking

requirements in those urban centres that have a greater range of facilities and transport options than they are in the rural parts of the Island.

The Connétable of St. Helier:

If I could just interrupt? If I am not mistaken the Sustainable Transport Policy was amended by me to make sure that we are talking about car use rather than car ownership. People living in town have a right to own a car. We do not want to encourage them to use it for every journey, but on weekends, for example, they want to get out and enjoy our lovely Island. I am just concerned that the current thrust coming from T.T.S. is to reduce car ownership. Whereas in fact it is not about car ownership, it is about car use.

The Minister for Planning and Environment:

The 0.7 was arrived at, and quite generally - if I understand correctly, Kevin, and I am sure you will tell me otherwise - it was just very blatantly and roughly calculated that X number of people live in town and there are X number of cars in town and the ratio is 30 per cent of people who live in town do not own vehicles.

[11:30]

I guess there is a discussion around why do those 30 per cent not own a vehicle. Would they have a vehicle if they could find somewhere to park it? Would they have a vehicle if they could afford one? There could be a number of different issues as to why those 30 per cent do not own a car. Anyway, notwithstanding that, that is roughly how the 0.7 was arrived at.

Director of Planning Policy and Historic Environment:

Yes. The standard is dependent upon the size of the accommodation and where it is. So there is a different standard depending on the form of development that you have coming forward. Just to go back to your initial point, it would not require an amendment of the Island Plan, parking standards are set by Supplementary Planning Guidance, which the Minister is able to adopt by Ministerial Decision. As you correctly state, the existing parking standards are very ancient, they go back to 1988. The department is working on reviewing those, together with the space standards for housing, both internal and external space for residential development. We hope to be bringing that forward as a draft for consultation, once the Minister's considered that as a draft to bring forward for discussion. Clearly there would be lots of engagements with lots of interested parties, I am sure, in terms of this and certainly they will be brought forward. We totally accept the point that it is not about car ownership, it is about car use. I do not think we are trying to use parking standards to preclude people owning vehicles. It is about looking at those parts of the Island where people have more choice in terms of their travel options and their residential options

as well. Clearly by providing parking space you then pose some challenges to the level of development that you can secure on the site.

Deputy M. Tadier:

Can I just ask, I think it came up in the debate we had last week, you cannot have it all ways. You cannot create more parking, have more residential, more office space and more green areas. You cannot do all of that, unless you are going up. You can make sure that all new builds have parking allocated. You could have 2 floors of parking, whatever, and you can have a lot of amenity space around it on the footprint.

The Minister for Planning and Environment:

I was just about to highlight the point, let us be under no illusion, the Future St. Helier project has some major challenges. We all want more open space, more area for people to enjoy. We want them to have more space in their home. There is also some pressure on cars. I am grateful that the Constable and Deputy invited me to Havre des Pas group and I was pleased to go and answer the questions, but 90 per cent of the questions are about cars and parking. There is a large group of people in that area, I am sure it is replicated around other parts of town, but especially in Havre des Pas where parking is a major issue. We have to find a way of addressing it, because it is not going to go away. The challenges around finding a parking space in that part of St. Helier are not going to get any easier.

The Connétable of St. Helier:

The Deputy is saying to get more open space, community space, more parking space and bigger accommodation, you have to go up. If you do not go up then you have to go out, across the countryside.

The Minister for Planning and Environment:

Yes, there is a sense that we would have to go up. We do have some plans in place, the last thing I really wanted to do was to talk about the waterfront at the moment, but there is a plan for the waterfront. At the end of the day we know that there are large parts of St. Helier where we have old, dare I say, antiquated office space. The intention is that as those offices become unused, when the people who are in those offices move to new and more up-to-date office space in that part of the water front and in that part of St. Helier, those offices then become available to be converted into residential space using the new bylaws and greater insulation and all the good things that are coming out of Planning. What will happen is that the retail heart will stay the same, but a lot of the business and office requirement will move slowly to the south-west corner of the waterfront where we have these plans. Those business parts outlying just outside will become residential.

Deputy M. Tadier:

Why not just build a residential on the waterfront rather than waiting for this all mysteriously to happen, just build residential if that is what we want? Then you have purpose-built residential and offices can stay as offices.

The Minister for Planning and Environment:

That was not the way the plan was agreed by the States. Having said that, there is an awful lot of residential agreed on the other side of the road. West Water is all residential.

Director of Planning Policy and Historic Environment:

Some of it has some residential elements, that is right.

Deputy J.A. Martin:

Steve, you mentioned the Future St. Helier project. Can you tell us if it is housed in your department? You mentioned to the Chamber of Commerce that you have identified a few quick wins. Can you tell us what they are, because you never told them? Is it in-house? Who is doing it?

The Minister for Planning and Environment:

The Future St. Helier project will be led politically by myself. Kevin is going to be the lead officer. Inasmuch as I say led by myself, it will be in conjunction with the Constable, with the T.T.S. and with the Minister for Housing and the Minister for Education, Sport and Culture. It will be a joint group and we are all going to work hard together on it. I only assume the leaders, inasmuch as it has to have a political leader and it seems sensible that it is going to fall to me, because the project is going to be managed and directed from inside my department and Kevin is going to lead from the officer point of view. So that is the way that is going to work. As I said, at the end of May we have a weekend coming up where we are going to invite as many and every person that we can find to come and talk to us about how they would like St. Helier to develop. We are very hopeful that leading from that day and a half that we will have some priorities from the people, the stakeholders. Those stakeholders would be completely across the board and they are going to guide us in where our priorities should be. We will then also have priorities. I may, as the Minister for Planning and the Environment, have priorities. The Constable, I am sure, will have others. The Minister for Housing will have others. That will then lead us into a series of priorities. The strategy is how we are going to move forward. We very much see this as a project for everybody to get together and work together on. We hope after the end of May that we will be coming up with some plans for how we move forward. As regards to the first quick wins, I think there is no secret about the fact that the Constable, myself and the Minister for Transport and Technical Services went on a very short walkabout very soon after the Future St. Helier project was mooted. We did

that in order to identify not necessarily quick wins for the general Future St. Helier project, which involves retail, which involves business, which involves a lot of residential and parking and other things, but to walk around the roads and identified some quick wins where we thought we could ease the traffic and pedestrian difficulties. I think in particular we identified a series of zebra crossings. If you walk from the Cyril Le Marquand House to the Arts Centre, for example, as the Constable pointed out, there are a number of crossings where it is not easy for pedestrians to get across. We all agreed that it would be very easy, straightforward, cheap and hopefully not too controversial to just ask a man with a pot of white paint and a cord to put some crossings in. I think we all accepted, yes, in the past there has been some very, very nice work with zebra crossings, but you have to ask yourself whether they are over-engineered. At the end of the day, a crossing can be as simple as a series of white lines. The Constable identified some spots where he thought that could be beneficial to pedestrians. We spoke about the area around Charing Cross. We also mentioned the fact that with the very slow move for the space down on the waterfront that there is now a very large community of workers that have their lunch hour and stream into town at 1.00 p.m. You can stand at Charing Cross and watch the workers coming in to take their lunch break in Charing Cross and there are a lot of potential conflicts in the area for cars and pedestrians. We discussed some ways that we might use that. I think what we were doing on that walkabout, when I discussed quick wins it was only specific around the areas of pedestrians and traffic and finding some very quick ways to make it easier and better and safer for the residents and users of St. Helier to operate, nothing more than that. There were no hidden agendas or anything.

Deputy J.A. Martin:

No, no. It is great that the Council of Ministers made St. Helier the full priority. My only concern is that with your cuts and cutting back on staff. In comments from February, you said that some of your staff have to become more generalist in skills and things. Yet Kevin has been given this job. I do not know if it is his main job. Is it his end of desk job? Is it his after work job? What is the backup or the budget? You have mentioned 4 ministries and the Constable of St. Helier. I want this done and I absolutely agree probably it can be done on-Island with the skills we have. Kevin has a massive job to do and so do all the other Ministers.

The Minister for Planning and Environment:

Two things, the first one is I do not sign up to: "We need another masterplan, so let us rush off to the U.K. and spend 6 figures on commissioning somebody." I am 100 per cent confident we have the ability within the Planning Department, we have some fantastic people there, who are more than capable of doing the work, so I want to keep it in Jersey and in-house. We do have sitting on our shelves a number of previous plans. We talked about Willie Miller and we have talked about the North of Town Masterplan and they all have some really good bits in, which Kevin is aware of.

He is our chief policy man and is in charge of that side of things. I have identified inside the department some priorities. St. Helier is a priority. Kevin's work will be priorities accordingly.

Deputy J.A. Martin:

Again, with the other ministries, are they sending staff, seconding them, for say 6 months or something? I think it is a massive job to fall on your shoulders.

The Minister for Planning and Environment:

We will have to see how that moves, but I am sure there will be some people required from some offices inside T.T.S. Deputy Pryke and myself already share half of one of her senior officers. That particular person works for both of us, so that is not an issue at all. I do not think there will be any input from Education from an officer perspective. Deputy Bryans wanted to sit on the Ministerial Oversight Group as a town Deputy. He wanted to contribute, but I do not think his contribution will be in the form of resource from his department. Do you want to talk a bit about the policy and how your role works, Kevin?

Director of Planning Policy and Historic Environment:

Yes. I was just going to say that clearly while we might be leading the process we will be working with our colleagues in Transport and Technical Services and, of course, in the Parish. The Minister has identified some of the aspects that this work will touch on, principally around travel and transport and movement around town, but also around public open space. Clearly both the Parish and T.T.S. have critical roles to play in making changes on the ground in terms of public open space and in terms of travel and transport, because they administer the parks, the spaces, the roads and the streets. I think it will be about working together across government. Also, as Deputy Tadier made reference, working outside of government with other agencies as well, to try and improve the loss of St. Helier residence. Part of the engagement that the Minister talked about at the end of May is to really understand what issues people have, what issues other groups have, town traders, for example. We have the town centre manager who will be working with us, who clearly has very strong links with all the retailers in St. Helier. I think it is trying to build that partnership across government and outside of government with other agencies to try and work together to improve the town. As I say, while we might lead that process we will not be doing all of the work.

The Minister for Planning and Environment:

I am pleased Kevin mentioned the town centre manager. The Constable has a number of officers at his disposal, all who will be really involved and useful to us. The town centre manager, I pick her out only because she has already identified retailer user groups. She is starting up these small groups and that is going to be valuable input. It will not be just retailer groups, it will be

business groups and people like trade and commerce. In other parts of town people may well come together just specifically for the point of informing this policy.

The Connétable of St. Helier:

Could I just quickly come in on funding? One of the ways that these kind of urban improvements could be funded would be from planning gain, not just schemes in town, but schemes outside town. It is all part of the philosophy of protecting the Island and concentrating development in the towns. Ideologically it is perfectly acceptable to take money off a development out west to do urban improvements. Do you have the legal mechanisms at the moment to get that kind of funding? Given the States' finances, we need private sector funding.

The Minister for Planning and Environment:

I am going to look to Kevin, but I am aware that at the moment I have certain powers over the development. I think Kevin will correct me, if you are developing a particular site those obligations affect the site or the immediate environment.

[11:45]

For example, we have anybody who builds in the eastern cycle corridor at the moment could be asked to make a contribution towards the eastern cycle path. Kevin, do you want to expand on the work we are doing about, as the Constable said, the obligations on somebody in St. Ouen, for example, to make towards the Future St. Helier project?

Director of Planning Policy and Historic Environment:

Yes. Clearly we have the power at the moment in terms of planning obligation agreement with developers when they undertake development. As you have stated, that can deliver works that are outside of the planning application site. Generally, as that scheme works at the moment, that planning gain has to be related to the development. It has to be proportionate to the development. I think there would be some challenges at the moment in terms of getting a development in St. Ouen to contribute to development in town. We are looking at how we might develop a tool that enables us to do that. It came out of the States debate on the Island Plan when it considered Policy H3, which if you recall was about how we use a private housing development to fund affordable homes. It is a similar principle in how to capture value from a development process. Arising from that Island Plan debate was a commitment to go and explore how we might develop a vehicle to do that.

Deputy M. Tadier:

Is that not a stealth tax?

Director of Planning Policy and Historic Environment:

It is a form capturing ...

The Minister for Planning and Environment:

I think we have decided one of our strategic priorities is going to be St. Helier and we need to fund that.

Deputy M. Tadier:

If it is unrelated, surely if you want to capture ...

The Minister for Planning and Environment:

It is related inasmuch as the strategy is that we are going to put more people in St. Helier in order to safeguard the countryside. It is the Council of Ministers' strategy, but just because it focuses on St. Helier that does not mean to say it is just about St. Helier, it is about the whole Island. Okay, St. Helier is the target of the strategy, but if we are going to keep the countryside green and pleasant we have to concentrate residential in St. Helier. There is no reason why people across the Island ...

Deputy M. Tadier:

Yes, but you do not currently have like a section 106 agreement in the U.K., where you simply have a tariff on a developer. I do not know that many Islanders' hearts will bleed if developers have to pay a bit more towards the ...

The Minister for Planning and Environment:

I would not want to send out the signal that just because you are building a development in St. Ouen you are going to be funding major road works in St. Helier. But there must be a scheme that we can put in place so that everybody contributes to the future of St. Helier, because at the end of the day it is not just about making a better St. Helier for the residents of St. Helier, but for people who visit, to shop, to work.

Deputy M. Tadier:

Do you not do that through your tax system? Surely that is how we fund public services, through the tax structure and as a way of capturing the uplift in land value, et cetera, through the tax system.

Director of Planning Policy and Historic Environment:

The use of planning application agreements or section 106s is about recognising that if a development is taking place that development is going to have some impact generally on local

infrastructure. If the development is securing some private benefit, therefore it is appropriate for part of that benefit to offset the public impact of that scheme. That is why the planning obligation agreement is used to deal with local impacts of a development. For example, if something is having a particular impact on the sewerage infrastructure as a consequence of that development taking place it is appropriate that the developer pays for the enhancement caused by their development to the public sewerage infrastructure. That is the principle. I think the issue that the Constable is raising is around what they call in the U.K. community infrastructure, which is basically a set levy that is charged on a certain type of building. If you build a house you pay X thousand pounds. It is a different model. What we have at the moment here in Jersey is simply the equivalent of section 106, which is the planning obligation agreement, which is where we can offset that local impact of development.

The Connétable of St. Helier:

You could argue that a significant housing development out of town is going to have an impact on town simply because all the people are going to drive, not just on town, but on the infrastructure between that development and places of work and so on.

The Minister for Planning and Environment:

There are a number of different ways of looking at it. We have discussed recently, and it is certainly something we are doing within the department, how we address the subject of derelict glass. I know it is not directly related, but what we are considering is the possibility of saying to somebody: "We will give you some planning gain to potentially put up an extension to your house or maybe a site if in return you will take away the derelict glasshouse that you have in your field and return it to agriculture." What we are doing there is we are enhancing the environment by allowing a little bit of planning development. In a similar sort of way you may find that if somebody applies to put an extension on their house they do not have a derelict glasshouse, but we say: "In response to having your extension on your house, we would like you to maybe give us a few hundred pounds towards planting some trees in St. Helier or a bench or new pavement or something like that." It is swings and roundabouts.

Deputy M. Tadier:

It is interesting. Can I just ask a more general question? It is about what you were talking about before about working with the community. Do you think it is important to have public buy-in to the development of St. Helier?

The Minister for Planning and Environment:

Absolutely.

Deputy M. Tadier:

Will you therefore be supporting the referendum I put on the table, so that the public can have their say in the future of St. Helier?

The Minister for Planning and Environment:

Which referendum is this?

The Connétable of St. Helier:

Esplanade Quarter.

The Minister for Planning and Environment:

Oh, Esplanade Quarter. The decision is to be made to the States as far as I am concerned. If you want to bring it back to the States and get the decision changed that is up to you. As far as I am concerned, no, we do not need a decision to be taken.

Deputy M. Tadier:

Except that there is not a public buy-in. It seems that a lot of correspondence that ...

The Minister for Planning and Environment:

There are a lot of vocal people and the media making noise. I do not know how you decide whether there is a public buy-in. There certainly is not from where I am sitting.

Deputy M. Tadier:

There is not a public buy-in?

The Minister for Planning and Environment:

No, sorry, there is not a majority of people out there complaining about the waterfront. A lot of people want to get on and do it. This is really important to our finance industry. This is part of the Future St. Helier plan. We have already discussed this morning how we want to move the business community into better quality facilities and we want to use those old offices to have more and better quality residential in St. Helier.

The Connétable of St. Helier:

With 3 open spaces, each of them bigger than the Royal Square.

Deputy M. Tadier:

It is just that I have never had anyone come up to me, and I would be surprised if anyone has, saying: “We really want the States to be developing office space on the waterfront, because we think that is a priority.”

The Minister for Planning and Environment:

You and I meet different people then. Lots of people come up to me and say: “We need the space.” If we did not need the space why ...

The Connétable of St. Helier:

Hang on, you will have your chance at the Assembly with this one. We have a couple of other areas we are not going to get time to cover. Can we just cover air quality? Monty is going to lead on that.

Deputy M. Tadier:

Yes, we can hopefully wrap this up fairly quickly. Although it is an important issue we may need to come back to. Just to talk about: is there any plan to develop and introduce an air quality law?

The Minister for Planning and Environment:

Not that I am aware of. I was, not very many months ago, in your position on the Scrutiny Panel facing the Minister for Planning and the Environment and we spoke about air quality and the monitoring in the Havre des Pas area and also in town. I am sure it is on record somewhere that I was quite critical. I was concerned that the quality of the devices that were being used to monitor air quality did not meet E.U. standards. I am also aware, and I am sure Willie is going to tell us, that we are not obliged to meet E.U. standards.

Deputy Chief Officer:

I take a step back in terms of a regulatory authority. We are not the regulatory authority for air quality monitoring or air quality management. That is very much run by Health. It would appear certain from our conversation ...

Deputy M. Tadier:

You do work together presumably.

Deputy Chief Officer:

Oh, yes, very much so. The information from them suggests that the quality of air in Jersey, through the air quality strategy, which was brought to the States in May 2013, is good and certainly comparably good with the U.K. We are nowhere near the situation that the U.K. itself has been in.

Over the last couple of weeks it has been ordered by the Supreme Court to get its house in order. The question is: do we need a bit of legislation? I do not necessarily think we need legislation. We certainly have 30-odd action points that came off the back of the air quality strategy, which need to be addressed across the Island. We, as part of the air quality strategy again, form a team which on an annual basis reviews those obligations or those action plans. We have had a relatively recent discussion with Health, who suggest that we need to review that again this year, 2015, because we are aware that there have been significant improvements made across those action points. It may well be that Jersey can cross a lot of them off. Yes, we do talk together about it, despite the fact that we are not the regulatory authority in general. But there are no specific needs, as far as I am aware, for a piece of legislation to cover what could be covered by a practical action plan.

Deputy M. Tadier:

If not regulation or legislation, looking specifically at the crematorium and the emissions that come out of that, not least mercury emissions, what steps are there to take to look at that issue and also perhaps to do with the Burials and Exhumation Law which may need updating?

Deputy Chief Officer:

Again, answering your second question first, we had very lengthy discussions under the auspices of the last Minister for Health and Social Services as to how we would review the requirements and the obligations under the Burials and Exhumations Law and the cremations legislation. It was agreed that the Minister for Health and Social Services would go have a look at that and potentially make modifications to it to allow alternative means of disposal of human bodies at a later stage. That is very much in the hands of the Minister for Health and Social Services. Since then, because there is no legislation to modify, we have taken a step back to allow them to move forward as they deem necessary.

The Minister for Planning and Environment:

From a political point of view, I might also say that I think the previous Minister for Planning and the Environment was quite personally involved and wanted his department to be involved. I do not share his views that it is quite as much of a priority for me as a lot of the other environment work.

Deputy M. Tadier:

Do you accept that when it comes to dealing with organic waste it is not just a Health issue? I know the law does sit under them, so clearly it needs cross-departmental work. We were talking about organic matter ...

The Minister for Planning and Environment:

We are not saying we are not going to be interested. We are. But this is primarily a Health issue. It is for them to lead on and not for us. This is very different to other environment ...

Deputy Chief Officer:

Absolutely. If I can perhaps reference your waste reference there? We are regulators of the Waste Law, which is a 2005 legislation, enacted in 2007. Human cadavers are not what we would consider to be, within the determinations of that legislation, a waste. So, that is not something that we have jurisdiction over. Whether that be burial or whether that be cremation, et cetera, again it sits with Health. Going back to your first point in terms of mercury, I am aware that our Health colleagues commissioned an emissions report or emissions review for cremations. They are now in receipt of that and are analysing it. It is not something that we are privy to as yet, because we were not the commissioners of the report, not being a regulator. They are intent on summarising the results of that report and presenting it to both the Minister for Health and Social Services and the Minister for Planning and the Environment. Until such time as we know ...

Deputy M. Tadier:

Okay. Do we know when that is going to come out and whether it will be publicly ...?

Deputy Chief Officer:

The report, I believe, is in the hands of Health. It is sensitive, insofar as how it is put together, in terms of analysing emissions on a day-to-day basis throughout the process of the report. It would be possible to link days and hence names, potentially, to the emissions. That is not something that would be useful to do.

Deputy M. Tadier:

The days could be anonymised.

Deputy Chief Officer:

Exactly. This is what I was going to...., the anonymisation and redaction of it would be required and then the information will be supplied generally to Health. I understand it is going to go on the website as well.

Deputy M. Tadier:

Okay. Thank you for that.

The Connétable of St. Helier:

Okay. It is now nearly 12.00 p.m. We have not got on to fisheries yet, but we will have to do that another time. Thank you very much, Minister and your team, for very useful discussions. Thank the public and the media for being here. Thank you, Ministers.

The Minister for Planning and Environment:

I thank you as well, Chairman. I understand that you take an interest in fisheries and there is an invitation to visit the fisheries vessel. I myself have dealt with those fishermen in February. I am sure you will have better weather in the summer. If you get the opportunity to go it is well worth it.

The Connétable of St. Helier:

Thank you very much.

[12:00]