

STATES OF JERSEY

Environment, Housing and Technical Services Scrutiny Panel

Quarterly Hearing with the Minister for the Environment

THURSDAY, 17th MARCH 2016

Panel:

Deputy D. Johnson of St. Mary (Chairman)

Deputy T.A. Vallois of St. John (Vice-Chairman)

Connétable S. Le Sueur Rennard of St. Saviour

Witnesses:

Deputy S.G. Luce, Minister for the Environment

Chief Executive Officer

Director for Environment/Deputy Chief Officer

Director for Environmental Policy

Director, Policy, Projects and the Historic Environment

Business Director

[10:31]

The Deputy of St Mary (Chairman):

Welcome to the Environment, Housing and Technical Services Scrutiny Panel. For the record perhaps we can introduce ourselves. I will start with myself: David Johnson, Deputy of St. Mary, Chair.

The Deputy of St. Mary:

Thank you for that. We have quite a long agenda, in a way, and it may be we might need to alter the sequence. The first question relates to ... it is not a personal thing, potential conflict within the ministerial role. My question is: given the Minister's responsibility as arbiter in appeals against planning decisions what part is the Minister able to play in discussions with the Council of Ministers concerning, for instance, the site of the new hospital?

The Minister for the Environment:

Thank you, Chairman. It is good to be able to talk about this. The role of the Minister for Planning has obviously changed a great deal since the new appeal system has come into place. My position, or the Minister's position, is that he makes the final decision after a potential appeal. That means you cannot get involved with specific live planning applications and it has been made very clear to me for obvious reasons that I must not comment or give any personal opinion on anything like a specific site. The future hospital is a good case in point and you are quite right, sitting round the Council of Ministers' table when the general site was being discussed was fine and I am in a position to help and guide Members as to what the Island Plan might say, but when the Council started to home in on where their preferred site might be I quite clearly said to them: "This is now a position where I am uncomfortable" and I excluded myself from all decisions about where the preferred sited of the Council of Ministers would be for the preferred hospital. I see it quite clearly that I can talk about the Island Plan, obviously there is a huge number of policies there, and I can outline to other people, not just on the hospital issues but on other issues, where the guidance is. But when it comes down to specific applications I need to stay well clear. I do, as I am sure you know, occasionally find myself conflicted through either personal friendship or sites in St. Martin's, which I represent as a Deputy. You will note that very recently I have appointed Deputy Anne Pryke as a second Assistant Minister to help out with a specific case where both the Constable of St. Brelade, my Assistant Minister, and myself are both conflicted as well. So we do take this area of having to come to planning application appeal decisions very seriously and we want to be able to put our hands on our hearts and say: "We have not seen the application, we have not considered it" and we come to it with fresh ideas as to the pros and cons of the application and the inspector's report when we are required to make the decision.

The Deputy of St. Mary:

Thank you for that, but leading on to the earlier part about your participation or perhaps non-participation in the hospital site. How is the cause of environment represented in subsequent discussions after you felt you cannot participate?

The Minister for the Environment:

I mean Kevin or Andy might want to put their own views on to this one, but certainly as the Minister and the person who is responsible for making the final decision I do not want to get involved in anything that might predetermine my views about any particular site. In the case of the hospital, certainly my officers have had a number of meetings with the team that were leading that and I imagine ... did you have any further meetings after I excluded myself from anything?

Director, Policy, Projects and the Historic Environment:

We have been in constant dialogue with the Future Hospital team, as we would do with any applicant of a major development site. If they want pre-application advice about the challenges that a particular site or sites posed, then the department is available to provide that informal officer advice to any prospective applicant, and that is what we do. So we advise them about the planning implications of the sites that they are considering and the planning challenges that that would present. Of course the Island Plan has many environmental considerations within it. As part of that process of pre-application engagement we would seek to ensure that they were fully cognisant of the particular challenges for each of the sites that were under consideration.

The Deputy of St. Mary:

But you obviously do not participate in the discussion with the Council of Ministers at decision time?

Director, Policy, Projects and the Historic Environment:

No, this was simply through the Future Hospital team, which is an officer to officer discussion; us simply providing them with that informal officer advice.

The Deputy of St. Mary:

You mentioned, Minister, the appointment of Deputy Anne Pryke, and I appreciate that was for a St. Brelade related matter. More generally though she has also been appointed ... she is a member of the Ministerial Oversight Group in relation to the hospital. It occurs to me that that appointment makes you also conflicted.

The Minister for the Environment:

Yes, but I would like to be very clear. The decision on the hospital will not conflict me. I have not been involved in anything where I predetermined anything to do with the hospital site. It cannot conflict me because it is outside of my Parish, and because of the type of development it is I cannot be personally involved because it is not a personal application, if you like, from an individual who I might or might not know. So I do not see that there is an issue with the hospital.

The issue and the reason that Deputy Pryke had to be appointed is that we found ourselves in a situation with a particular appeal.

The Deputy of St. Mary:

I appreciate that, yes.

The Minister for the Environment:

I would not, in any case, expect Deputy Pryke to be involved in the hospital one because it is quite clear I only am going to go to her for a decision where myself or my Assistant Minister potentially are both conflicted. It may be that my Assistant Minister, Constable Pallett, I might give the decision to Deputy Pryke rather than him. But it is very much to create a fall-back position for myself if I find myself in difficulty not being able to make a decision. Certainly with major projects like the hospital I cannot see any reason or any way that I would be conflicted on that.

The Deputy of St. Mary:

I was not questioning your lack of conflict there. Just going back to Deputy Pryke's appointment. Leaving the hospital aside, would she not be conflicted in other areas given her responsibility to Andium Homes?

The Minister for the Environment:

It may well be but what I was looking for, the situation with this particular appeal came about quite recently. Obviously I do not know anything about applications that are alive and determined. I am then only told when the appeal starts by the Judicial Greffe of this. I only see the paperwork and the name of the person involved when the inspector's reports have arrived in my inbox. At that point I start to read the appeal and say: "Right, okay, I am conflicted on this. I cannot make a decision. I personally know this person." At that point the inspector's report has come back from the U.K. (United Kingdom). The department want to act as quickly as it can. Everybody who makes an appeal is entitled to a determination in a reasonable amount of time and we wanted to move forward as quickly as we could. The way around this was to try to find somebody who had experience in planning, because that is an important consideration, somebody who understands how you use the policies and balance them against each other. Deputy Pryke is a Minister, but that did not stop her becoming an Assistant Minister in this particular instance. It seemed like a good choice to me. Obviously we have a number of people on the planning panel who are not available to make that decision because in the majority of cases appeal decisions follow an appeal to a Planning Committee itself. So they have already seen it. They have already pre-determined it. So they cannot get involved so I was looking for somebody outside of the Planning Committee system. Not my Assistant Minister, a third party, and Deputy Pryke seemed to fit the bill very well, mainly because of her experience with planning decisions in the past.

The Deputy of St. Mary:

I am not challenging either your or her credentials on that. My real concern was simply we now have an Assistant Minister for Planning who is responsible for other areas, particularly with regard to Andium Homes, and I was just really concerned as to whether that new appointment of hers puts her in a conflict situation in respect of other developments.

The Minister for the Environment:

We certainly would not put her in any sort of situation where she might be conflicted. If the situation arose where I could not make the decision because I was conflicted, as was Constable Pallett, as was Deputy Pryke, we would be looking again for another person who could come to make that decision. We hope that in Deputy Pryke's appointment we have found somebody that between myself, Constable Pallett and the Deputy we could have all angles covered, but I cannot preclude the possibility that some time in the future we may have an application where all 3 of us have to stand back and say: "No, we know this applicant", or we are involved or we are conflicted in another manner.

The Deputy of St. Mary:

So then you find another Assistant Minister?

The Minister for the Environment:

Most recently we had - a slightly different grain but on the same subject - the Gas Place appeal, which have been very peculiar circumstances. I had already predetermined it was a very important decision and only passed up to the Chief Minister who then delegated to Deputy Green. At that time it was a sensible thing to do. Gas Place then became part of the negotiation that might happen if People's Park became the preferred option for the Council of Ministers for the hospital site, because the Constable of St. Helier was talking about some other green land becoming part of the deal, if you like, if you want to use that word. It then became obvious at that stage, as the head of Health, Health were putting forward a hospital site which might need Gas Place as part of the deal and Senator Green was going to be conflicted there. So we then had to look for somebody else. We will always find and always have to look for somebody who cannot be conflicted in making a final decision on appeal.

The Deputy of St. Mary:

So just to finish this aspect off. If I read it rightly, the appointment of Deputy Pryke is really for a specific case; she will not ... you see her role as being fairly restricted.

The Minister for the Environment:

She has been appointed for the specific case but I needed to give that decision to an Assistant Minister. I could not just give it to any States Member.

The Deputy of St. Mary:

Okay, I understand that.

The Minister for the Environment:

So we have appointed her for that specific case but the idea in the future is that if we find any other challenging cases that I would pass them to her to do. I cannot preclude the fact that we may well have a case that she will have to put her hand up and say: "No, it is in my Parish" or, as you quite rightly say, maybe it is in her responsibility as Minister for Housing. She may have to exclude herself as well.

The Deputy of St. Mary:

But she would not be generally involved in your ...

The Minister for the Environment:

No, the idea is that she is an Assistant Minister purely for the taking of the seals on appeal that I cannot make and Constable Pallet cannot make.

The Deputy of St. Mary:

Thanks for that. My final question on this area is, it follows on in a way: in general terms do you consider that your responsibility in relation to appeals conflict with your own declaration to maintain open spaces, particularly with regards St. Helier which is one of the strategic priorities?

The Minister for the Environment:

I do not see myself conflicted. Certainly I have to make decisions in accordance with the Island Plan policies, and that is what I would hope would happen all the way through, whether it is a pre-application advice, officers that the planning panel or myself and the inspectors, for that matter, we all look to the Island Plan as the guidance document on policies and whether an application should be approved or not. In many cases, certainly the trickier ones, it is a question of balancing policies and deciding which ones you feel are more appropriate and which ones carry more weight.

[10:45]

When I get decisions to decide on an appeal in St. Helier I will be looking at the policies within the Island Plan as much as the inspector did and maybe the panel before them, and it is up to me to

come to conclusions as to how I feel the weight of certain policies may be appropriate or not. But certainly I am not conflicted in a way that I might say that I think more green space in St. Helier is an aspiration. It is a policy that is in the Island Plan at the moment, and Kevin may just briefly say something about that. As we get with a lot of applications, it is a question of balancing policies and the weight you put to them. I do not know if you want to mention the green space policies in the Island Plan, Kevin?

Director, Policy, Projects and the Historic Environment:

As the Minister said, the protection of open space is a material consideration if a planning application affects existing open space, and there is a policy in the plan that identifies the important areas of open space in St. Helier. There is a presumption in favour of their protection unless of course there is a potential to provide alternative space elsewhere, including the concept of the work that the Future Hospital team did. When they considered the People's Park option they obviously recognised that that would have implications for the loss of that particular piece of open space and, as a consequence of that, as the Minister has alluded to, they were seeking to explore what mitigation or offset they could secure to satisfy the terms of that policy, which is why they were looking at the potential provision of open space elsewhere. So that was simply reacting to the advice that we had provided to them about the implications of that site selection relative to that open space policy. But clearly had that transpired into an application the Minister would have had to have balanced those considerations when he received the planning application.

The Minister for the Environment:

Certainly it is a little frustrating in a way to move from the old system to the new. In the old system I could have got a lot more involved in live applications. I cannot do that anymore because I have to preclude myself in case I need to take that decision on appeal, as we have discussed. But what I see now is my role very much more so is to get involved in policy. So if I want to have an influence on the way things look in town, and let us talk about green space and amenity space, for example, I have to look to do that through drawing up new policy. Certainly we are in the middle of looking at residential standards, for example, and it may well be in the development of the new residential standards that we say we want more open space per unit or more amenity space per unit, and that is where I can have my influence now in the development of that new policy, and that will be adopted and that becomes planning policy and we can look to the people making the decisions to look at that policy and say: "Well, the new policy now says there is more green space so we have to ask for an application." Is that correct?

Director, Policy, Projects and the Historic Environment:

Yes, that is right. I think the other thing to bear in mind is, as the Minister has already stated, Future St. Helier is one of the Council of Ministers' strategic priorities in the Strategic Plan and in

the brief for that particular strategic priority there is a stated objective about looking at the levels of open space provision in St. Helier and looking at the potential to enhance that level of open space as part of the work that we did. For preparation of the 2011 Island Plan we surveyed all of the existing open space in St. Helier and classified that open space according to what sort of type of open space it was and started to look at potential standards of provision so we could assess the level of population that might be in an area relative to the level of open space provision, to determine whether there was sufficient open space. We are looking to refresh that work and to carry that work forward and to produce a new open space survey and an open space strategy that will assess current levels of provision in town relative to existing population and future population in town, to look at whether or not there is sufficient space in town at the moment, and whether we need to provide more. So that work is currently an active piece of work that is being undertaken as part of the Future St. Helier work. Clearly since the adoption of the 2011 Island Plan we have seen new areas of open space in town. The Town Park has come onstream. We have got new open space down at the waterfront so we need to update that piece of work and just look at what the current situation is.

The Deputy of St. Mary:

Just a clarification: no one here was querying your environmental credentials. It is simply that we were concerned at your commitment to maintaining the green and pleasant land, which you have referred to that the new appeal system might restrict them in some way but you have explained, thank you, where you are. Perhaps we could move on to another topic now.

The Connétable of St. Saviour:

The water strategy; how is that progressing?

The Minister for the Environment:

I will just give a brief overview before I hand over to Willie. But I think it is fair to say the water strategy, as we all know, is something that has been in train for a while. Nitrates generally have been the thrust of the new water strategy and we are determined to work with the farming industry to find ways to reduce nitrates in ground water. Certainly the industry are improving every year and they get better and better but it is still an issue. It is a challenge for Jersey Water. As we know, at certain times of the year the nitrate levels just exceed where they might be and Jersey Water blend ... I mean there is never an issue that Jersey Water cannot overcome but we have known when it comes to the water strategy that we needed to focus on nitrates, and I think I am quite close to coming up with a document which would be fine. I think it is fair to say that in the last few weeks the issues that have been raised over pesticides are going to mean that we will want to have another look at the water strategy to make sure, before we publish it, that it covers all

the angles that we might need to look at again in that direction. Maybe, Willie, you would like to just explain.

Director for Environment/Deputy Chief Officer:

That is absolutely right, Minister. We had an opportunity to brief the preceding panel, which I think we certainly found useful to be able to talk to them about it and hopefully they found it useful. We have been liaising with Sammy McKee with a view to doing the same again for this panel, and that was scheduled for before, I think, the end of the first quarter. I think the Minister is right. It is a strategy that looks at sources, volumes, quality and then risks to the Island's water with a view to trying to ensure that all the water we have got complies with drinking water standards, bathing water standards, the requirements of the E.U. (European Union) Water Framework Directive, and as the Minister stated, is currently focusing on nitrates because that has up until now been the principal area of concern; the issue over the last couple of weeks in terms of finding oxadixyl in water supplies or other more seasonal pesticides in water supplies has forced us to consider whether we should be reviewing this document as it currently stands to reprioritise action on pesticides into the future.

The Connétable of St. Saviour:

Can I just say that you test the water on a regular basis, that is not a problem, but is there any reason why it has never been tested for eelworm? Are we just going along with what the U.K. directives say or is there any reason why, knowing that we have a problem with eelworm on the Island because of the farming practices, that this has never come up before?

Director for Environment/Deputy Chief Officer:

I would separate the 2 things. The oxadixyl itself has recently come up because of a change in laboratory by the operator, which in this instance is Jersey Water.

The Connétable of St. Saviour:

That was a banned substance, was it not?

Director for Environment/Deputy Chief Officer:

It is an interestingly phrased term that, "banned substance". The substance itself ceased to be used in 2003 so it was taken off the shelf essentially. In the European Legislative context as soon as it comes off the shelf then it is on a banned list. That does not mean it was banned for any particular reason, it is quite an emotive word obviously. What it does mean is that it is discontinued. It was discontinued at the time for, as we understand it, commercial reasons rather than anything that is health related, and we do know that it is being used in Australia and New Zealand at the moment. So the term "banned" is something that needs to be used in the right

context. So, no, we have been testing for it more recently obviously and we have picked it up with a new laboratory. The reason why Jersey Water have picked it up is because the laboratory that they use in the U.K. has been dealing with a point source pollution event, which they needed to analyse water quality for oxadixyl. The fact that it went out of general use here in 2003 puts it on a very low-risk category from our perspective. There are many other compounds that have been used since then, which we need to make sure that we are prioritising sampling for. So we were rather surprised to pick this up because we would not necessarily have anticipated it being in the water course over the last ... well, 2003 to now. But I am very glad we have picked it up to allow us to do something about it.

The Minister for the Environment:

I would not want to give the impression that we are going to have to rewrite the whole of the water strategy because we will not. But just to embellish a bit of what Willie is saying. There are certain sections where we have been concentrating on nitrate and we will be using the calibration of machines that sow fertiliser and the calibrations of machines that spread slurry and the operators and the training and where we might put slurry and at what times of the year and restrictions. What we probably need to do is to just look back over all that and say: "Right, have we got enough ... are pesticides relevant in this particular section?" and they will be because the operator needs to be trained, the machines need to be calibrated just the same. I think we need to look over the whole document and just make sure that pesticides are given the level of importance that they should have, and there will be some specific sections because there already are specific sections about pesticides, and we need to look again to make sure that they are beefed up.

The Deputy of St. Mary:

Given sufficient credence.

The Connétable of St. Saviour:

I know with the slurry spreading we get papers on the farm telling us where the water courses are and where we cannot use them and where we can. I do not use pesticides because I am one of those organic ones, but I know that you do do your best by advising farmers where they can spread slurry and where they cannot spread slurry. Are you going to bring that forward again and say: "Look, somebody is not doing this"?

The Minister for the Environment:

I do not know that that is strictly the case because I think what we have at the moment is an industry that is very responsible. They do get the maps, as you say, they know where the water courses are, and as a matter of course now all the operators are trained to have all that information with them so they know where they can or where they cannot, they know how much

they can put on and how much they cannot. We are not for one minute saying that anybody is breaking any of the rules because what we think might be happening is that as technology evolves we are finding things that we could never find in the past; for example, the rules are 0.1 is the limit. Now when that limit came in, 0.1 was the lowest amount you could detect. We are now detecting down to 0.01. So detection levels and technologies are allowing us to find all sorts of stuff we never knew was there before, so that is one of the things. But the industry is more geared up than it has ever been. The operators are more trained than they ever were. The machines are now satellite controlled and all the stuff that I do not even understand, but hugely more accurate. Of course the sprays themselves are more environmentally friendly than they ever have been. So we are not saying for one minute that anybody is breaking any of the rules or any of the guidance but what we need to do, in a Jersey context, if you like, is to look at is the type of cropping, the type of rotation we have, is that having an effect on an overall picture over 5, 10, 15, 20 years, because we have to remember our potato industry in Jersey is absolutely unique. We grow the same potatoes in the same fields year after year and we have done for a century now. Is the cumulative effect of what we have been doing affecting something which would not be considered in other parts of the world? For example, in the U.K. or France and the E.U. you would not grow potatoes continuously in the same field. So the sprays and chemicals are evolved with that in mind. It may be that we need to look again at how our growing patterns might have a greater emphasis.

The Connétable of St. Saviour:

Looking on in an environment perspective, do you think that the unprecedented rain and the weather we are getting now and we are obviously going to be in that little ... we are moving towards that is going to be happening on a regular basis, do you think we have to take that into consideration?

The Minister for the Environment:

We know by climate change that the extremes of weather are going to increase, it is going to be hotter, colder, wetter, drier for longer periods of time, so we must get used to 2 or 3-week spells of nothing except rain or nothing except high temperatures, and that is a challenge because we do not have data which informs that because the data previous has all been seasonal. One of the reasons why we are doing so much more borehole testing is that we need to understand a lot more before we make decisions and start seeing how we move forward. Certainly with the oxadixyl, one of the things we need to understand is where is it below ground level. Where is it in the water table? Is it down deep, so if you have got a 300-foot borehole it is all concentrated at the bottom? Is it sitting in layers? Certainly the President of the Farmers Union this week suggested that in other parts of the country it sits in layers where you have clay. You may have a layer of clay 15 or 20-feet down and the oxadixyl would sit on top of the clay. But we just do not know the answers to those questions.

The Connétable of St. Saviour:

Then you get a bloom of it coming up ...

The Minister for the Environment:

It is not impossible. We know we have had unprecedented amounts of rain in the last quarter, the last 3 months. It may be that that amount of rain is pushing the chemicals up out of the streams and the boreholes. It may be that it has gone down. We really do not know. But we know that water is safe to drink. We have not had any results over the health limits.

[11:00]

But we need a lot more data and we need to find out exactly what we are dealing with before we come out with any further restrictions.

The Deputy of St. John:

Will you be going out to consultation with the strategy?

The Minister for the Environment:

The water strategy?

Director for Environment/Deputy Chief Officer:

It is proposed to be an R insofar as it is coming off the back of legislative requirement in a European Directive. So it is essentially a series of actions that we would wish to be taking this advice on. So it would be an R to the States.

The Deputy of St. John:

Just a report to the States?

Director for Environment/Deputy Chief Officer:

Yes, but obviously we want to bring in as many people in a pre-consultative means ... technically historically we have come to Scrutiny and we have obviously been in contact with the Nitrates Working Group in order to try to glean as much and as well-informed information from the countryside and from users generally as to the effects of this and to quality of water issues.

The Minister for the Environment:

We had a lot of discussion about whether we brought it as a P or an R. It is not something ... we did not just make the decision quickly. We spent a long time deciding whether we could have the strategy finished in time for the M.T.F.P. (Medium Term Financial Plan) debate because there may

be some funding requirements in it and at the end of the day we decided that we probably would not have it done in time, so it would be very unfair to rush it through just to make sure we had the funding requirements in the M.T.F.P. So we decided no. So we will come with an R but it is not an R that we do not want people to read or get involved in. It is just the reason we have done it that way.

Director for Environment/Deputy Chief Officer:

We tend to work in a very collaborative way as a department. The problem being if you go ... as predominantly a regulatory department that you go in with a big stick after the event, if you like, it is very costly and it is very resource hungry of officer time and law officers' time. If you can go in and be very collaborative and try to include as many people upfront then it works wonders in terms of trying to get the right messages across as far as we are concerned, so we much prefer to operate in that sort of way.

The Minister for the Environment:

It may be that the requirement for us to now look at pesticides again may change our view of where we are on the funding requirements for the strategy. It may be that we find in a couple of months' time that we say: "You know what, we do need another person now to administer some part of the strategy because of the uprating of the pesticide issue." We do not know.

The Deputy of St. John:

So will there be an action plan that sits alongside the strategy then?

The Minister for the Environment:

That is right.

The Deputy of St. John:

How long do you expect the strategy to last for before reviewing it?

The Minister for the Environment:

I think it was a 10-year strategy. But it is just a further evolvement of where we are at the moment. Certainly Scotland have informed quite a lot of the work we have done. They have got some rules and regulations in the way they operate up there with controls of nitrates was very helpful. One of our lead officers spent some time with them to see how we might move forward. It is unfortunate in a way but nitrates were the driving force behind the strategy and finding ways of reducing the nitrate because it is not just the fact that Jersey Water have an issue with nitrates, it is an expensive ... the requirements that build kits to take the nitrates out of the water is expensive. Certainly, as we know, the Department of Infrastructure were talking about £30 million bolt-on to

their new plant to remove nitrate. We know nitrate has an issue in water. We have got the sea lettuce in St. Aubin's Bay. We know it is not all because of the nitrate that comes off Jersey. A lot of it comes from France. But it is, when you analyse it, much simpler to solve the problem at source. It is much simpler to get the farmers to modify their processes even further to try to reduce the nitrate that is getting into the water, into the streams, and into the reservoirs. If we can do that, that will start to solve a lot of these issues for us. So solving it at source has been the thrust of the strategy to try to find ways to make sure that it is always put on when it can be absorbed by the plant or taken up by the plant.

The Deputy of St. John:

When do you expect to report to the States with the strategy?

The Minister for the Environment:

If you had asked me 3 weeks ago I would have said certainly this side of the summer. I have to say now that we need to concentrate on our operating and samples, we need to find all the data, get as much data as we can about this oxadixyl and other pesticides. We need to look again at pesticide use on the Island and we probably then need to sit down and decide whether we ... how much or how little of that we integrate into this new water strategy.

Director for Environment/Deputy Chief Officer:

Harking back to the question that the Constable was asking earlier on. You were talking about slurry applications, that is dictated ... where you can and cannot apply slurry is very much dictated by the terms of good agricultural practice which sits underneath the Water Pollution Law. We need to develop what are known as general binding rules through this strategy, which will develop the same sort of plan of action or key drivers for pesticide users, which will say where you can or cannot ... or formalise where you can and cannot use those. Of course it is dictated already by the product themselves. It advises where you should and should not put these things. But it would be useful to develop a more prioritised list of actions, as you said, Deputy Vallois, to try to ensure that we have got as much control as possible on applications of pesticides.

The Deputy of St. Mary:

Moving on now. The previous panel collected a supply of housing review last September, and leading on from that, what consideration, if any, has been given by yourself and the Minister for Housing collectively to identifying a list of additional sites for new homes since that time?

The Minister for the Environment:

The statistical results came out yesterday and it is fair to say that the numbers need ... we need to understand more what comes underneath the numbers. I might just say that the demand for 3

beds has moved to 2 beds. If that is right we need to understand why that has happened and certainly when it comes to housing supply the numbers that came out yesterday I thought were quite good but we need to understand more before we move forward again. I have always been reasonably critical of the States policy with buildings that they own generally, and certainly I would say that some of the States-owned sites will be identified for housing in the past, having come forward as quickly as I would have liked. Certainly I can remember some land site being there to be built on some time ago and it is still ... well it may be closer but it is not anywhere like as close as I would like. The hope will be obviously that as we move forward with the police relocation that that site becomes available. I think my feeling, my first gut reaction to the numbers that came out yesterday, is we are delivering more than we did in the past. We are in a better situation than we were. I am not saying that we cannot do better but we are in a better situation than we were. We know certainly the department we have some schemes coming forward. The 2 sites that were rezoned ... the 2 large sites that were rezoned in the last Island Plan amendment debate, the Samarès Nursery site and the De La Mare Nursery site at Grouville, are both in train. I do not know if you want to talk a bit more about that. I do not know about specific applications but I know that certainly they are moving forward.

Director, Policy, Projects and the Historic Environment:

I am not sure that we have received applications yet but they are certainly progressing those sites and we have certainly held pre-application discussions on both of those sites.

The Minister for the Environment:

We know other private sites are starting to deliver. I would like to think it is fair to say that the numbers that came out yesterday do not reflect what is being built or built out at the moment. So there is some catch-up to be done there. I think we are about 500 units better off than we were the last time we had some statistics. I know there is a change in the demand. As I said, there is a move from 3 beds and more demand for 2 beds. We need to understand why that is. Is that because people cannot afford to aspire to 3 beds anymore and they now find themselves with a bit more of a financial challenge, only able to afford 2 beds? So the demand for that ... we need to know why those numbers have changed. But I think generally we are doing better and we will do all we can to carry on doing better. From a Minister for the Environment's perspective, with my planning hat on, certainly in the Island Plan, in the North of Town Masterplan, we have got any number of plans that identifies areas and sites where we will need housing. I am well aware that if these sites do not deliver or are not delivered, if they do not become housing sites, the demand and supply numbers that we get on a much more regular basis now will show that and we will need ... and I will not be afraid to go back to the Assembly and say: "We are not delivering as much as we should be, sites are not coming forward, we need to look at other ways to find sites for that demand."

The Deputy of St. Mary:

Just leading on from that; are you happy that your target for delivery of the 1,000 affordable homes by 2020 will be achieved?

The Minister for the Environment:

I think it will. I am aware that in the last couple of years we have fallen a bit behind but I think certainly in the coming couple of years we are going to catch up. Having said that, I fully accept that it is very easy to say that and things in the future do not always turn out as one might wish. So certainly from my perspective there will be a lot of emphasis to make sure that we deliver on what we say we are going to, but I would be much happier to sit here and say: "Yes, we have done better in the last couple of years than we thought we would and we might not do quite as well in the future." Fortunately it is the other way round. But the sites are there. Do you want to say a bit more?

Director, Policy, Projects and the Historic Environment:

One of the pieces of work that we are undertaking, which flows from our monitoring of the Island Plan, but was also picked up in the housing strategy, was about the publication of regular monitoring of housing and supply. We will, in the next quarter, be releasing data about housing supply, so looking at how the Island Plan has performed since it was adopted in 2011 and looking at its performance against the targets that were set out in the Island Plan. I think, as the Minister has already intimated, the outputs were a little bit underneath the targets for the first 5 years of the plan but of course it is a 10-year plan. So we will need to take a view to look at the existing planning consents that we have got, the existing planning permits that are now on site, and I think we all recognise that the construction industry has been through a dip with the recent recession. We are now seeing a lot more activity on sites, planning permissions taken up and implemented, and so we will need to reflect that in our housing supply figures. So we will be looking at how many planning consents are now on site and are due to complete over the next year or 2. Then also reappraise the assumptions that we have made about future sources of supply going to the end of the planned period. I think generally our view is that the plan is performing well against its targets and it will meet its intended targets by the end of the planned period.

The Minister for the Environment:

One thing we do not have control over is people building out applications that they receive approval for. Certainly I have said in the past that one of the criticisms that is levelled at the department is that there are thousands of flats, which have been approved by the department, and there is still all this demand and it is the department's fault. Well unfortunately we do not have the ability to force people to build out applications that they have approval. I have said that from a planning perspective I feel the department, we want to be able to plan for the future, inasmuch as

a set of plans it is also planning for the future and if we give approval for a certain number of units it would be nice to feel that those were being built out because it then allows us to plan for how we are moving forward over the years. One of the things I have indicated, and something I now have in train to try to put in place, is to make approvals only last for a shorter period of time so instead of 5 years I am looking at maybe bringing that down to 3 years. Generally trying to find ways that work where I can encourage people to build the approvals they get. It is hugely frustrating for the department to grant approval for large schemes which are never going to get built. It is frustrating because you see the ability there to do it and provide homes for people but you know sometimes that certain sites are only getting approval because the valuation will increase and the owner will sit there and abuse that increased value in another way. So I am looking at any ways that we can to try to tighten up or ... I say "tighten up" is the wrong word. But to encourage people to come to the department, make an application, and go away and build it. It is much easier for us to keep a handle on what is coming forward. If we knew everybody would build every application that was approved we could have a much better way looking forward and seeing where sites are coming and how many units are coming forward.

The Deputy of St. Mary:

Yes, I know that was one of your previous concerns, indeed the previous panel understood it and agreed with you on that. So the incentivisation process, could that involve ... you mentioned reducing the time of the permit or you could even also an annual renewal fee, could you not?

The Minister for the Environment:

That would be a consideration but certainly something we are well aware of is the fact that you apply, you get approval.

[11:15]

At the moment it is for 5 years and at the end of that 5 years you are entitled to come back to renew that approval without any cost. If there are no policy changes, no other implications to the plan you have had approved, you just get that as a fairly regular matter of course. That might be something else that we want to look at. But as with anything, quite often I find I have ideas ... I was going to say good ideas but they are not always good. I have ideas and discuss them with officers and find that there is a lot more to it and certainly with my idea to reduce from 5 to 3 years, that would appear to try to encourage people to build, but what we do not want, at the same time, is that people think: "How do I get over the start of building, so I have started to build?" and the last thing I want is building sites all over the Island with a hole dug or just the foundations laid or half a building because that allows the person who has the approval to say: "Well, I have started building so you cannot now take that permit away or you cannot recharge me." So there are lots of

challenges but we do need to try to find sensible ways of moving forward to encourage people to build out.

The Deputy of St. Mary:

On that, as I say, I appreciate the previous panel were aware of your concerns. Is there a framework in place as to bring new ideas forward to a proposition of any kind, I mean how far down the line are we on that?

Director, Policy, Projects and the Historic Environment:

We are undertaking some work on the Minister's aspiration to reduce the length of the permit duration at the moment. That is likely to be a form of supplementary planning guidance which would be adopted by the Minister. So we are just exploring the mechanism that allows us to bring that forward. We envisage making some progress on that probably in the next quarter.

The Deputy of St. Mary:

That is on the reduction of the planning application ... what other ideas?

Director, Policy, Projects and the Historic Environment:

I think in terms of other ideas, a good example is around some of the work that we have done previously around North of Town Masterplan, for example. We can encourage development in a number of ways using the planning system and one is providing developers and land owners with more confidence about their abilities to secure consents for development. In undertaking the work to prepare a North of Town Masterplan that encouraged the number of land owners in that part of town to look more constructively at the assets that they had and, as a consequence of that, we have seen a number of schemes that have come forward certainly in terms of development proposals as large sites in that area of town have come forward and manifested themselves in terms of planning applications and planning consents. We are awaiting for that to sort of complete the cycle and go through into actual construction on the ground. But by providing that forward planning guidance we can encourage landowners and developers to be more confident in what they might be able to secure on those sites and it helps us deliver some of the objectives that we have about providing more homes and things like more amenity space, for example.

The Deputy of St. Mary:

I appreciate that. My specific question was really more directed to the concern the Minister has that there are planning applications, the blank consents out there, what could we do to encourage them to get on the build. Is there a sort of thought process going on now which will bring something forward?

Director, Policy, Projects and the Historic Environment:

I think in terms of existing consents where there is probably not a lot we can do in terms of the existing consents. In terms of consents that we might award in the future, including the issue of reducing the duration of that permit, is one means of doing that. Other than that you might be looking at sort of fiscal measures, and I know in other jurisdictions they are looking at other fiscal measures that they might use. For example, some form of tax to tax unimplemented consents or vacant sites. I know in Ireland they are doing some work around that. They have got a particular challenge in Ireland around empty sites or half-constructed sites, so they are looking at mechanisms that they can use to ensure they are built out in some way. But they are not mechanisms that we are currently exploring in Jersey at the moment.

The Minister for the Environment:

I was just going to say - I am sure we may well come on to it later - but this is where the infrastructure levy may or may not have some bearing in the future. Certainly my aspiration for the infrastructure levy, as we know, is to help with the Future St. Helier project, which is a strategic goal of the Council of Ministers to put more housing and more people into St. Helier and that is where we want them to live, but at the same time we want them to enjoy better open green amenity space.

The Deputy of St. Mary:

I do not mean to be discourteous and interrupt you. We have a section on that.

The Minister for the Environment:

I am sure we will come to it then; that will be fine.

The Deputy of St. Mary:

Thank you. The final matter on this particular aspect is, as I say, we did do a supply of housing review and it contained a number of recommendations which were accepted in the joint sponsor himself and the Minister. Without going through the detail, could you arrange for the panel to have direct confirmation of the actions which you agreed should be taken by the end of the month, if possible?

Director, Policy, Projects and the Historic Environment:

The Minister for Housing and the Minister for Planning published a response to the Scrutiny Panel's report, which I believe was tabled to you. We can update that if that is of value

The Deputy of St. Mary:

You agreed certain actions will be taken by the end of March, is all I am saying, and can we have an update so that we know where we are on it?

Director, Policy, Projects and the Historic Environment:

Yes, we can provide you with a written update on that.

The Deputy of St. Mary:

Thanks. That is the end of that particular section on housing strategy.

The Deputy of St. John:

Just moving on to Island Plan. Do you think the Island Plan is delivering what the people of Jersey want?

The Minister for the Environment:

How long have we got?

The Deputy of St. John:

Very succinctly.

The Minister for the Environment:

One of the challenges, and it is interesting, we have just been speaking about the North of Town Masterplan and delivering more sites in St. Helier. Everybody, I think agrees that we need to do better and we will do better. But it is interesting that when you propose a site everybody agrees with a particular policy and then you come along and you propose a site which fits in with that policy. Then you start to see the objections. One of the difficulties you always have with an Island Plan, and other strategies as well, that the general thrust is always politically acceptable. We know that we want the countryside to stay green and pleasant. We know we want to restrict building on our coastline because it is something beautiful. We know now that we want to house the small increase in population in St. Helier and we want to do that in a better way. It is when those physical applications transmit on to a piece of paper and people see a large scheme or a new scheme or some major development alongside their neighbourhood that they object. Yes, there may well be a lot of people who are unhappy or happy with the Island Plan and say: "Yes, this is the strategic way we want to go forward. As long as it does not involve any building next to my property." In essence, that quite often is the case. But I think when we look back at the Island Plan and what it has delivered for the Island generally over the last 50 years I think we can be relatively satisfied compared to other jurisdictions. We do not have ribbon development in the countryside so our roads are not continuously ... we do not have housing or buildings on both

sides of the roads and all the fields hidden behind. In a lot of places the buildings are in blocks so that the countryside stays open. I think we have done a relatively good job of protecting our coastline. I know some people would say ... they would disagree with that. You are always going to get people who agree and disagree. But I think if you look over the Island generally, at the moment you would say that the Island Plans over the last 10, 20 years have probably delivered us pretty much what we were after.

The Deputy of St. John:

But if we look at the current Island Plan, do you not think it is overly complex and fairly contradictory and therefore difficult for people to deal with? You have just stated some very high principles there about what it is that people want or what the politicians would like to see; why is it the document is so huge and the complexities around having to compare, contrast all the differences inside it?

The Minister for the Environment:

I could not agree with you more. Is it too big? Absolutely. Is it difficult to use? Absolutely. The fact that it is so large makes it ...

The Deputy of St. John:

Bureaucratic?

The Minister for the Environment:

... very likely that you can find part of the policy which will say yes and a part of the policy will say no to the same application. But that is one of the challenges of planning. There will always be the green and open policy which protects the countryside against the requirement of people to build more houses and to have more facilities. I do not know if you want to mention ... it is always going to be an issue.

Chief Executive Officer:

I think that is exactly the issue. It is a very ... in deciding what we do in our land in places are very complex discussions. There are always 10 cases for, 10 cases against, and it is a huge balancing act across all those environmental issues. Certainly the Minister is right in saying we are looking at how that Island Plan is used and how we can make sure it is as streamlined as possible, but there are a lot of things in there that are probably ... they are relevant. There are a lot of issues there that we have to take into account. Yes, the challenge is we need to make sure that, with our efficiency hats on, is it as efficient as possible? Is it as usable as possible? That is probably a better word. But undoubtedly the variety of issues that the planning system has to take into

account is not getting any smaller. It is probably getting bigger every year we progress to sort of the planning system.

The Deputy of St. John:

I think that is what worries me is that the general population have busy lives. When are they going to get to sit down and read a full document and understand the full Island Plan in order to contest something next door? I mean it is going to cost them a fortune going to the lawyers, et cetera, to get specific guidance or architects, things like that. In terms of practicalities in trying to achieve exactly what it is that the people want is there not a better way to achieve that?

The Minister for the Environment:

The difficulty is that you are never going to be in a win-win situation with something like the Island Plan. Either you put a lot of detail and you are very specific about the “dos and don’ts” throughout every part of the construction industry, which makes it enormous and very difficult to use. If you do not have a level of detail it then becomes so vague when you submit an application that people then get confused as to whether it should be passed or not, and I think this is a difficulty that Kevin and the policy team always face. You need to have a level of detail and how much is the challenge.

Chief Executive Officer:

I think the issue about what the people and the public want, they probably want a variety of things. They are not always the same thing either. We have got very diverse sections of the community so, to a certain extent, that is why it is such an engaging public consultation process. We do have to engage as much as we can. The last Island Plan went out to consultation probably ... it was probably a good year of consultation prior to, in terms of formal stages of the consultation. What I can safely say is that we will never please everyone in the Island in terms of what the public wants. The overarching principles of coastline and countryside protection, urban regeneration, again have been the bedrocks of the Island Plan process through its iterations in the sort of 40, 50 years we have been running the system. A lot of people are apathetic about planning until it transpires, until you get a planning application, then people do want to comment. People in various parts of the Island do not want any development near them. They would rather have it in some other areas of the Island. Those areas want it in other areas of the Island. There is a hugely diverse variety of views all the time around what do we do with our land use and whose needs are met and whose needs are not met. So, to a certain extent, society is not getting any less vocal about things. Invariably we try and respond by the Island Plan. The Island Plan probably is as big as it is because we get a variety of views all the time. We try and take into account all the issues, but I am not sure there is an easy solution. We will certainly be looking for the next iteration of the Island Plan to make it very clear that we are as focused in that document as we can be and we are

as engaging as we can be so that it becomes a document that people find more usable. Overall the planning system is there for the public interest. It is the job of planning officers to do all of that balancing and then to write their thinking down.

The Deputy of St. John:

I go back. The issue is though is how much public interest can you gain if people do not have the time to read it? People's lives are only getting busier and so, like you said, the only time they are going to go to it is when it becomes personal to them. They are not necessarily going to consult on it right at the beginning because they will think: "Well, it does not affect me" or they do not really ... do you see where I am coming from? It is very difficult.

The Minister for the Environment:

Out of the 4 politicians here, Tracey, you are the only one who was here for the last Island Plan debate and I do not know if you want to even begin to remember it.

The Deputy of St. John:

No.

The Minister for the Environment:

But it was not ... I was listening from the outside but it was not a pleasant experience for anybody but I think it does show the difficulties we face and, as Andy said, a year in consultation and you think you have got all your ducks in a line and you end up by lodging and then all of a sudden the amendments start pouring out of the woodwork and you make changes right at the last minute after you feel you have got everything lined up and you have spoken to ... everybody's views have been taken on board, you think you are there and I mean poor Kevin has not gone grey ...

Director, Policy, Projects and the Historic Environment:

I used to have brown hair before I

The Minister for the Environment:

But Andy is right. You can never please everybody all the time.

[11:30]

The Deputy of St. John:

I am not suggesting that you can, I am just trying to see whether your thinking ...

The Minister for the Environment:

We certainly take your views on board. I mean we are hoping not to start any major work on the next Island Plan in this session and certainly there will be some very high level scoping of how we move forward, but the next session starting 2018 I think we will see the start, and Kevin will have to be ready at that point, to start the work on the new Island Plan for 2021. It will be a big piece of work obviously. But if I have anything to do with it I would like to see the document slimmed down. The question will be how much can you slim it down and still have enough detail that it does not become vague and woolly, because if you do not set clear policy in it you then allow people to come in with all sorts of vague applications and then the poor development control officers, who have to make the decisions, do not have a clear policy in front of them to make a decision as to whether something should be accepted or not. So it is a terribly difficult balancing act.

Director, Policy, Projects and the Historic Environment:

I think it is always a challenge to us as to, as you say, engage in people and raising their awareness that this document has some import to their lives, whether they are going to be affected by development or whether they want a home to live in or a school to go to or somewhere to work. It is engaging the public in the significance of the document at an early stage. That is always a challenge when you have not got a live issue or a live planning application to deal with. Each time we go through an iteration of the Island Plan we seek to explore new ways of doing that and, as Andy mentioned already, the last Island Plan had a significant consultation period, we had focus groups, we had workshops, and included things like the rise of social media and online stuff. We used online consultation last time. So we try and explore ways of doing things each time we go through the process to make sure we get as much buy-in to the product, to the outcome, as we can because clearly that makes it more valuable and more owned by the Island community and more acceptable in terms of its use once it becomes an active document. One of the things that we did last time around, we made a conscious decision to make the spatial strategy, the strategic strategies of the plan, actual policies so therefore the States would need to discuss them and approve them. Previously they had just been there as a strategic context to the document. So things like, as the Minister just outlined, where development would go in the Island was there as a spatial policy and a plan which says essentially we are going to protect the countryside and the coast and we are going to concentrate development in the built-up areas. In the last iteration of the Island Plan we had a slightly different approach where we started to do some development around the countryside. In each of those cases when push comes to shove however people struggle with accepting the strategic principle but then being accepting of the consequences that that has on the ground. We have resistance when we do rezoning, propositions, and we have resistance when we seek to focus large development in the urban areas. It is always a challenge at what level people engage and when they become really involved in the discussions of it.

The Minister for the Environment:

Density is an issue, which I am sure we are going to be looking at quite closely in the next few months because, for example, let us take the Gas Place site. It has been identified as a site for housing, as has some greenhouse sites. When you say: "Right, we are going to put houses on the site" we know land in Jersey is so precious we must not waste any space. We do not want to cram people in. But at the same time you cannot cover an enormous greenhouse site with 3 bungalows because that is just not good use of space. So you have got again this balance between making sure everybody has the right residential space; that is why we are looking at the standards there. You want parking, all this type of thing needs to be balanced but you cannot waste space because we are not building it anymore. Every site that is identified to be rezoned you have to make the best ... I think the word is "optimum" now. Certainly we do not want to maximise but we need to optimise what we are doing with this and it is a real challenge. We go back to Gas Place, which is why I thought of it when Kevin was saying about the kickback. We accepted maybe there should be ... we accepted, it is in the policy, there should be housing on that site. When housing is proposed it is then too high, too dense, too many people. It is always going to be a balance and if we are going to put housing there we cannot just put 2, 3-bedroom houses on the site. We have to make best use of that area because we have decided that is where we want to be. Getting back to the Island Plan; any views, any help you can give us with how we move forward with the next one, we are open to consultation. It may be that you would like to think ... just think out of the box and you might think ... you talk about engaging with the public, would we be better to engage on a particular section at once? So maybe break the Island Plan down into last 10 years, but this section will do the next 10 years, in 2 years' time we will do another section. Then how do those ... you might do a bit about development in the green zone or what have you. Every section relates to the other bits so how can you have a new policy of a one-bed and then leave another piece for another 2 years? It is really tricky. But we would love it to be simpler. We would love it to be smaller and easier to use. We really would like the public to be engaged and have feelers if they informed what moves forward. But it is really difficult.

Director, Policy, Projects and the Historic Environment:

We are looking at the, as has been intimated already, process by which the plan is adopted and whether we can engage States Members more actively in the earlier stages of the plan-making process to ensure that we are more able to deal with some of those amendments that otherwise might come on the floor of the House, which might have been able to be dealt with much earlier in the process and just absorbed within the plan. We are looking at that process. We are also conscious of and we look at plan-making processes elsewhere. There were some announcements made yesterday in the Budget in the U.K. about simplifying plan-making processes in the U.K., getting local plans down to 50-page documents. So we are always looking at how we can improve what we do. Clearly from both our perspective, other stakeholders and

States Members' perspectives we will try and ensure that we come forward with processes that are as efficient as possible.

The Deputy of St. John:

I am just aware we are running out of time, but before we finish on this one, in terms of the Island Plan, do you ... before the next planning process for it do you take notice or take in comments from people who use the system or people who have been exposed to the system as to their views on the Island Plan and how it does or does not fit on an annual basis type of thing, so that that can help you?

The Minister for the Environment:

Certainly I said to development control officers not very long after I became Minister, and I also say to the planning panel who have to make tough decisions on a monthly basis, I say to them if they find there is a policy which they say ... they dig a policy out and it says you must or you allow ... so they say yes. If they know in here that it is wrong they need to come and tell me. We need to discuss that. If we have not got a policy in the Island Plan, for some reason it has found its way in there but we cannot practically use it in a common sense sort of way, we need to do something about that. So I would like to feel that the process is always developing and if a particular policy cannot be used, for whatever reason, we will tweak it or change it or put some supplementary guidance to it to try to just make it a bit more ... I know that gives Kevin issues but obviously we have got a ... the policy is what we follow. The development control officer says: "That is what it will be" that is generally what it has to be.

Director, Policy, Projects and the Historic Environment:

Inevitably you get issues, once a policy starts to be used that is when you start to find the issues with it. So we do monitor the use of the policies. We talk to our colleagues in development control. We are clearly aware of the decisions that the Planning Committee make. We monitor the appeal decisions and if issues arise during the use of the plan we monitor those and we log those.

The Minister for the Environment:

I mean residential standards are a classic example. The Planning Committee are out there on the ground making decisions on appeal and they are coming back in saying: "You know, come on, we have got to try and find a way of changing these standards because we feel people need a bit more space or a bit more amenity space outside their house" and that is where the feedback from the people making the decisions is so important.

Business Director:

If I may add quickly - sorry, I am just conscious of time - in terms of the comments made around the complexity of the plan for the general public, and I think that is a fair point, we continue to offer free pre-application advice that any member of the general public can come to the department, they have access to planners who will, free of charge, provide advice to them. In terms of bigger schemes invariably they rely on engaging architects and surveyors, et cetera, who as professionals should understand the plan in more detail. Also on the agenda, which is going to come in terms of permitted development, one area we are trying to adopt is making it easier for the general public in terms of smaller developments and let the Island Plan and the policies focus on the more contentious issues. The is help for the general public just by coming to talk to us or phoning us up.

The Deputy of St. Mary:

The next thing we have on my agenda is rural economy strategy but wearing my other hat, as a member of the Economic Affairs Panel, I am aware of that and, as we are short of time, perhaps I can come back towards the end on that. Thank you.

The Deputy of St. John:

You mentioned before about the building levy and that looking ... you referred to it being part of a strategic priority type of thing; is it not just the tax by another name?

The Minister for the Environment:

Yes, because levy means tax and tax means levy and there are some other words you could use at the same time. What it is, it is a means which I like to think is going to be fairer, more consistent across the board to apply to all development on the Island. What we have at the moment, and something that we are tightening up on, while we have the opportunity, is planning obligation agreements; where a large scheme is asked under a legal agreement to contribute to some of the infrastructure in the vicinity of that development. So you can have a very large development of a number of houses on a site. It may be that they are asked to contribute in connection to the drains or to the pavements or to the buses or the infrastructure in that area. It is my view, and certainly other people's view, that what we need to do is have a much more general scheme where anybody on the Island who is granted planning permission makes a small contribution to a fund, which then allows for better infrastructure. Certainly I would like that infrastructure to be in St. Helier because we know we are going to concentrate people and more building in St. Helier. So we are working at the moment ... well, we will be going out to consultation on this. We do not expect the industry will take the suggestion very lightly. There is obviously going to be resistance. But the idea would be that we will come up with a scheme that before anybody even buys the land that the site goes on they will know what they will pay. There will be a structure, a schedule there,

which will itemise the type of costs that would be involved with the levy and that the developer can go to the landowner and say: "Right, I know what my costs are going to be on top of building. My levy costs are this" and the intimation will be to try to drive down the price of land. As the developers are going to say: "Ooh, it will be the end user that picks up the bill", well that is not the idea. The idea is the developer knows what he can sell the properties for. He knows how much it is going to cost to build. He knows what his levy will be. He can then go to the landowner or the site owner and say: "This is what I can afford to pay you. This is the new market price for the land." Now, whether that works or not I am not sure, but certainly we know in the interim period between announcing that this is going to happen, certain developers will have bought land and they will have done that on the assumption that they have a build-out cost, so there will be some grey areas between the announcement and the start of the scheme. But certainly it is my view that we can have a much more consistent approach across the whole Island to development. What we need to remember is that anybody who owns a property in any part of the Island, they apply to do work to that property, and it is the public which give them permission, via the Island Plan, via the Planning Department, to increase the value of that property. Every decision that comes out of the Planning Department is a decision made on behalf of the public and what it is doing is increasing people's value.

The Deputy of St. John:

So similar to capital gains tax, type of thing?

The Minister for the Environment:

Potentially.

The Deputy of St. John:

But does that mean the property tax for an idea has been shelved?

The Minister for the Environment:

I think it is fair to say that part of the property tax review has stopped, which is one of the reasons we have taken it over.

Chief Executive Officer:

As the Minister said, every planning decision generally creates value, value in private ownership. The big debate around planning gain is: is it right for the community to benefit in some way and to offset the impact of development? At the moment we do not receive or we do not achieve much planning gain from the development process in the Island in comparison to other jurisdictions. So we certainly think it is right that the impact of development is offset, and we seek to see some wider community benefit from those sort of private decisions.

[11:45]

So it has got to be done in a right way. We have got to do it ... we are not the only jurisdiction to struggle do we do it as a taxation commentary or a conclusion at the end of the process or do we seek to build in the cost of planning upfront before land is transacted. We are certainly taking up that latter position. It has to be built in upfront before land is transacted and that is where the planning gain supplement and community infrastructure levy work in the U.K. went as well. The majority of value in the development process is in the land and that is where you have got to apply it to affect land values so that the developers do not see this as a cost to them and the consumer does not pay at the end of process either.

The Deputy of St. John:

But in terms of the fact that it has already been through a process of a consultation under the property tax review, will you be going out to consultation on it?

The Minister for the Environment:

Absolutely, yes. I have already told the industry where I have had start -meetings with them that this is not something that is going to happen overnight. I would very much like to think I will have this levy in place before the end of the session but I would hope we would have it done before Christmas next year. But I am expecting a long period of consultation. I would expect all parts of the industry to want to have a view. I see it as a challenge to convince them that this is a much fairer and better way for us to move forward. At the moment we have the possibility of somebody coming forward, purchasing a field, putting an application in for a large number of units and right at the end of that application when he has done all his sums we give him a planning obligation agreement, which then requires him to spend tens of thousands of pounds, hundreds, potentially, of thousands of pounds on other things which he had not considered previously. I see this infrastructure levy as something which we can give to the industry. They will know even before they start thinking about the development and I am hoping to convince them this is a much better scheme than the one we have presently.

The Deputy of St. John:

How can we determine whether that is the case when we have not seen the outcome of the property tax review?

The Minister for the Environment:

As far as I am aware, the property tax review is not going to happen certainly not in the way that we talked about here.

The Deputy of St. John:

Yes, I know. But it went to consultation, there were responses to it and the States Assembly have not seen any outcome from that consultation. So how can we determine whether what you are saying about a building levy is the appropriate method to go down without knowing the views of Islanders?

The Minister for the Environment:

So what you are saying is as part of the review on the property tax, because this is a tax on property in a slightly different way, it should have come out of that review?

The Deputy of St. John:

No, your officer mentioned that you are taking it out of the property tax review; you are doing it instead of Treasury. That was what the answer was, so that is why I have asked the question about the property tax side of things. If you have determined, or the Council of Ministers, wherever the decision may have come from, that this is the better route to go down how can States Members know that if they have not seen the outcome to the consultation on the property tax review?

The Minister for the Environment:

Certainly from what I understand, the Treasurer decided that they were not going ahead with the property tax review.

The Deputy of St. John:

They have done their property tax review. What I am saying is there is no result from that review ...

The Minister for the Environment:

Sorry, I see what you mean.

The Deputy of St. John:

... that States Members are aware of.

The Minister for the Environment:

The review of the property tax has come to the conclusion that there would not be any new taxes on property, and we wanted that completely taken out of the equation before we started on this because we would not have done the 2 side by side. We have enough schisms of taxes left right and centre. Certainly the last thing we would have wanted was a property tax review coming out ... a new property tax coming out of the Treasury at the same time that Planning were considering

an infrastructure levy, which may or may not have hit the same people at the same time, and we do not want to do that. Certainly the intimation from Treasury is that they would not be moving forward with that. That is where we then said: "Right, that is fine. We have some ideas on an infrastructure levy which we would like to pursue, and we did not start until that was the case.

Director, Policy, Projects and the Historic Environment:

I think the context of this is that you will recall in the 2011 Island Plan there was a policy called H3 which sought to secure a proportion of private housing development for affordable homes. That policy, while it was approved by the States, was never implemented because it was subject to detailed guidance as to how it would work once the States had approved the policy. It was never implemented because of resistance from the development industry and we were going through the crash at the time. So they were suffering as a consequence of that. A decision was taken not to pursue policy H3 but when the States revised the Island Plan in 2014 they said: "While we do not want to pursue that policy mechanism of policy H3 we still want to explore the principle of how we capture some of the uplift of value in land when it gets planning consent. There is a proposal in the revised Island Plan that says the Minister for the Environment, together with the Minister for Treasury and Resources and the Minister for Housing, will explore mechanisms to achieve how we might capture part of the uplift in land value secured through the planning system. So that is where the Minister has made inquiries, if you like, to act on that basis, to explore how that might be done. A decision was taken that the Treasury would explore that initially to see if it was appropriate to do that through revision of a property tax and, as has been suggested, the outcome of that is that they do not consider it appropriate to use fiscal measures through the tax system. But the planning system may be a more appropriate way of securing that outlet. So that is where we are.

The Connétable of St. Saviour:

Would you please excuse me, I have another meeting at 12.00? I do apologise. I will leave my best fishing with you. Thank you very much, gentlemen.

Director, Policy, Projects and the Historic Environment:

So that is where we are. So effectively the ball has come back to the Department of Environment, if you like, to explore that and we are looking at systems that might be able to be used to do that. The U.K. uses a community infrastructure levy; that is what we are looking at as potentiality.

The Minister for the Environment:

We are at very early stages and we are aware that there is any number of different jurisdictions which adopt modifications and similar but nobody has exactly the same scheme, so we are in the fortunate position to be able to analyse all these different schemes and see which bits work, which

bits do not, because the last thing we want to do is introduce a scheme which is not going to achieve what we are trying to do. It is early days, we will be consulting heavily. We very much hope that you will be involved as well. But what I said to the industry thus far is that we will talk to them, we will listen and we will take time to develop this. So we are at point one now and we have got a lot to do between now and the end of next year.

The Deputy of St. Mary:

If I just pick up on Tracey's earlier point, in the context of the property review consultation that did go out, and Treasury decided not to take it forward. Do you have the advantage of seeing what conclusions were taken by Treasury in relation to this aspect?

The Minister for the Environment:

No, and the conclusions that I drew was that they were not doing anything. While I accept Tracey's point of they conducted a review should there not be a result of the review, as far as I am aware the result was we are not doing anything. But it does not mean to say they should not ... they should have indicated that.

The Deputy of St. John:

But it would be useful for the rest of public to know that seeing as they were asked to participate in a consultation and they have not heard anything since - when was it - 2014, and we are now 2016. I think it is rather ridiculous. I would ask that you go and put pressure on your colleagues.

The Minister for the Environment:

I will speak to the Minister for Treasury and Resources about an official response to that review.

The Deputy of St. John:

Thank you.

The Deputy of St. Mary:

So we are getting short of time, so I have leapfrogged a couple. Can we move on to *Energy Policy: Pathway 2050*. Basically where do we stand generally in terms of harnessing renewable energy?

The Minister for the Environment:

Harnessing renewable energy? We are making strides. As I quite often say, one of the challenges that we have in Jersey when it comes to renewable energy is the fact that we enjoy possibly the cheapest electricity in Europe. It is very consistent. It is not carbon hungry because it is nuclear. It is quite difficult to move people away from electricity that is relatively cheap. That

therefore gives people less incentive to look at sustainable alternatives but certainly we are encouraging them to do that where we can. Permitted development changes that we made last year now allow further scope in that direction. People can now cover 90 per cent of their roof space with photovoltaic arrays and similarly in their back gardens they can put up larger arrays. When it comes to other large scale commercial sustainable energy initiatives we do have one or two. I am at the start of discussion with the electricity company about how we might use some of our facilities on the Island for sustainable energy, specifically for photovoltaic, but I am also aware of some growers, one in particular in Trinity who has now got quite a large array to help with running the electricity in his greenhouse. We are looking at encouraging people. Certainly we know that where more people can get together in increased demand there will be, as usually happens, a reduction in price. We have got 2 or 3 companies on the Island now who are looking to import the technology and they know that if they can get enough orders together to fill a container, the cost reduces immensely if they can import that directly from China in one hit. So the initiatives are out there and people are starting to take it up. Wind is another one. Certainly you are allowed to put a wind turbine in your back garden of a certain size without permission. Again, the cost of doing that is, at the moment, prohibitive and again when you come to look at how much money you are saving, the fact that our electricity is so cheap does make that payback time increasingly long. I do not know if you want to say anything, Louise, but that is certainly ... it is a challenge. It really is.

Director for Environmental Policy:

If I can add, I think the Minister's point is that we want people to uptake renewable energy at the micro level in the domestic situation. But the problem quite understandably is that the buyback tariff through from Jersey Electricity, if you were to spill excess energy back into the grid, is lower than in other jurisdictions and the argument they give for that is that one form of low carbon electricity is just displaced with another. So the subsidy to provide it, it does not make economic sense or carbon sense from their perspective. Currently we do not have a policy of asking them to provide an incentive feed-in tariff. But as the Minister said, there are a number of barriers that have fallen for people because solar thermal energy for example, all these types of microscale arrays are becoming far more affordable for people. One of the problems for us at the moment is the low price of oil. We have seen the global energy market change significantly. If you were only interested in money, as of today, you would probably heat your house with oil, which obviously from a carbon perspective is not something that we like to see. We would like to see a variety of fuel sources to increase security but we would like to see micro arrays definitely as part of that regime. Obviously energy prices are subject to change. Inevitably oil prices will go back up but it does make it difficult at the moment. I think perhaps you would maybe be interested in offshore renewable energy and where we stand with that as well? Is that something you would be ...

The Deputy of St. Mary:

We have seen press comment about where we are and that should be quite a way down the line. Before you go - I am conscious of the time factor - can we come back a bit later? Do you want to ask your question about the security of supply and the fuel poverty?

The Deputy of St. John:

It was from reading the actual energy policy itself and you recently had a one-year update. But more broadly, the Islanders are naturally concerned primarily with the security of the supply. Of course the cost of energy supply as well. As you have just stated, there is a lower cost now than previously but that potentially could rise to a certain level. You do not know what it is going to happen in the market. The latest revelations that have been made about the fuel farm lease raises questions about whether this is in the best interests of the consumer. Are you doing anything about fuel poverty and if so, how does the renewal of the lease for the fuel farm impact on your policies?

The Minister for the Environment:

Before I get to the fuel poverty bit -and I will let Louise talk about the schemes that we have been running for the last couple of years, which have been very successful - I would just say that the 2 ways that we reduce carbon, the greatest in our scheme, as you well know, is transport and housing. Certainly the new bylaws that we have just started to work to or going to start to work to in the summer, I think we are going to announce it in a 3-month gap before it comes into force. But we are already seeing the amount of power requirement to heat homes reducing and that will continue and obviously through the bylaws that is something we can do. Keeping people warm in the winter and cool in the heat of the summer is really important. Certainly the heating aspect will be the cost of heating, whether that is electric or oil or gas or what have you, it will be greatly reduced.

[12:00]

I mean some people now are literally putting heating on 2 or 3 days in the winter and that is it. It is getting that good. The more we can do along those lines the better. But when you talk about poverty - certainly I will hand over to Louise - but we have been working with those people who have not been able to afford to update their houses with insulation and we have got to the end of that scheme where everybody who applied was helped and we are continuing our work with the community and then we move into the able-to-pay. Can you just put a bit more meat on the bones?

Director for Environmental Policy:

Yes, happy to. I think you are aware of the scheme we ran in the past with the Energy Efficiency Service which gave people energy efficiency upgrades if they were eligible for our assistance and that scheme was able to help a number of people, so we were very proud of that. Those people will have been able to save money on their bills and had a far more comfortable life as a result of the grant assistance that the States of Jersey was able to give. That scheme was always due to be ramped down when the energy plan came in because it is a finite group of folk who are eligible and although there are entrants to that group, in essence there is a limited number of people and we felt that we were able to help as many of those as possible. We would have liked to have been able to extend that scheme beyond this year at a far lower level but new entrants into the eligibility categories, unfortunately as a result of the M.T.F.P2., we will have to look to make some cuts and that grant scheme has now drawn to a close. However, a parallel scheme we were running, we continue to run, which is the community building scheme, so we are able to assist not-for-profit community buildings, normally residential but some not, that provide services for vulnerable Islanders. So day care centres, residential care homes, disability type homes, those sorts of buildings. And a similar sort of grant scheme for the domestic homes is still available to that sector. So good examples of people that we have helped have been Cheshire Home and we have been able to increase the energy efficiency of their buildings and for all the benefits of the people that occupy those buildings. So in terms of helping people reduce their energy requirement, which is the first step in energy security, we have been able to do that. If we look at the work of Andium over the last 5 years, over 4,600 homes in their stock have been vastly upgraded as well, so that they are far more energy efficient. We have tried very hard as government to reduce people's exposure to both fuel poverty and poor living standards as a result of direct grant intervention, or government policy in the case of Andium. We want to extend the types of advice that is available to people in the able-to-pay sector. So these are people who could improve the energy efficiency of their home through loft insulation and cavity wall insulation, those sorts of measures but just simply do not know how to do it. They do not understand the paybacks, they are not quite sure how to get contractors working for them, getting quotes, all that sort of thing. We are working on a scheme to assist people to use money that they may well have, as best they can to improve the quality of their home. So that is about helping individuals with fuel poverty and exposure to energy prices. Of course, as the Minister said, making sure that the fabric of the building is as energy efficient as possible, less energy - it means less vulnerability. I think your point though, Deputy, was about the fuel farm lease and over all-Island security. We have not been involved in those commercial negotiations but I think what I would say is that the energy market on any small Island can be complex and difficult. You do have situations of natural monopolies and, as we stand in Jersey at the moment, C.I.C.R.A. (Channel Islands Competition Regulatory Authority) look at those natural monopolies and make a decision as to whether they are working in the best interest of the consumer. So far they have concluded that they are but I think we always have to be aware

that these industries operate difficult supply chains. We are a relatively small customer base, if we are honest. I mean the gas company have a handful of thousands of homes to which they supply gas to and as a business model that is one of the reasons why L.P.G. (liquid petroleum gas) is more expensive here than natural gas is in the U.K. What I am saying is that there is always a role to keep an eye on how the market is working and ensuring that it is working in the best interest of the consumer. We did want to do some competition work which was scheduled for this year but because of resources and timing, it may be that it slips a little bit. But the energy executive, in particular, do have an interest in these matters and keep an eye as much as possible.

The Minister for the Environment:

I think I will just finish by saying, from an environmental point of view, and from the point of view of the Energy Plan 2050, we are looking to reduce carbon so where we can use electricity instead of oil or gas we would be encouraging that. The new limits that we have got out with the bylaws will generally reduce energy. So whether you are using gas or oil or electricity you will need less energy to heat your new home. But as Louise has hinted, the pre-1997 houses are the ones that need the most help. Every new house we build now will be built to a better standard and you would hope that would be the case, in any case. But it is getting access to those old properties. So what we are doing is some of the new rules and bylaws that are coming out in the summer, if you want to put an extension on your house a percentage of the cost of that extension will have to be spent on insulating or making better use of energy in the existing house. So that is going to be a bit of a challenge but it is a means for us to get those older properties insulated better so that people spend less money heating them.

The Deputy of St. Mary:

We have run out of time. Can I just ask 2 very quick questions? On energy, given recent publicity of the liability or otherwise of the new nuclear plant at Hinkley Point in the U.K., associated questions over the financial future of EDF, does that raise any concerns with you and are you in dialogue with ...?

The Minister for the Environment:

I am not in dialogue with anybody over the nuclear facility in France that we draw most of our power from although we have to appreciate these days with the European grid our power can come from just about any part of Europe, depending what deal you strike. All I would say is that moving ahead nuclear has its challenges, just like everything else. One of the reasons we are looking at sustainable energy as a government and as a society you would be quite right to ... we must, in the future, make ourselves safer from the point of view of being able to create that power on Island. We know we do not want to do that with gas or with oil, which is expensive and which is very carbon hungry, so sustainables do have to be part of the future solution, which is why we

continue to look at ways that we can encourage them, even in the face of very cheap and consistent and good electricity. But I take your point on board about nuclear. It is not everybody's cup of tea. There are obviously environmental challengers with nuclear, much longer term, less impact or maybe physically from a visual aspect, but there are challenges and that is one of the reasons we are developing sustainable.

Director for Environmental Policy:

If I could quickly add on. It is a point that is well made and we often hear people concerned that we are perhaps putting all our eggs in one basket, but I think I would challenge that by saying the 3 interconnectors to the European grid are exactly that - They allow us to purchase energy of any type, so 20 per cent of the energy that is currently purchased with the EDF contract is hydro based. So although nuclear is still a huge part of the French electricity grid, they are also looking at expanding their generation base massively. For example, we have seen in the paper the Saint-Brieuc wind farm, which is about generating energy in French waters to put into the French grid. There is nothing at all stopping us purchasing that back out down our interconnectors ourselves if Jersey Electricity were to strike those deals with the appropriate companies. But the Minister's point about looking to diversify a generation for ourselves, be that on the microscale across the Island or perhaps maybe in the long term some kind of generation in our waters, then that obviously diversifies and it gives us fuel security and it makes us less dependant ... 97% of the energy we use is imported. So we have to look to ways to ensure that we use that energy in the most effective way. But also look at how we might be able to generate that for ourselves sustainably.

The Deputy of St. Mary:

Thanks for that. Finally, it is a comment rather than anything else, regarding our work programme. It is not on the agenda but it is understand that other departments are providing details of their work programmes to Scrutiny on a regular basis so as to assist us in our reviews. I am sure the Council of Ministers have topics for investigation. I know we have briefings from you regularly, et cetera, but are you able to provide a spreadsheet, an ongoing one, so we can more easily identify what is more appropriate for us to review?

The Minister for the Environment:

Absolutely. Very delighted to do that if we are not doing ... if it needs to be expanded we will do it more regularly.

Business Director:

We are just about to publish our business plan for 2016, which has been slightly delayed because of discussions around the M.T.F.P. because we were not quite sure what financing we had, but

that certainly sets out all the major activities that we are undertaking. Maybe that is a good starting point.

The Deputy of St. Mary:

It would be very useful. We have managed to help and get on board but we need to know it is going to be relevant.

Business Director:

Yes, sure. As Willie was saying earlier on, we are always happy to offer briefings on any of the major projects we are looking at.

The Deputy of St. John:

But it is much easier to have a list of programmes that you are working on so that we know what is moving and what is not moving and what is appropriate for us as a panel to get involved in or not to get involved in. If we do not have something like that we could go and pick anything that we like in terms of policy and legislation but it does not necessarily mean it will make a difference or help in any way.

The Minister for the Environment:

Delighted to do that.

Director for Environment/Deputy Chief Officer:

You hinted that you might want to question on the rural economy strategy and the Constable as she was leaving suggesting there was a question on fish. If you want to pass those on by email we can ...

The Deputy of St. John:

We will send you the questions that we have missed or anything further and then if you can reply that would be good.

Director for Environment/Deputy Chief Officer:

Yes, of course.

The Deputy of St. Mary:

Just I wanted this panel to be on board, roaring along as well as Economic Affairs, that was essentially it.

The Minister for the Environment:

We are only a small department compared to others but our diversity of portfolio is enormous.

The Deputy of St. Mary:

And you well demonstrated that this morning, thank you.

The Minister for the Environment:

We only talked about half of it. So, yes, we will get all that information to you.

The Deputy of St. Mary:

Thank you, Minister. Thank you all for coming.

[12:10]