

# STATES OF JERSEY

## Environment, Housing and Infrastructure

### Scrutiny Panel

## Quarterly Meeting with the Minister for the

### Environment

**THURSDAY, 21st SEPTEMBER 2017**

**Panel:**

Deputy D. Johnson of St. Mary (Chairman)

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

Deputy M. Tadier of St. Brelade

**Witnesses:**

The Minister for the Environment

Chief Officer, Department of the Environment

Business Director, Department of the Environment

[14:00]

**Deputy D. Johnson of St. Mary (Chairman):**

Can I just formally welcome the Minister and his colleagues to this quarterly hearing with the Environment, Housing and Infrastructure Scrutiny Panel, and welcome to the public and the media as well. For the record, can we go round the table introducing ourselves? I am David Johnson, chairman of the panel.

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

Tracey Vallois, Deputy of St. John, vice-chairman of the panel.

**Deputy M. Tadier of St. Brelade:**

Deputy Montfort Tadier, I am a panel member.

**The Minister for the Environment:**

Deputy Steve Luce, I am Minister for the Environment.

**Chief Officer, Department of the Environment:**

Andy Scate, Chief Officer for the Environment Department.

**Business Director, Department of the Environment:**

Yannick Fillieul, Business Director for the Department of the Environment.

**The Deputy of St. Mary:**

Again, thank you for coming today. This is a delayed hearing, we had hoped to have had it shortly before the summer recess or around there and I think most of our questions will revert to then; although there have been certain developments they are still relevant. Can I kick off please with the Public Health and Safety (Rented Dwellings) (Jersey) Law, as to which we did have a presentation? Since then there will have been feedback from stakeholders. Can you give us a general thrust of those?

**The Minister for the Environment:**

I think generally speaking, Chairman, the general response has been very good. It will not be a surprise to know that some of the more senior landlords are not very happy, but the whole thrust of this is about trying to raise the standards of rented accommodation across the Island. Certainly the tenants that have contacted us are very happy with what we are proposing and we have some landlords that are also happy with what we are proposing as well. Only this week there is a photo of myself with Jersey Electricity, who have a number of properties they rent out and they have come out very highly on the star rating. The thrust of this work is, as I said, to improve the quality of rented accommodation and that is where we are going. We are going to use the star rating system that we had for Eat Safe, which has ended up being successful, and we will be giving heavy discounts on the cost of this work if you are an accredited landlord when your property is up to spec and it meets all the requirements that we are looking for. This is as much about looking for making sure that the deposit has been put in, making sure you have got environmental things in place, like plenty of insulation and you are using low energy lighting; that is the sort of thing we are looking for as well. But it comes down to the very basics: is the property wind and watertight, does it have any damp, is

it draughty? The basic things that people should expect when they go into the market place to rent a rented property.

**The Deputy of St. Mary:**

Just to clarify: there is no grading system within this piece of legislation though, is there?

**The Minister for the Environment:**

No, but as we move forward ... I mean we have started by ... we have rolled this out quietly, if you like, and we have been talking to landlords and the scheme is available for landlords to have their properties inspected, and there is no *vires* behind it at the moment. But that is all coming down the line and as we get further into it there will be legal requirements to be registered.

**The Deputy of St. Mary:**

I am distinguishing this law from the Rent Safe Scheme, which we will come on to later.

**Deputy M. Tadier:**

Can I just follow up? You said there would be heavy discounts for basic landlords whose properties are in order. Discounts on what?

**The Minister for the Environment:**

When we move further into the scheme and landlords have to pay for their properties to be on the scheme those landlords who are registered and fully up to speed and the better your property the more discount. Do you want to expand on that one a bit?

**Business Director, Department of the Environment:**

It is basically a registration. It is for debate with the States in October. If it goes through then that will allow the Minister to introduce regulations and there will be a licence fee to pay and they will be heavily discounted if you score highly on the Rent Safe, so they would merge the 2; one would involve ... so the Rent Safe at the moment is voluntary but if under the Public Health & Safety (Rented Dwellings) Law there is a requirement for premises and landlords to be registered, if you score highly on the Rent Safe you would get a high discount. So it would limit the impact on good landlords.

**The Minister for the Environment:**

When we get up into the higher star ratings it will be things like: is the property designed and built in a way that there are environmental benefits? So is there low energy lighting? Has it been built ... is the insulation in place so that the tenant does not have to spend a lot of money on heating?

**Deputy M. Tadier:**

I mean there is a possibility for overlap and possibly unnecessary bureaucracy, one can argue. You presumably have to have a minimum registration fee for all landlords in the future and all properties.

**The Minister for the Environment:**

Yes.

**Deputy M. Tadier:**

So there is a minimum one and you are saying that ...

**The Minister for the Environment:**

The whole idea in the future is that anybody who goes into the market to rent a property will be able to look at 2 things. One, is the landlord accredited? Secondly, what is the rating of the property that I am going to rent? We see this as a way of, for example, advertising in the local media. If you have had your property checked by Environmental Health and they have been through the checklist with you and you might have a 4-star rating, you will want to advertise that property as a 4-star rating because tenants will immediately know the landlord is accredited, he ticks all the boxes, he does all the right things, and the property you are going into has met a particular standard.

**Deputy M. Tadier:**

So we understand that but ...

**The Deputy of St. Mary:**

Yes, just going back to Monty's point, is the Rent Safe Scheme going to continue to run in parallel with this one or is it eventually intended that the Rent Safe Scheme is absorbed by the registration phase on this one?

**The Minister for the Environment:**

Just moving forward to I think where the whole system becomes more official, and I accept the point that there is a cost and we have thought hard about does that end up back on the cost of renting the property. But even if the registration fee was £100 a year, that is £2 a week, and we see this as a way of achieving a far greater saving for the tenant, whether it is in health care because the property is not damp and draughty and does not leak, or whether it is in saving on energy because they are not having to spend a huge fortune on renting a property which is let and it is well insulated and the type of devices in it have got low energy requirement.

**Chief Officer, Department of the Environment:**

They are effectively dovetailed together. So the legislation allows us to accredit and register landlords and the Rent Safe really is an expression of the quality of the properties the landlords have. So they work sort of in concert with each other.

**The Deputy of St. Mary:**

Just a final point on this point: so the landlord he does not want a 5-star rating, he thinks he has got one, he can ignore the Rent Safe Scheme, can he not?

**Chief Officer, Department of the Environment:**

I think what we have seen, if I compare it to the food side of the star rating for food premises, we have seen ultimately consumers taking control of regulation. While we go out and inspect obviously, consumer power has driven restaurants and food outlets toward to get a higher rating. So what we have seen on that side is consumer power driving much better environmental behaviour in food premises. We are hoping to see the same thing in the private rented sector whereby tenants would wish to rent properties which are of a higher standard of rating. Time will show if that is effective but we are hoping ... there is evidence from elsewhere that we have looked it does sort of demonstrate the market puts pressure on landlords to get a star rating. Those landlords who have got properties with zero stars are likely to attract fewer prospective tenants I would think.

**The Deputy of St. John:**

I can understand the Food Safe scheme in terms of the competition element because of course they are competing against each other. But we have a housing issue in the Island in terms of the ability of people to rent already. There is not really the same type of competition so how do you expect that evolving?

**The Minister for the Environment:**

I think one of the issues around the housing challenges that you describe is the fact that we have the demand that the greater the demand the more you find the properties that should really maybe not be rented out. They come into the market because they can attract ... even though it is much lower than the rest of the market place they attract a level which is something the tenant thinks ...

**The Deputy of St. Mary:**

We accept that point.

**The Minister for the Environment:**

The idea is to take those lower ... really, to be honest, it is to take those lower properties out of the market, but I accept what you are saying, and we all know there is a massive pressure on housing. We need to do something about it but that does not or should not stop us as a department trying to

wheel out that very low-quality tenanted properties that people should really not be living in and tenants should not be allowed to rent out.

**The Deputy of St. Mary:**

We are not being critical of the situation, we are just trying to find out how the 2 dovetail, if they do.

**Deputy M. Tadier:**

Can I just ask, for clarity though, the Rent Safe is opt-in but the new proposed law about minimum standards, that is not opt-in, that is going to apply to everybody and you will have to register in order to be a landlord and rent properties out; is that not the intention?

**The Minister for the Environment:**

Yes. At the moment, as I said, we have had a soft launch of this where we have indicated for quite some time, and you have known it is coming down the line, and landlords for some time now have been able to voluntarily register themselves as landlords, and that is the way we manage the resource, if you like, that we are going to require to do this work because it is going to be quite a lot of work, we know that. We needed to soft launch it and know to stagger it over the time. Once we get over the line we are going to have another influx of work coming down the line where people have to register.

**Deputy M. Tadier:**

Is it a money-making scheme or is it just going to cover its costs?

**The Minister for the Environment:**

There will be money to be made at the end of it but the money that we receive, funds, any additional resource that we might need, and our hope would be very much if there is money - I stress the word "is money" - left over at the end we would be looking to ways to put that money back into the sort of improvements that we have carried out through the Environment Department for the last couple of years, where we have gone into people's houses where they were not able to afford to do work and replace their boiler or put the insulation. We spent several million pounds on that. We are now working with community buildings and we hope in the future to roll that out to able to pay sector, which is a real challenge. If there is any money left over at the end of the day, and it is still with us, we certainly intend to use it for the benefit of those people who could do with the money.

**Deputy M. Tadier:**

But you have surely done the maths already. You know what it is going to cost to administer the scheme initially. It does not sound like you are taking on any new staff to administer this scheme.

**The Minister for the Environment:**

No, we feel at the moment ... on the advice that we have had, what we feel is good advice, and I know we have liaised between ourselves and yourselves over this, we are comfortable inasmuch as we can be that we have the resource to do this. As we move forward, if we need more resource, we would hope that the income from the scheme might provide that. Very much as a last resort, if we had a lot of surprises, and we do not rule out that possibility because it may well be that there are a number of properties out there being rented that we have no knowledge of. We have done our best but we may be surprised at the end of the day there may be some need for additional resource but we hope very much that we will not need that.

**The Deputy of St. Mary:**

Sorry, going back to the registration fees, you have mentioned a figure £100. Is it going to be fixed or is it going to be on a sliding scale proportionate to the standard or how is it going to be worked out? Because that is one area which ...

**Chief Officer, Department of the Environment:**

I think that where, as the Minister said, depending on the accreditation levels of the landlord there may well be discounts of the £100. I think the detail of that is generally £100 and you may pay less than that if you are a better landlord.

**The Minister for the Environment:**

So it is £100. You do not envisage it being beyond that?

**Chief Officer, Department of the Environment:**

We need to make it at a level where the important thing is to make sure these resources ultimately come self-funding, to a degree. We are taking on a big area of work here which we have not had in the Island before. Everyone agrees it is the right thing to do. We have got to make sure we can fund it sustainably moving forward. But the funding regime, we have got to pitch it a level. There is no point putting massive licensing fees on to landlords and properties because frankly it would affect the market. So we need to do it at a reasonable level whereby (a) we can cover the costs of administering the scheme but also it does not affect landlords to a great deal.

**The Deputy of St. Mary:**

That brings me on to a comment made by the president of the Jersey Landlord Association who is quoted as saying that the legislation is wholly unnecessary, will increase red tape, and is not supported by consultation. Can you rebut those allegations?

**The Minister for the Environment:**

I think the president has been quite critical of us all the way through this scheme but difficult to see why. Accredited landlords will be held up as exactly what they are.

[14:15]

If you have a quality property to rent out you will be able to see that very openly and transparently. One would hope that landlords would want to do a better job for their tenants and they would want to make sure that their properties are not damp or draughty.

**Chief Officer, Department of the Environment:**

Our experience on the site in people's houses through the Environmental Health function show that we do need to regulate some of this activity. If every rented property we went into was great then we would not need the legislation. Unfortunately that is not the case. So we have a team that goes out and sees things on a daily basis in the Island that really should not be existing in today's society in terms of some of the rented properties they enter. Unfortunately some rental quality here is not good enough.

**The Deputy of St. Mary:**

We understand the basis of what you ...

**Chief Officer, Department of the Environment:**

So we are going to argue ... we say that we contend that we do need to legislate because to date without legislation it has not solved the problem, so we do need to regulate I think.

**The Deputy of St. Mary:**

Going back to the red tape allegation. What are the practicalities of it? If someone had to be held up from letting his property while you look at the forms and what have you or how it would work in practice.

**The Minister for the Environment:**

I cannot see that happening certainly but red tape is something, I think, landlords are just going to have to get over unfortunately. This is a scheme that we are bringing forward for the benefit of tenants and they will need to register. I cannot say I am going to be 100 per cent on one side of the fence here. I do understand some of the criticism that the landlords have and, like in everything, there is always a small percentage of tenants that could treat landlords' properties better and certainly the Environmental Health team are very much up for advising people in the first instance, regardless of what line of work they do in their department, they will go into properties and if they see a problem that is of the tenant's making they are going to advise the tenant: "Well, you know,



yes, there is some mould growing in your bathroom but have you thought about opening a door and opening the windows and getting some ventilation going?" I do have some sympathy with landlords inasmuch as tenants sometimes can do better, but generally speaking this is about making the quality of the property, in general, much better.

**The Deputy of St. Mary:**

I am just trying to get an objective appraisal. If a landlord had never rented a property before decides he wants to how long will it take for your department to give the registration he needs to enable him to do that?

**The Minister for the Environment:**

I do not know the answer to that question. I would imagine it will not be very long because the last thing we would want to do would be to stop any property coming on to the market. If it is of a reasonable standard we would want it out there in the market place being used as quickly as possible.

**The Deputy of St. Mary:**

I am right in saying he would not be able to let under these proposals until he had received your authority?

**The Minister for the Environment:**

I think at the moment he could but what would happen is that the property would not have a star rating. So, for example, that property was advertised in the media he would not be able to say: "This property has got a 5-star rating through Environmental Health" because it had not been rated. That does not stop him advertising.

**The Deputy of St. Mary:**

But as my colleagues have said, given the market as it is, that might not be a concern obvious.

**Deputy M. Tadier:**

The bottom line is you would have to register in order to rent a property out? That is the bottom line.

**The Minister for the Environment:**

Yes, as a landlord you will have to register, yes.

**The Deputy of St. John:**

You did not know the answer in terms of the time taken for the registration, which does particularly concern me when we have been talking with you via letter about resources and money for importing

this legislation. How do you see this ... if this legislation was approved by the Assembly how do you see the work carried out? Is it going to take how many years, how many weeks, to register everyone? Is there going to be kind of a stick straightaway or are you going to allow people to kind of fall into line? How is it going to work?

**The Minister for the Environment:**

The one thing I would say straightaway is that it will not be the stick straightaway because that is the way we are trying not to operate. What we are trying to do is to encourage people to come to us. As we have said, landlords have known for some time this is coming down the line, but I accept that some, depending on their circumstances, may not know. If you are elderly and you have a property that you have always rented, you rent it to somebody for say 15 or 20 years, for example, and as far as you know the rent just comes in and you maintain the property, you may not be aware of the scheme. We always try to be the soft approach with people. We will advise and the last thing we want to do in any line of work, especially Environmental Health, is to just go in with a big stick. So there will be time and we will allow people ... we always do our best to discuss issues with people and we certainly will not be envisaging on 1st November enforcing stuff because that is not the way we work.

**The Deputy of St. Mary:**

My final point on this is the issue of legislation. I presume there will be transitional provisions for existing landlords with tenants, they just carry on until you give them a time within which they should register or what?

**The Minister for the Environment:**

I envisage that. I do not know the answer to that question either but certainly we very much soft launch this and at some stage, yes, the law has to be debated and brought into force.

**Chief Officer, Department of the Environment:**

Our message to landlords is start getting ready for this. We have seen landlords coming into Rent Safe already. They are already getting the knowledge, they are going to get the checklist that we will be using in terms of ventilation and heating and insulation, these sort of things. Once the landlord has gone through that processing our advice to them is get involved in this as soon as possible. We have already seen landlords coming into the Rent Safe Scheme. If we get a decision, we get law preparation, et cetera, that gives us a more critical point. We get more certainty that the law is going to come in. Again, we will turn up the messaging on communications with landlords. Until the actual Appointed Day Act when these provisions then come into effect we would hope quite a lot of our rented properties are in the scheme in the informal stage already. But ultimately, in terms of time, we do not want this to be a lengthy process. We want a lot of self-assessment by landlords upfront.

That is what we would want. We will need to be assessing that onsite, we need to visit properties, so that the people we have got identified here will be busy. They will be out on the road visiting as many properties as they can in a day to get through the process. So the more we do upfront informally the better. That is the way we are approaching it at the moment.

**The Deputy of St. Mary:**

I said it was my final question; I have got another one now. This is the law, how soon after the legislation is approved in principle do you expect the regulations to come in?

**Chief Officer, Department of the Environment:**

That is a good question. I do not have the answer to that. We are going to have to physically get some of that regulation written. It is always a bit of chicken and egg here. We do not want to do too much work upfront if we do not get the States decision to move forward with it. I would hope we are talking within 12 months, I would have thought.

**The Deputy of St. Mary:**

Within 12 months, that sort of area.

**Chief Officer, Department of the Environment:**

I do not know if we can clarify the regulations date.

**The Deputy of St. John:**

When do you expect to bring the Appointed Day Act forward then?

**The Minister for the Environment:**

It may not be me that brings it. It may be somebody else. As Andy said, we would have to look at the detail. I would envisage it next year because we ...

**Chief Officer, Department of the Environment:**

We are looking for this to really kick in in 2018 so that we are into a steady state for 2019, so that the system is operating and regulating. It is hard to answer sometimes because there are some vagaries on dates in the States sittings and States decisions, et cetera. So our anticipation is to get a decision this year, get further detail and decisions done in the first half of 2018 so that by the time we get into 2019 we have been looking for a full year; so it is in place for 2019, back end of 2018.

**The Deputy of St. John:**

Is there no kind of deadline or timeline as to when you expect to reach certain things and therefore the resources fall into the back of that? If that is the case then what deadlines do you expect to meet? Because I get a little bit worried when we say: "Maybe some time next year."

**Chief Officer, Department of the Environment:**

That is me being rather vague but certainly in terms of our financial plan through M.T.F.P. (Medium Term Financial Plan) 2 2018-2019, we are expecting some income from this scheme coming in in the latter part of 2018.

**The Deputy of St. John:**

So it is being driven by finances rather than the actual need to do this?

**The Minister for the Environment:**

You can put it that way if you like. Certainly we have identified income in 2019, which is a substantial amount of money for our department, and we will need to deliver on that otherwise we will be out of pocket.

**Deputy M. Tadier:**

I think we have had the figures already from Housing. I remember some figures. But what is the figure you are looking to raise from this?

**Chief Officer, Department of the Environment:**

Certainly in terms of our published M.T.F.P. for the Environmental Health function it is to take the function self-funding by the end of 2019, which is the best part of £760,000 to £800,000 worth of costs currently. But a lot of ... similar to the approach that we have adopted in both building and planning control in terms of using application licence fees to pay for the service. So it is a similar approach in Environmental Health.

**Deputy M. Tadier:**

But how many properties are there out there? How many rental properties are there in Jersey?

**Chief Officer, Department of the Environment:**

Possibly about 10,000 we think. It does vary depending on ...

**Deputy M. Tadier:**

If you are looking at £100 per property that is £1 million.

**Chief Officer, Department of the Environment:**

Yes, plus any discounts.

**The Minister for the Environment:**

I think the £100 is indicative of what you will pay if you do not qualify for any discount. So we would hope ... it is sort of self-defeating in a way, if we can persuade landlords to come on to the scheme, upgrade their properties, everything is really tickety-boo, the income reduces because we will use that as an incentive to landlords to improve their property.

**Deputy M. Tadier:**

Is that not the rub? You need to raise £800,000, there are 10,000 properties out there. If you start charging an average of less than £80 per registration you are not going to get your £800,000.

**The Minister for the Environment:**

We may find that if everything is so good we may not have so much to look at. So we will see.

**Deputy M. Tadier:**

Presumably you need to inspect every property before you register them. You cannot just register a landlord without having seen the property.

**The Minister for the Environment:**

Yes, but there may be some self-certification in this inasmuch we ...

**Deputy M. Tadier:**

Really?

**The Minister for the Environment:**

Well, yes. In this case and a lot of instances where you say to people: "Are you prepared?" and initially we may only look at a percentage of the properties and say: "That is the way you ..." Rather than do every one on day one you have to have a system whereby you move into it slowly so you may select properties at random.

**Chief Officer, Department of the Environment:**

Bear in mind, a newly built rented property that has just immediately been through the bylaws process, we have already been and seen for another purpose. There are different ways of potentially assessing properties as well.

**Deputy M. Tadier:**

Sorry we do not want to dwell on the scheme for too long but you have obviously got some sign-up. How long has the scheme been running on the Rent Safe?

**Chief Officer, Department of the Environment:**

We effectively started rolling out from this summer onwards, so July-time. We have been talking prior to that in terms of warning landlords, some of the bigger landlords. So we are expecting, for instance, Andium to be coming in to this scheme, I believe, later this year. I will just check my note.

**Business Director, Department of the Environment:**

Yes, Andium have indicated they are coming in this year. We have had about 100 properties listed in the scheme to date on a voluntary basis. That is growing. Depending on the debate in the States on the Rented Dwellings Law, if that is approved by the States then we will be pushing the accreditation scheme more because we will then be telling landlords: "This piece of legislation is coming, come on to the voluntary scheme because that will help you in the long run to prepare for the licensing."

**The Deputy of St. Mary:**

So they will run in tandem and the accreditation will be within Rent Safe rather than the ...

**Business Director, Department of the Environment:**

The Rent Safe, we will run our encouragement to landlords to come into Rent Safe on the basis that the Rented Dwelling Law is coming into effect in 2018.

**Deputy M. Tadier:**

Just looking on the website, you have got about 7 or so landlords, some big landlords, and I think there are 58 properties that are registered altogether. They have all got the 3 or 4 or 5-star rating. There is presumably no incentive for anyone to rate their property if they are going to get a 1 or 2-star because that does not meet the minimum standards. Is there not a risk that you are only going to get people with good properties, which is I guess what you want? There is also a risk that it might push prices up because there is an extra premium that they can use to advertise their property while doing nothing to capture the bad properties.

**The Minister for the Environment:**

You pretty much summed it up there, to be perfectly honest. One would expect those people who have come in voluntarily, they are hardly likely to volunteer to have their properties inspected if they knew they were not going to acquire any stars. As you say, the people that have come forward with their properties quite likely have got good properties. They want them inspected, they want to be able to go out and advertise them. Yes, it is 6 of one and half a dozen of the other. On one hand

people will have 4 or 5-star properties which they will use to their benefit so that prospective tenants can quickly see that it is a quality property that is up to speed. But similarly, landlords that have not got any star rating on their property at all prospective tenants will be asking themselves, one would hope, the question: "Why has not this property ... it has not been inspected, why would the landlord not want it inspected" and draw their own conclusions.

**Deputy M. Tadier:**

So could you marry the 2 schemes effectively when the new law comes in and you inspect everybody so that you do ... and you still keep the same star rating but you say: "Look, if you do this before a certain date you will either have your property inspected free or at a reduced rate but after this date it is compulsory and we will start giving out zero ..."

**The Minister for the Environment:**

Certainly there is no intention to have different star ratings for different quality properties depending on what part of the scheme. One needs consistency with everything. I have looked at the checklist and it is quite specific as to what you need to acquire to get from 3 to 4 and from 4 to 5 is that last little icing on the cake.

**Chief Officer, Department of the Environment:**

It is consumer tenant power.

[14:30]

A tenant: "I am not paying a 3-star rent for a 1-star property, landlord." It can work in health or in the other way again, consumer power back to the landlord. If the landlord is claiming it is a 3-star on some of the things which a public checklist are not providing that is evidence for us to be ... with most regulation most people comply. There are branches of ... it is the shoulders of regulation where we have to go in and we use statutory powers. We very much see this as consumer driven. This is a way of proving that the property you are living in meets the right standard, frankly. Yes, 5-star excellent properties may well be able to command a better rent than a 2-star but I think we have such vagary in our rental market at the moment there is not enough tenant power to combat some of that landlord behaviour. Yes, it is not going to be universally loved by all landlords, we certainly acknowledge that, but that is what it is designed to do. It is designed to shake up some behaviour that we are seeing out there.

**The Deputy of St. Mary:**

I think we have spent enough time on that area. Thank you for that. Can we move on to the Island Plan? If work has not begun on it, when do you expect it will start?

**The Minister for the Environment:**

I would envisage that work on the Island Plan would start after the elections next year. Whether I am here, there or wherever, it does not make any difference. The department have an obligation to deliver the plan in 2021. The debate would have to be occurring in 2020. There are a number of very basic questions which will need to be answered before we even start working on the plan - again, this is my own personal view - how do we reduce the size; are there any fundamental policies that we think might need changing; how we address, for example, amendments brought to the proposition. The 2 Deputies will know, you were around for the last States debate, which I think went on for a number of weeks. I personally would like to look at the possibility very early on in the next session of Government of how that might be changed, inasmuch as I am not sure that it is correct that anybody, regardless of whether they are a Back-Bencher or otherwise, could bring an amendment to an Island Plan debate at a fortnight or 3 weeks' notice, when that potential amendment may need some major work on policy and consultation. I would like to examine with yourselves and others the possibility of coming up with a slightly different format for the Island Plan debates so that there is a cut-off date after which amendments cannot be brought and the time between that cut-off date and the actual debate on the day is sufficient to allow for proper consultation and thought behind the potential amendment. Because last-minute changes to green zone or major policies is something we should not be doing at a fortnight's notice, where under normal circumstances, with consultation, scrutiny and general policy work, sometimes these policies take years almost to come to fruition.

**The Deputy of St. Mary:**

Are there any fundamental aspects we can identify right now which need to be looked at?

**The Minister for the Environment:**

I think it is generally accepted that the Island Plan is very big and it has got an awful lot of policies in it. There will be a few of the policies which get used very, very little, and then you have to ask yourself the question whether it is too big, whether it needs to be smaller. That is easily done, I guess. You might end up with more supplementary planning guidance sitting in the background, which would not help, but I think the plan itself needs to be smaller. There is going to be some fundamental questions to be answered in the next Island Plan about building in the green zone; population will have to be involved in forming an Island Plan; how many houses are we going to want; where are they going to go; are we going to continue to look to St. Helier; are village communities going to expand; how are we going to protect the countryside and the coastline? The Island Plan could be a much more inclusive document for other policies that sit outside of the Environment Department and I think we need to do some serious thinking about how we use it in the future. I do not know if you want to say something.



**Chief Officer, Department of the Environment:**

Yes. I think in this Island Plan, coming up in the review, we are going to need to do a lot of work in 2018. 2019 we have got to carry on with some of that research, involve the community in consultations. 2020 is really the year for enquiries and approvals, ready for it to kick in and be ready for 2021. But to do that, we need the new housing strategy to be really clear what the housing needs of the Island are, what sort of housing is the land use side of the Government having to deliver. Previously we have not had that housing strategy, so what housing needs are we effectively going to be trying to deliver? That is a really big fundamental question for the Island in this next Island Plan. The Minister is right around population. What levels of population are we trying to plan for? That drives housing strategy, housing needs, housing numbers. That is always where we get the most political community debates about where the new housing should be built. Fundamentally, our planning process, our planning system post-war has always been protection of coast, countryside, reinvesting new investment into land that has already been used. The fundamental strategy is probably going to stay the same as that, but as the Minister said, we will come under pressure for how we are allowing some of our rural communities, Parish centres, to be vibrant and are they meeting local Parish needs, so we have got to have that debate with Parishes. We have still got a lot of debate around town as to how we can increase urban quality and get the investment into town especially. So much of the same issues, but I think we are waiting to see where the housing strategy lands certainly in terms of population numbers and housing, dwelling numbers that we then have to reflect in the Island Plan. As the Minister said, we would like a very live conversation about how we get an Island Plan debated and approved. It was 2 solid weeks of debate last time in the States Assembly in 2011 to go through literally every page of the Island Plan. That is a very weighty debate and I think that that was on the back of a 3 or 4-week sitting. We rarely have sittings of that length until the Island Plan comes along and then it gets landed on the States Members. We would like to have a discussion with you about how it could be possibly more usable and how we can involve States Members in a different way, because the last time we did it, it was not universally loved, I do not think. The worry there, it is such a big document, some of the detail may be lost in that debate so we need to design something which is a bit more usable as a document.

**Deputy M. Tadier:**

Is the trick not to make sure the public elects lazy and disinterested States Members who are not interested in environmental issues so that you do not get any amendments? That is the bottom line. I say that slightly tongue in cheek.

**The Minister for the Environment:**

I should hope so.

**Deputy M. Tadier:**

In 2011 there were perhaps people who were specifically interested, and hopefully that is a good thing, in environmental and planning matters and that is why they lodged amendments.

**The Minister for the Environment:**

We mentioned the challenges on the green zone and we talk about population, but one very small part of that, which I have always said since becoming Minister, is I look at the growing numbers of elderly people on the Island. We know, regardless of what population policy we adopt, if we do not let another person into the Island from tomorrow, we will still have an additional 14,000 elderly people in a short number of years' time. I say to myself: "Right, there is an additional 14,000, 10 per cent of 14,000 - even 5 per cent - call it 700 people, say 5 per cent of those need a nursing home type facility, and a 100-person nursing type facility is a big facility, we need 7 of those in the next 15 years, every other year." You just think: "Where are these structures coming from?" Yes, sometimes we have hotels that go out of the industry. Not so many of those left. If even half of those are going to be built new, where are they going? This is the sort of challenge that in the next Island Plan we are going to address. That is just one very small part of the population. There will be other changes: education, health. There is any number of things and if we are going to build these structures the brownfield sites will run out.

**Chief Officer, Department of the Environment:**

We have to have a live conversation about public infrastructure and how that is expressed in the Island Plan in terms of water infrastructure, electricity infrastructure, our health infrastructure, education infrastructure, all of those elements that all have land use implications. All of those have to flow through. Also, we are starting a big piece of work on climate change and mitigation and adaptation, so how does the next Island Plan respond to climate change mitigation I think is going to be an issue for us as well in terms of what are we asking new developments to take on board in their developments, but also how we are using some of the land around our coastline. There are some weighty issues for us to get through.

**The Deputy of St. Mary:**

I realise that. Going back to fundamentals, there are so many fundamentals involved in arriving at the Island Plan. Whether it is housing or population, that aspect can be dealt with a long time before 2021. It should not be landing on our desks in the 2 weeks before or whatever. This can be worked out in principle 2 or 3 years before.

**The Minister for the Environment:**

I think what has happened in the past, and I suppose I am specifically thinking about green zone, is that the fundamentals of the Island Plan, the new Island Plan, are debated over a couple of years

with consultation and everything else. The 2 Deputies will know better than I because they were there for the last one and not me. But you have a lodging date and then you have time for amendments and it is not impossible that a Back-Bencher at the very last minute can decide that they would like the field down the road from their house rezoned from a greenfield into a housing estate for whatever reason. That drops in as an amendment and there is a fortnight to consider whether that is a good idea or not, whereas a normal process for a greenfield to go from green zone to a housing estate would be a very long drawn-out process involving inspectors, involving consultation and a lot of discussion with the public. All I am saying is I think we need to be very careful with the next debate on the Island Plan. All I offer is the possibility that we need to discuss stretching that period whereby nothing happens between the final cut-off for amendments and the debate to allow officers in the department to potentially do some proper work on the potential consequences of decisions that might be made.

**The Deputy of St. Mary:**

Yes. I hear what you say on those detailed matters. What I am really driving at is that if the Environment Department could give a skeleton plan almost of the issues on which they need their input by a certain date, whether it is housing or whatever, you do not need to wait until a year before ...

**The Minister for the Environment:**

No, absolutely.

**Chief Officer, Department of the Environment:**

No, I think that is right.

**The Deputy of St. Mary:**

... and exert some discipline on the other departments.

**Chief Officer, Department of the Environment:**

It is very hard for us to write an Island Plan in terms of the land use implications for housing supply unless we know what the housing numbers are doing and the population numbers are doing, the projections. There are some base inputs to the Island Plan process that we absolutely need. Population is probably the most fundamental one, because it drives educational needs, health, it drives all of our public infrastructure needs as well as land use needs. We need to understand what population projections we are trying to plan for and then this is the land use expression. Yes, that is one of the fundamental ones I think we absolutely need to be clear on so that we know what we are planning for.

**The Deputy of St. Mary:**

Will there be a policy statement early on after the next election from the Minister of the day to say: "These are the building blocks we need to arrive at that. We want departments to put in their case on certain areas"?

**The Minister for the Environment:**

I could see no reason why not. Like you say, it would be an over-arching policy statement and then as you progress the detail just floods and culminates in a big plan which has got an awful lot of detail in it. But it is a big, important document and it is going to be important very early, as soon as the next session of Government settles down. It is going to be very important for the department to come out and say: "This is what we are going to do and this is basically how we are going to do it."

**Deputy M. Tadier:**

There is a fundamental problem, is there not, because even if you increase the lodging period to 4 weeks for amendments, the decision is still being made at the end of the Island Plan debate and it could represent a fundamental change, something is taken out of the Island Plan. That still does not help the department, so what are the options for you, apart from saying the States Assembly no longer decide?

**The Minister for the Environment:**

I suppose, and I have not really discussed this with officers, so I will probably get shot down, but there might be a possibility that you have a basic Island Plan which stays in place for ever and is never re-debated, other than specific policies at the time when it is felt that they need to be changed are brought back for re-debate. So rather than re-debate the whole thing every 10 years and have a new plan, you have an ongoing plan which always endures, which you modify in different sections, depending how you need to.

**Chief Officer, Department of the Environment:**

Our fundamental planning strategy for the Island frankly has never changed. It has been about protection of coast and countryside, it has been about utilising our brownfield areas, the land that has already previously been developed. We obviously have, as an Island, had to respond to population growth, so we have seen a growth of settlements. The big debate every single time is around new housing supply and where are we going to meet new housing demand from. That is fundamentally the biggest debate the States has through the Island Plan process. Most of the other debates we have are relatively small scale, but the core of the document really is the same.

[14:45]

Arguably it has been fairly successful. We still have a coastline which is fundamentally green and protected. There are some obvious exceptions where we have allowed settlements to grow over the decades, but I think the Minister is right, I think we need to get to a position where our core policies pretty much are the same that the Island always wants. It wants these core protections in place and we need to be more flexible about how we really fundamentally approach public infrastructure needs and housing needs. That is where we have the most debate.

**The Deputy of St. Mary:**

Perhaps we will move on to another topic. The proposed Community Infrastructure Levy, we extended the consultation period for that. We are due to have a presentation on that and you will be aware there have been open letters of objections from certain interested parties and maybe we have got to go back to them on that. Following the extension of the consultation process, has there been much more forthcoming?

**The Minister for the Environment:**

We have certainly received some detailed consultation responses as a result of the extra fortnight. The Chamber of Commerce particularly felt that we had been a bit naughty, consulting over the summer. But the consultation process, the most recent one, in a way is peculiar, inasmuch as in arriving at the consultation paper that we put out, we did an enormous amount of work with the industry before we put the consultation paper together. It was almost like we have had 2 consultations. The first one was just trying to decide what we were going to put in the consultation. Everybody knew what was happening and we have granted an extra fortnight. The responses have come back in and we are on the verge, I think, of sending you a draft, not particularly tidy or sanitised, but there are all the answers and there are our initial responses. We will talk to you about that, but you are quite right, inasmuch as my proposals for the levy have not been universally well-received by the industry. I think that probably puts it mildly. I gave a speech to the Chamber of Commerce last week and they asked me very specifically if I would ask you if you would review the Jersey infrastructure levy, so I put that to you today in public and say that I am asking ...

**The Deputy of St. Mary:**

They told me that they asked. Yes, thank you.

**The Minister for the Environment:**

Yes, but I said I would ask you, so I have done. I know we are going to continue to meet, but it certainly is my view that I have seen nothing in the responses thus far which would cause me to make any fundamental changes to the principles. There is a lot of work to do on the detail afterwards, but we have set out some principles and I cannot see anything in the responses which is going to make me change my mind on the way we move forward at the moment. Certainly the

price that we have set per square metre, the level that we have set, the number of square metres to tip the threshold, we have come out with all these things after a lot of very heavily resourced consideration. The evidence that we have got behind us is pretty good and I have not seen anything from anybody to dispute that what we have done is not right thus far.

**The Deputy of St. Mary:**

In the general scheme of things, do you not have some sympathy with industry who believe they are being got at on various quarters? Apart from the proposed waste charge, they feel that they are almost being taxed in addition to everyone else.

**The Minister for the Environment:**

The development and construction industry do feel hard done by on the infrastructure levy, but as we do keep repeating to them, the levy is designed to come off the value of the land and not to increase the price of the property that is built on the land. The idea would be that if you go to purchase a piece of land for whatever reason, before you go into negotiations with the owner of that property, you know how much of an additional levy you will have to pay and the idea is you then go to the owner and say: "I might have paid you X before, but I can now only afford to pay you X less the levy" and the idea is to get back some of that massive increase in profit that the owner of the property receives when he is given the benefit of an approval on a planning application. The industry are very clear that they think it is going to put up prices, certainly prices of houses. It is not designed to do that, but we do accept that there will be a number of sites which have already been purchased and have been built on and there will be sites which people have purchased at a price, but in consideration of that, they all know that even if the infrastructure levy debate goes well and we go from the principles to the detail, it will be some time before anybody would need to pay anything. We think that time, at the absolute minimum, would be 18 months, so there is time, we think - I think there is plenty of time - for people to come forward with schemes where they would not be attracting the levy and those that say: "I have already bought my land", you need to get on and come forward. If you choose not to come forward in the next 2 years, you know that you make that decision with the knowledge that the levy may well be imposed in the future. But there are a number of things which I cannot help but reiterate time and time again with the levy. The first one is all our detailed work allows for a 20 per cent profit margin for the developer. The idea of the scheme is not to impact on the construction industry. That is the last thing we want to do, so we have left in a minimum of 20 per cent for them. This is set to hit, as I said, the land price. Only last month I was looking at some numbers for the average value of agricultural land and, as is normal, the price per vergée is about £7,500. A patch of land which recently moved from agricultural to building is £300,000. That is the sort of uplift in value that you receive if you have a stamp on a plan and it changes from agricultural to housing. It can be a lot more than that as well. All we are looking for here is a very, very small percentage of that uplift in value to fund projects which are for the benefit of everybody

on the Island. We are talking about green open space in town, making areas more pedestrianised and better for the people who live in town; we are talking about returning some of that money back to the Parishes. We are not talking about putting a levy on warehousing or agriculture. This is only about office, this is about residential and about retail and nothing else. So a number of people are not affected. Those who are affected, the price that we are going to ask is not great.

**The Deputy of St. Mary:**

I hear what you say on that. I suspect some of their opposition is fuelled by the fact that they are being faced with other charges or possibly other charges, including the waste charge, Minister. Are you able to comment on where we are with the waste charges, in fact, at the moment?

**Chief Officer, Department of the Environment:**

Before the Minister, the fundamental point, the commentators who have made the point they will be paying, this comes off the land value. They will not be getting a bill for the infrastructure if you are an architect's company or if you are a development company. This is a cost of construction that gets put into the equation before you buy the land. Those individuals who have commented will not be getting a bill for the levy. It is already worked out in their equations. Unless they bought the land in advance without taking this into account, then they should be okay. Most of the work we have done to date has been predominantly on viability. We do not want to introduce something here which is not viable. The last thing we want is the construction industry not delivering the housing we need, the infrastructure we need. It needs to be a viable industry, so we are very mindful of that. That is why all of our work to date has been purely on viability.

**The Deputy of St. Mary:**

Again, I hear what you say.

**The Minister for the Environment:**

But I go back to your original question about waste charges and potential small taxes to the same industry. We know we need to build a new sewage treatment works. We know the problems that the existing one is giving us and the issues in St. Aubin's Bay. The increase in population, the plant was not designed for the amount of work it is trying to do. There is no discussion to be had about the need for new sewage treatment. How we fund it is something else, but also in the knowledge that we are just about the only place anywhere that allows commercial business to dispose of their waste free of charge. Yes, you pay to have it picked up from business premises and taken to La Collette, but after that point there is no charge for the disposal of it. I think when it comes to waste charges, yes, people will be unhappy that there will be more to pay, but at some stage we have to face the fact that the taxpayer, every taxpayer on this Island, is paying for businesses to dispose of their waste at La Collette.

**Deputy M. Tadier:**

But that is a problem with the tax structure, is it not? Businesses do not pay tax and you could say that about anything when businesses use the roads, et cetera, they are not paying tax, so we are all cross-subsidising business.

**The Minister for the Environment:**

I think when it comes to waste, it is important to try to do what we can to try to encourage people to create less waste. I do not think it is right that there should be no incentive at all for a business to not look at what they are doing with their waste.

**Deputy M. Tadier:**

But by that argument, you extend that to domestic properties as well, because there needs to be this incentive for all people to reduce their waste.

**The Minister for the Environment:**

Yes, I could not agree more, but the fact of the matter is the waste charges were proposed, they went through the States on a principle and we accepted the principle and we thought it was the way to go, but when we come to try and work out the detail, it does not seem that we can reach a consensus of opinion as to how we do that. Certainly as Minister for the Environment, I get emails and letters on a regular basis about plastic waste most recently, but waste generally. I am on record saying that I want to drive down the amount of waste that we create full stop, regardless of what type of waste it is.

**Deputy M. Tadier:**

Should we not tax it at the point of import?

**The Minister for the Environment:**

There are a number of things you could do and that might be one of them, but certainly if a business is paying for the volume of waste that comes out the other end of its business, it will look an awful lot more closely at how it can reduce that and ways of reducing it. Certainly I am aware some of the hotel chains that operate in Jersey and outside of Jersey, quite surprised that we do not ask them to do a lot more with their waste. When they are outside Jersey, they would, as a matter of norm, be looking at their glass and their cardboard and their paper. We do not have that ethos on the Island, because historically we have just paid for it and historically now it all goes to the Energy from Waste plant and it is burnt, but we need to start encouraging people more, and businesses especially, to look at the amount of waste they produce.



**Deputy M. Tadier:**

I do not want to get into small detail, but the point I am trying to make is that we all go to the supermarket. If I buy my mushrooms, they usually come in a plastic punnet. The punnet cannot be recycled, unfortunately, whether I am a domestic user or a business, so there is no joined-up thinking there. I would much prefer to buy my mushrooms out of a brown paper bag, but there is not an option there, so how do you ...

**The Minister for the Environment:**

I cannot disagree with you, because I see the waste that goes in the bin when the supermarket shop comes and is emptied into the fridge. I am completely with you on that, but we know that just looking at kerbside recycling for individuals, it is not something that is consistently addressed across the Island. Why is that the case? Let us be quite honest, when it goes to a Parish Rates Assembly and the choice is between carrying on with the system you have got or doubling the amount of money you pay to your refuse collection because you are going to move to recycling, it is not surprising that generally parishioners as a whole will resist the additional cost. But again, I get a number of representations around St. Martin, where people say: "Please can you find a way of introducing recycling at the kerbside? We want to go down that road." My house is no different from many others, we do our recycling at home, but we take it to the recycling centre and do not leave it at the side of the road. But I think the youngsters these days, the younger members of society are very much more aware of this recycling thing and I very much hope as we move forward it is going to become easier, but I take your point, certainly.

**The Deputy of St. Mary:**

Sorry, just before I leave the question of the waste charge, which I appreciate is Infrastructure rather than yourselves, following the review by this panel, implementation was deferred, et cetera. Do you know exactly where we are in the overall scheme of things on this now?

**The Minister for the Environment:**

I do not know exactly where we are. I am aware that the Minister for Infrastructure is now talking to the Minister for Treasury and Resources about how it is implemented. Obviously from his point of view - this is the Minister for Infrastructure - he was under the understanding that moving forward, following the principles debate, he had a certain amount of income costed in there and the fact that if we decide not to implement a waste charge, there are consequences of that, and the States as a whole will have to consider how they want to address that shortfall in funding. It may well be that it is thrown back at the Minister for Infrastructure or the Minister for Treasury and Resources to find the funding, but the long and short of it is the States made a decision that they wanted to move forward in the general direction of charging for waste. We thought that was a good idea, but we have not, as yet, agreed the detail, which is unfortunate.

**Deputy M. Tadier:**

Will the responses be published at all?

**The Minister for the Environment:**

To the infrastructure levy?

**Deputy M. Tadier:**

Yes, that is right.

**The Minister for the Environment:**

Absolutely, the responses are there. You will have them very shortly. As I said, they are a bit raw at the moment. We have literally just downloaded them, but I have asked that you be sent them straight away. We will then be making them a little bit more user-friendly, but yes, they will be there.

**Deputy M. Tadier:**

Will social housing be exempt from the levy?

**The Minister for the Environment:**

Yes. The proposal at the moment is that social housing would be exempt.

[15:00]

Certainly I can remember seeing, as I scan-read it, there are at least 2 - or certainly one, if not 2 - responses that say: "All housing should pay the levy" and in some ways you can understand if a person owns a field and it is rezoned for social housing, there is still a massive uplift in value. Why should that person not pay the levy, just like somebody who has his field rezoned for open market housing? They receive a lot more money, but the increase in the value of the property is still massive. At the moment my proposal is not to charge for social housing, because we need to do everything we can to encourage social housing, but there are responses that do say we should pay it as well, but that is not my intention.

**The Deputy of St. Mary:**

A very quick question on a related matter. Planning obligation agreements, they carry on regardless of what happens on C.I.L. (Community Infrastructure Levy), do they?

**The Minister for the Environment:**

We have new planning obligation agreements at the moment. I say "new", we have updated our planning obligation agreements. There were a number in the Island Plan which we were not applying

as consistently as we might. We have now got a new document which sets out very much more clearly for the developers in the construction industry what their requirements will be moving forward and the impositions they make on the community and the infrastructure immediately around the development site. We have indicated that if the deal goes forward that there will be parts of the planning obligation agreements which will fall away. The one that specifically comes to mind would be the eastern cycle track. I have always said publicly that I think it is wrong that there is a boundary inside which if you happen to want to build, you would pay something towards the eastern cycle track. It is possible to have one person on one side of the road paying the levy and somebody on the other side of the road does not get to pay the levy. I am not sure that that is fair. The idea of the infrastructure levy moving forward is we would drop the eastern cycle corridor contribution and the bigger infrastructure levy fund would then in itself fund things which might help the eastern cycle corridor or bicycling or pedestrians more generally. There are some bits.

**The Deputy of St. Mary:**

Apart from the example of the cycle track, will the existing system still carry on for P.O.A.s (planning obligation agreements) or will a large part of it fall away?

**The Minister for the Environment:**

Sorry, could you explain?

**The Deputy of St. Mary:**

At the moment, it is not the intention that C.I.L. will overtake or take over the planning obligation agreements, is it?

**The Minister for the Environment:**

No. Some planning obligation agreements will have to remain in place. There was some confusion early on in the infrastructure levy. Some people thought that I was saying it is if the levy comes into place, all the planning obligation agreements fall away. That is not the case, because it will always be, regardless of where you build on the Island, if you have a large development which has an imposition on the infrastructure or the community immediately around it, that development needs to address that, if you need a bus stop, if you need to do something with the pavements, if you need to make it safer or the traffic safer.

**The Deputy of St. Mary:**

I just wanted clarification, not any more. Anyone else?

**Deputy M. Tadier:**

Just that last bit, I think we wanted to know whether you got full support from the Council of Minister for the infrastructure levy.

**The Minister for the Environment:**

Can we move to the next question? Yes, the Ministers generally see where I am going with this, they understand, but quite rightly, certain Ministers have to represent certain parts of the industry.

**The Deputy of St. John:**

But do they not all support the levy?

**The Minister for the Environment:**

The Council of Ministers supports this. The question was ...

**Deputy M. Tadier:**

How many of the Ministers support it and how many do not?

**The Minister for the Environment:**

The vast majority of Ministers support it, but you will not be surprised ... we can have this debate on any number of subjects and I have quite openly said that I am not sure that it is right that, for example, the Minister for Economic Development should not be at liberty to put over a different view on something which might have a detrimental effect on the business community in a certain sector. Yes, we are being challenged and people who would want to represent the construction and development industry are saying to me: "Steve, is this the right thing to do? Do you think ..." and I am explaining to them, but the more I explain the easier it is. Certainly people come to me on a regular basis still very much against this levy. When I say to them: "These are the only sectors that are going to be involved. We are leaving a 20 per cent profit margin in. This is the amount of uplift you can get, from £7,500 to £300,000, just for social housing", when I explain what we are trying to do and when I demonstrate things like the Charing Cross scheme or the squares in front of the Pomme d'Or, there is so much more of that that we need to do in St. Helier to make it a better place and more enjoyable for the people who live there. It is good now, but we need to make it better still. There is so much work we need to do with pedestrianisation and cycling and cutting down on traffic in the heart to reduce air ...

**Deputy M. Tadier:**

But if you cannot even convince your Ministers at Economic Development, how do you convince the industry and the public that it is a good thing?

**The Minister for the Environment:**

I am convincing my Ministers, but it is only right that if they represent a sector of the community, they put over the views of that sector of the community and I take my time to explain to them and show them what we are trying to do is the right thing. But I accept that depending who they represent, they have to put the views of that forward and that is only correct.

**The Deputy of St. Mary:**

We will move on to a shorter subject, I think, and less contentious, or maybe not. Permitted developments: I think the last quarterly hearing we had you in with us, you advised you would be going out for further consultation in regards to permitted developments for listed buildings. Now, has this taken place? I think windows and doors have been a separate matter. Where are we with that as a separate matter?

**The Minister for the Environment:**

We still have permitted development with listed buildings and we still have windows and doors as a separate matter, which is still being progressed. I am very close to signing a Ministerial Decision to ask the law officers to put down in legal fashion the changes I want to make to the G.D.O. (General Development Order) for listed buildings. I have seen the last draft for it, so quite shortly I will be signing that off and then it is just the M.D. (Ministerial Decision) that goes public, is it, or is it the detailed ...

**Chief Officer, Department of the Environment:**

It is, yes.

**The Minister for the Environment:**

It will have to be quite a detailed M.D. because ...

**Chief Officer, Department of the Environment:**

It is a very detailed Ministerial Decision to specify the changes to the General Development Order, which is we encapsulate what we can and cannot do without planning permission. There are a number of changes Ministers are proposing on predominantly listed buildings owned by homeowners. These are not commercial listed buildings, these are generally people's homes, so there are a number of changes that the Ministers ...

**The Deputy of St. Mary:**

That is a distinction which has not been made before, is it, homeowners and commercial ones?

**The Minister for the Environment:**

There are a great number of listed buildings commercially, but one particular change that I am making to the G.D.O. for listed buildings is about the painting of buildings so that where properties at the moment are rendered and not painted, you currently cannot paint them without permission. I am looking to change that, so people will be able to paint cement rendered listed buildings without permission, provided that they use a paint which is of a palette which will be selected, yet to be selected, the town ...

**Chief Officer, Department of the Environment:**

Yes, the locally relevant colours to Jersey. Also it needs to be a proper product so that it does not damage the ...

**The Minister for the Environment:**

A breathable product to protect the ...

**The Deputy of St. Mary:**

I hope Normans do not have any such buildings.

**The Minister for the Environment:**

No, absolutely not. But getting back to the G.D.O, paint is one, but generally speaking I think what some members of the public may be quite surprised about is that where we are going to make some of the changes, they may well already think they are allowed to do that. For example, we are going to make it you may put children's play equipment in front of a listed building without permission, provided it is not a permanent structure. Now, people may be thinking: "So I have got a listed building and I cannot put children's play equipment in the front garden without permission?" You cannot.

**Chief Officer, Department of the Environment:**

Technically at the moment, that is true.

**The Deputy of St. Mary:**

I confess I have been guilty on that one before.

**The Minister for the Environment:**

I would profess as well. So there are a number of changes that we are making. Some of them people will be surprised that they are not allowed to do at the moment. I am thinking of agricultural fencing.

**Chief Officer, Department of the Environment:**

Generally the thing is liveability in their listed building. Most of the comments we get and feedback we get from people who live in listed buildings want to be able to live in their listed buildings, invest in them and do sensible things in the gardens of their listed buildings, fences, sheds, play equipment and such things.

**The Minister for the Environment:**

Most people in listed buildings at the moment, if they want to put a T.V. (television) aerial or a satellite dish, would put it in the back of the property. At the moment, in theory, that needs an application and we will be coming in with some G.D.O. changes so that people will be able to do it without permission legally.

**The Deputy of St. Mary:**

I am sure that will be a relief to a lot of people. Can we move on to the vexed subject of doors and windows then?

**The Minister for the Environment:**

Yes, that is the next stage. On my desk yesterday I was looking at the supplementary planning guidance, which was written in the 0-somethings and updated in 2013 as a draft and has not really moved much since then. But I am aware that in changing the permitted rights on windows and doors, I have to be very careful that I do not go further than the supplementary planning guidance. I am aware that I probably will do, so the S.P.G. (supplementary planning guidance) is going to need to be modified as well, so we will be doing the 2 things at the same time.

**Chief Officer, Department of the Environment:**

The permitted development work means that you do not need to come anywhere near planning, you can just get on and do that yourself without permission. The supplementary planning guidance will apply to those works that still need permission, so replacing windows and doors will still need permission. However, we are going to have more flexible guidance as to what those could be. We have got to be careful that if we say to homeowners: "You can now replace your windows" we may well see a lot of windows and doors which are not appropriate for listed buildings. We still need to maintain an element of control by saying: "We need to approve the right sort of design" and so on and so forth, but the new guidance will be looking at certainly thermal efficiency, double-glazing and those sort of things. We need to make buildings liveable, but we still need to maintain the character of those buildings, so that is where the guidance will be more flexible.

**The Deputy of St. Mary:**

I seem to recall some time ago reading that would be in place by May of next year.

**The Minister for the Environment:**

It will be. I feel very strongly that I need to do this work before next May and it will be done, as challenging as it may be. We have got a lot of policy work on the go at the moment, but it is something that I have said I am going to do and it will be done.

**The Deputy of St. Mary:**

Thank you for that assurance. On to the next sub-heading then?

**Deputy M. Tadier:**

Yes. If we could ask some questions about public inquiries. In particular, obviously I have got an interest in Les Quennevais School. If you could start with that, I would be grateful. Any update on the ...

**The Minister for the Environment:**

Les Quennevais School, where do we start? It has been known for some time that we needed a new school. We went through a process even before we got anywhere near the public inquiry, where we made sure that Education had looked at all the available sites. It was very important to make sure that they had done enough research into the available sites, which they did. When they came forward with their proposals, I thought, as Minister, that it was an important enough site and application that it needed a public inquiry, which would allow for everybody to have their say. We went through that process and the outcome was that the application was not allowed to move forward because it was felt that there were some specifics which had not been covered. Property Holdings have gone away, they have submitted a new plan. Again, I have not had a huge amount to do with it, because it may still be that it goes to appeal, in which case I would get involved at that stage. But I have urged all parties involved to make sure that the real issues that were addressed at the public inquiry are addressed again. Traffic is one of them.

**Chief Officer, Department of the Environment:**

Yes, the strategic issues for the inquiry were really about the need and the principle and the location, so the inquiry has sort of done its job on that. We are anticipating the Planning Committee now will see this new application, the revised application, in October. As the Minister said, the process allows third-party appeals and other rights of appeal, so whether it goes through another inquiry at some other point on a third-party point, we do not yet know, but anticipated that the Planning Committee see that now in October for a decision. It will not need to have another decision at a planning inquiry to get the planning application approved; that is now being lined up with the Planning Committee. Whether there are any third-party appeals thereafter, we do not know. We cannot predict that. We would hope not, since they have already been involved in the original public inquiry earlier in the year. But that is the timescale, so it is being lined up for a Planning Committee decision next month.



**Deputy M. Tadier:**

When do you think that the school is likely to be built? Is that a question for you?

**The Minister for the Environment:**

It is not really a question for us, but I think we were assured that ...

**Deputy M. Tadier:**

Or how long is the process going to take in order to allow the school to be built?

**Chief Officer, Department of the Environment:**

I believe they need to work in academic years, so I think we are now looking at ...

**The Minister for the Environment:**

They are still heading for September 2019, is it?

**Chief Officer, Department of the Environment:**

It depends on how the school is built and the construction method. It will either have to be for the academic year 2019 or probably September 2020. It really does depend on how the building is built and how quickly it can be built. There is normally a rule of thumb for a fairly substantial building, a couple of years' construction process, so ...

**Deputy M. Tadier:**

What if it does get referred to a public inquiry?

**Chief Officer, Department of the Environment:**

If there is a third-party appeal, obviously we will get some further delay on the scheme.

**The Minister for the Environment:**

I know it cannot go to a public inquiry without my say-so and my decision.

[15:15]

I have already decided that the Planning Committee can make the decision in this instance. As Andy said, the really big issue for the original public inquiry was whether we were prepared to give up the green zone land and those fields at the end of Quennevais there, was it right, did the policies balance and was there enough of a need that the green zone had to be built on there? The public inquiry crossed that and said: "Yes, there is a need for it, but there is some other detail that needs

to be resolved.” That detail can be resolved by the Planning Committee, but if their decision is appealed, yes, there will be an inspector who will come over and hear the appeal. Yes, it could almost potentially be the same inspector, but it will not be at a level of public inquiry where any member of the public can come and have their say. But it will still be at appeal level, it will still be a senior inspector who will consider all the relevant facts on that particular part of the appeal.

**Chief Officer, Department of the Environment:**

We are hoping that would not happen on the basis that the public have already been involved in a public inquiry once on the proposal, so the risk of that I think is small, but it is a possibility. So all being well, a decision in 2017, it is then over to Property Holdings to sort of mobilise, get a contract ready, and then construction on site. So it really is whether that can be delivered for the academic year 2019 onwards or whether that would have to slip into 2020. I guess time will tell how long that construction period will have to be.

**The Deputy of St. Mary:**

Following on from Monty’s question in relation to his Parish, one relating to mine, I do not want the detail in respect to any detail but, 2 things: where are we in the general context of how advanced is that; and, secondly in relation to public inquiries generally, are there occasions where you could come to a decision that the matter would have to go to a public inquiry rather than have the interval in between which perhaps delays matters?

**Chief Officer, Department of the Environment:**

Maybe I could answer that last point first because then we have different sort of responsibilities. So we would refer cases to the Minister if we thought certain things would be tipped for a potential public inquiry, and the Minister would then decide whether he felt the circumstances would warrant a public inquiry. Generally the rules of public inquiries of that nature, either they are significant departures from our Island Plan policy - so we have a very clear Island Plan policy that says you should not do certain things in the countryside - or it is of Island-wide significance and it is of such significance that the Minister thinks there should be a public debate on this through an inquiry process. So in the Tamba Park proposals clearly that is green zone, it is in the green zone, the proposal there is not in line with our Island Plan policies. While it may well be a good idea - and certainly big chunks of the community thinks it is a very good idea - we have also got some elements that we do not think is a very good idea so we have to balance there. Ultimately we assess the proposals against the Island Plan; if we feel they are not in line with the Island Plan and they are of such a scale, then that would trip a threshold to say: “Well, Minister, this may well be another one for a public inquiry.” Or it is of such significant then it needs to go that route.

**The Deputy of St. Mary:**

What I am really asking - and I am not identifying Tamba Park in this question - but you must receive certain applications where the moment you receive it you must assess it is going to go to a public inquiry, but am I right in thinking you still allow the objection process to go through? Could the referral not be made earlier at times?

**Chief Officer, Department of the Environment:**

Firstly, we have to receive an application to call an inquiry, so we have to physical have that. We try and get the Minister to make a decision fairly early in the process really.

**The Minister for the Environment:**

As early as possible, yes. I mean, we do not run the full course of the process before we start the public inquiry because there would be no point. If it is relatively obvious the ones that need a bit of thought about whether they will be a public inquiry or not, and as soon as the decision is made we then go into a process whereby we write to our list of inspectors to ask who might be available, because obviously the worst thing is that we do not want to delay the decision for too long so we need an inspector who can be in Jersey at a particular date to run the inquiry. We get responses back from the inspectors with a quote for the work and their timescale, and as I have done this week, I have made a choice on the inspector who is going to run the Tamba Park inquiry so we will now go back to that person that has been chosen and they will come back with a timescale. Although I do not know any detail of the Tamba Park application itself I know that hopefully the inquiry will happen very early in the new year with a recommendation and an answer from myself not too many weeks after that.

**The Deputy of St. Mary:**

How many other public inquiries are in play at the moment?

**The Minister for the Environment:**

Hospital.

**Chief Officer, Department of the Environment:**

Hospital is certainly one, so the hospital is having a public inquiry in November.

**The Minister for the Environment:**

Hospital, Tamba Park.

**Chief Officer, Department of the Environment:**

They are the only current 2. There are always a couple of schemes bubbling around, whether they every translate to planning applications ... so we like to think everyone complies with the Island Plan,

that does not necessarily always happen and then we will get a proposal through the door which we have to assess. So currently there are 2 lives ones, there will be Tamba Park, there will be the hospital. There may well be another one or 2 coming down the track because I guess that is another thing in the Island Plan, as it gets to a piece in time that gets a bit older in its life there is a need to review some of the policies, so you do see other proposals coming forward. So there are 2 currently; we probably would expect another one early next year but I cannot really say much about that yet, we have to receive the application first.

**The Minister for the Environment:**

I know we are going back in the agenda but when we talk about inspectors coming over and leading inquiries into proposals, certainly when we get to the detail of the infrastructure levy there will be a lot of stuff there. I think our intention is to have a leading inspector to come from the U.K. (United Kingdom) to Jersey and in public hold an examination of our detailed proposals for the infrastructure levy where he will also go over all work and have an opportunity for the public to have a ...

**The Deputy of St. Mary:**

I had not appreciated that the inspectors did things other than look at the planning application itself. Okay, thank you. We are running short of time so I will jump on to the next topic, and this was written before your Chamber of Commerce luncheon, the heading is "Waterfront Masterplan". Now, you have certain views on that; where are we again on the ... has it started because I think it is last year that you decided there would be a review?

**The Minister for the Environment:**

Yes, we indicated some time ago that especially following the inspector's recommendation on the appeal on building no. 5 that we would, as recommended, be reviewing the Waterfront Masterplan, and we have been doing that for some time now. We are very close to the point where we are going to go to consultation with the general public and other significant stakeholders and, as I indicated at Chamber last week, this is another process that will be done and completed before the elections next year. I think that is extremely important. But we do have a certain amount more work to do, we have engaged the Design Council to help us with that process and, again I have said this publicly now, we have already realised that this very tight red line which was set around the original Waterfront Masterplan is going to have to be blurred because it is much more important for the area - whatever happens at the waterfront - to work in so many different ways with all the areas that it touches and affects. So we know that, and especially so with the connectivity, which is the traffic and the pedestrians and the bikes. So we know there is a large amount of work to do there. It is not bad reporting but the way I spoke about the Waterfront Masterplan, certainly we have a building which is constructed, we have another under construction, another one past, and those are top quality, first class, great buildings for offices. But we need to accept that the whole of the Masterplan

is very much in a grid scheme, like New York would be, it is also very much of the same height, and when I said that it was boring; do we want to look back in a few decades time at that area which is all at the same height, all very square, or can we aspire to something which is a bit more exciting. I think moving forward we can get away from the rigidity that the current Masterplan sets us and be more flexible. The original Masterplan was designed to be built out in one go, in one hit. We are obviously not doing that now and we need to have a Masterplan which allows us to be flexible as we move forward. We are not going to have the Masterplan done in the next 18 months, it is going to be potentially 18 years.

**Deputy M. Tadier:**

Presumably you are not asking people what should go on the waterfront in terms of provision, it is still going to be office?

**The Minister for the Environment:**

No, it is not going to be just offices because there is already in the Masterplan the provision for offices, for residential, for hospitality and some culture; and I do not see that changing. The other bullet point in the current Masterplan is the connectivity and the sinking of a road, and that is one of the major issues that we do need to look at and say: "Do we need to sink this road in the future?"

**The Deputy of St. Mary:**

I was about to say that my understanding is that the connectivity aspect cannot be sorted until you sell off enough buildings to finance it. Is that still the case?

**The Minister for the Environment:**

Well that is a challenge for another department, it is not really for us to decide on the financing. What we are doing is looking at the planning aspect here and what we are saying is, moving forward, are there better ways. As I said, the original Masterplan is quite ...

**Chief Officer, Department of the Environment:**

Yes, some of the work we are doing at the moment ... certainly working with the Design Council and their arm is C.A.B.E. (Commission for Architecture in the Built Environment), they are injecting quite a lot of expertise from around the world in terms of how would you get people to move across roads; so looking at road calming and other things. We need to look at all of these matters. Whether we look at a physical infrastructure solution for connectivity or whether we look at other ways of putting the public more in charge of their public ground rather than cars. So there are a lot of places around the world, big cities certainly in the U.K., that have bridged gaps or crossed roads in a far more effective way, less interventionist way I think than building a big underpass. That is the big issue for this Masterplan. We need new offices of some kind, we still need to replace some of our office

stock; we certainly have a big demand for residential, there is a big debate we have about the type of residential we build down on the waterfront. We certainly need some of the other supporting facilities for a new quarter of town, culture and things like that. So the big point of conversation we have got to have is around that connectivity; what are we trying to cross where, and why are we looking at that direction and this direction. So the connectivity is still the piece which we think will probably enliven the debate for the latter part of this year really.

**The Deputy of St. Mary:**

But is the finance available a major factor in deciding what you could even consider?

**Chief Officer, Department of the Environment:**

It is not a matter for us in the department. We want to look at this place as an urban piece of town; we need to make sure this is working properly. The funding solution for it really, frankly, is not for the Planning Department to assess. Clearly other bits of government will need to assess whether they think it is right to invest a huge amount of money into road infrastructure as opposed to other forms of public infrastructure or public gain. So is there another way of getting connectivity to those places where the public want to connect with? Some of the other fundamental questions are obviously what are we trying to connect with what? Because there was a huge debate about connecting town to Jardins de la Mar in that direction, maybe there is still a desire lying in that direction, but there are other bits of the waterfront people want to connect with; so we are looking at all of those issues currently.

**Deputy M. Tadier:**

Is it cynical to say that the waterfront development is still largely seen with scepticism from the public? They are not 100 per cent behind it, is probably an understatement.

**The Minister for the Environment:**

I think there is a very noisy minority that we have always had that were critical of the financial centre specifically as opposed to the waterfront generally. But we have built the first office and it is a fantastic working environment ...

**Deputy M. Tadier:**

It has still not been fully occupied, has it?

**The Minister for the Environment:**

I am aware that it is becoming fuller by the day but I do not know about the total ...

**Deputy M. Tadier:**

Is it not the case you could see that the delay would serve ... because first of all we cannot even fill one block, there are still the first and second floors which are unoccupied, so why on earth would we build more office spaces when we cannot fill one block? Also, it is a great opportunity to control the debate 6 months before an election about what people should think of the Esplanade Quarter, and we know there is a lot of descent already in the public; is that a fair charge?

**The Minister for the Environment:**

Would you prefer me to wait until after the election to do the Masterplan review, would you? Because I am happy to do that if you want.

**Deputy M. Tadier:**

I think if you are going to do a consultation there is an argument to put it out to the public and say: "What would you really like to see go on the Esplanade Quarter?" rather than say: "Would you like the office blocks that are going to be built unoccupied and then sold to our mates to face in this direction or another direction?" Would that not be a more genuine consultation?

**The Minister for the Environment:**

From a planning perspective we are looking at structure, we are looking at mass, we are looking at overbearing, we are looking at connectivity, we are looking at public rail. We are not particularly looking at whether it is occupied by one bank or another or whether it is residential or whether it is hotel. I mean, from a planning perspective a building has 4 walls and a roof usually. But we know from the original Masterplan there will be a tourist offering, there will be a cultural offering, there will be a lot of residential; we just happen to have started in one particular corner where we knew there was going to be offices. The whole idea of the new Masterplan, I would hope, would be to say we need a plan which is more flexible than the one we have currently got, and the one we have currently got says this corner here is the International Finance Centre.

[15:30]

**Deputy M. Tadier:**

So will there be an opportunity for the public to have input as to what type of cultural amenities they would like to see?

**The Minister for the Environment:**

Yes, we are going out to public consultation on a view of the Waterfront Masterplan, so the public can turn up and I hope they do because generally speaking, unfortunately, when it comes to asking the public's views we do not often hear very much until it is almost too late. I might use the

opportunity to say that I do not know if it is too late for the hospital but try as hard as we can we have had very little response from the public to the public inquiry about the hospital in Gloucester Street.

**The Deputy of St. Mary:**

I see we are out of time. If I can be sneaky and get one last one in very quickly; windfarms, I know that the cost of electricity by that means has come down dramatically. In 30 seconds are you able to say has that reenergised a debate as to what you might do with the French?

**The Minister for the Environment:**

Windfarms are just a small part of the whole sustainable energy package; having said that, windfarms on their own are a massive subject. We have on land and we have at sea windfarms and we know currently the French are in the process of starting the process of building quite a large windfarm to the southwest of the Minquiers. We have been involved in the consultation on that and they are now moving forward. As Minister I would like to do whatever I can to encourage people to create more sustainable energy but I think it is fair to say that the public of the Island would be pretty much against large on-land windfarms, so I would put that quite a way down the list when it comes to sustainable energies that we might create on land. Having said that, we know - you are quite right - the cost of this energy is coming down all the time with new technology, and in some places windfarms are very competitive when it comes to other sources of energy. We know, because the French are doing it and we have our territorial waters very close to this new windfarm, that there would be the potential for us to do something down in that quarter. That is something we will certainly be looking at in the future.

**The Deputy of St. Mary:**

That is all I expect you to say, thank you. Our time is up so thank you, Minister and officers, for your time and I declare the meeting closed. Thank you.

[15:32]