

STATES OF JERSEY

Environment, Housing and Infrastructure

Scrutiny Panel

Quarterly Public Hearing with the

Minister for the Environment

THURSDAY, 23rd MARCH 2017

Panel:

Deputy D. Johnson of St. Mary (Chairman)

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

Connétable S.A. Le Sueur-Rennard of St. Saviour

Deputy M. Tadier of St. Brelade

Witnesses:

The Minister for the Environment

Chief Officer, Department of the Environment

Business Director, Department of the Environment

[10:18]

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

May I welcome the Minister and his colleagues to this quarterly hearing with the Department of the Environment? For the record, can we introduce ourselves, going around the table? I am David Johnson, Deputy of St. Mary, Chair of the panel.

Deputy T.A. Vallois of St. John:

Tracey Vallois, Deputy of St. John, Vice Chair of the panel.

Deputy M. Tadier of St. Brelade:

I am Deputy Montfort Tadier, St. Brelade No. 2, just rejoined the panel.

The Minister for the Environment:

Deputy Stephen Luce, Minister for the Environment.

Chief Officer, Department of the Environment:

Andy Scate, the Chief Officer for the Environment Department.

Business Director, Department of the Environment:

Yannick Fillieul, Department of the Environment.

The Deputy of St. Mary:

Thank you, and welcome to the press and public. The first question we have is a general one. Do you believe, Minister, that you are able to champion the protection, conservation and enhancement of Jersey's environment while also being responsible for planning, i.e. do you perceive there being a conflict between the 2 roles?

The Minister for the Environment:

I do not see any conflict, but I would say that I was pleased when the name "planning" was dropped from my title. I was originally Minister for Planning and the Environment, but now it is just the environment and I think that is quite important because to me the environment is everything that we work in, that we live in, that we are in and planning is part of that. So it is quite clear now that we have a number of directors below the chief officers and one of those is planning, one of those is building control, one of those is planning policy. They sit alongside all the other directors of the people that work at Howard Davis Park in the Environment Department. I may have not quite agreed with him when the previous Minister made a big play about the Minister for the Environment should have overall say for master plans and things like that, but I do think now, after 2 years in the job, that it is important that one department oversees master planning and has a vision that everybody else tries to slot into and tries to co-ordinate. So from that perspective I do not see a conflict. I know others will say how can the Minister who is trying to protect the environment also have control over building, but I see the 2 sitting very comfortably side by side.

The Deputy of St. Mary:

You say side by side. Are you in fact saying that you regard the planning side as subservient to the general aims for the environment?

The Minister for the Environment:

No, absolutely not. I think they all sit side by side, of equal importance. As I said, I think that is shown up by the hierarchy within the department. I have a chief officer, I have another chief officer that sits at Howard Davis Farm, but my directors all sit at equal levels and whether you are a development control director or environmental health director or a Met Office director, they all sit there equally alongside each other. While the Planning Department obviously have a huge input when it comes to members of the public and the development industry, it is equally important to consider planning as regards the building of structures in the countryside alongside those in the countryside that would seek to promote biodiversity.

The Deputy of St. Mary:

Going back to this point about when the chief priorities were set out, the panel suggested certain amendments to have environment on the agenda - and you kindly supported that - do you feel that has been carried through? I am thinking particularly about developments in St. Helier and the requirement for green spaces as well.

The Minister for the Environment:

It is coming, certainly. I think one arrives in this job hoping to transform the universe in a matter of weeks and it quickly becomes apparent that that is not going to happen. But through the work with Future St. Helier there is no doubt that we are aiming for a greener, more open St. Helier. In fact, only yesterday I was trying to remind myself that I need to continue to look at applications that come forward in St. Helier and look at them for more green roofs and green spaces and amenity spaces. So the move, the swing towards a greener, more environmental society I think is coming across the board, whether it is in St. Helier, whether it is out in the country. I think people, young people especially, are more clued into environmental things that my generation might be. Certainly we see youngsters take on board recycling so much easier than people of my age because they have been brought up with it. I think thinking about the environment is something that younger people take on board more quickly and they just do more naturally these days.

Deputy M. Tadier:

Is it not the case that in the past people did not need to recycle as much because they were more accustomed to reduce and reuse, so there was not as much waste, whereas, if anything, it could be argued that my generation is much more responsible for environmental damage because they just consume, use packaging, go to shops, very much more a throwaway society than it was perhaps 2 or 3 generations ago?

The Minister for the Environment:

Yes, certainly my parents were brought up during the Occupation and I am sure that some of the ethos that happened during that time filters down where food must not be wasted, you use everything you have. I think you are quite right. We have enjoyed the 1980s and the 1990s where prosperity was moving ahead. We have as an Island had a regime of incineration, which has meant to all intents and purposes put it in one bin, send it to Bellozanne and it is put in the fire. That has not encouraged us to recycle, but we know now over the last 10, 15, 20 years we have started to do that. Certainly thinking back 25 years when members of my family were teaching in schools in Germany, for example, and we would go and visit, they would have half a dozen different bags in their kitchen for plastics and metals and papers and cardboards. So we are way, way behind in that regard. Yes, we should have done better, but at the time our policy was put it in the one bin, send it to Bellozanne and set fire to it. So we have not helped ourselves in that regard, but we continue to go down that road. We are now turning that burning into energy, the energy from waste plant. Certainly I occasionally mention we need to think about where we are going next. Our energy from waste plant will not be there for ever, but we are recycling more. We are getting better. We have some fantastic new facilities for recycling now down at La Collette and that is only going to encourage people. But I think you are right, Montfort, the youngsters get it much better than we did because they have been brought up with it.

Deputy M. Tadier:

Chairman, do you mind if I tie this into the next question?

The Deputy of St. Mary:

Carry on, yes.

Deputy M. Tadier:

I think what you have said is generally correct. Is there an issue in the sense that it could be considered that while the Planning Department essentially - as far as any member of the public might think - is quite efficient, it runs itself, it has an income and it does its job, it could be said that the Environment Department is the poor relation not just in terms of resources but in the fact that we are still probably 30 years behind the rest of much of Europe, in the sense we do not even have an Island-wide kerbside recycling scheme? We have a partial scheme and we still are not up there with the levels of recycling, let alone the other perhaps environmental indicators that we might use. Could that be said that is because we do not have a separation in the roles and would it not make more sense perhaps for Planning to go to Infrastructure and then to have a sole champion for the environment in the Minister for the Environment who looks, as you said at the beginning, holistically about the environmental policy across the piece?

The Minister for the Environment:

I do not see planning and recycling as any sort of a conflict at all. I know you might say that environment is the poor relation, but yes, we get most of our money via the Economic Development side of things. The funding for the Rural Economy Strategy is predominantly ... well, it is all coming out of Economic Development, really. We do not have a great deal of funds for environmental projects. It would be nice to have more and certainly this is the first time ... well, you are more experienced than I, but we have never had a strategy, a high-level Council of Ministers strategy, before which was environmentally based. Future St. Helier is about environment as much as anything else and looking after the countryside. So I think environment is being elevated.

Chief Officer, Department of the Environment:

Certainly in resourcing the department the majority of the net budget for the department sits into the environmental services. So because we have a big income through planning and building things, the planning and building application teams, those functions are generally self-funding because of income. There is a net cost of the planning policy side of our business but the majority of our net budget, which currently rounded up is about £5.5 million, about £5 million of that is spent on environmental teams and environment services. They cross a huge range of functions though, whether it be fisheries and the Met Office through to rural footpaths, natural environment team and the like. Just back on the point about planning versus environment, planning is an environmental discipline. It has to balance a whole range of environmental issues in making any decision. So the majority of development proposals we see are on reuse of existing built sites. Most of our developments are on what we call brownfield sites or built-up area sites. The whole basis of the planning policy set-up starts with some big, fundamental environmental principles about certainly the spatial structure, making sure development is located in the right place for travel and where most people are living - so it is fundamentally around a built-up area - and where public transport links are, and also a lot of other insertions on transport policy, waste policy, natural environment and protection of the natural environment and landscape run through the Island Plan, which then gets implemented by the planning teams. We have had a couple of States debates previously around the planning versus environment role, which we are going back a few years now, but ultimately a planner is trained to have an appreciation of a wide range of environmental issues in making a balanced decision.

[10:30]

The Deputy of St. Mary:

Just feeding off one of Montfort's comments about environment perhaps being the poor relation, there was a judgment yesterday in the U.K. (United Kingdom) about Thames Water getting fined a maximum ever fine. I think the judge in his judgment said how important the environment was and the public would not accept it being lower key than it has previously. Has that concept been transferred to Jersey? Is there not justification for all ministerial departments reckoning they should make a bigger contribution financially to the environment?

The Minister for the Environment:

Certainly, as I said a couple of minutes ago, I think environment is coming higher and higher on people's agendas and they are thinking about it. Certainly the discussions I have had recently with the development and construction industry, they realise they have to have more awareness when it comes to environmental matters before they start submitting planning applications, and I need to work with them on that. I think one of the things that would help greatly would be if I could get my 2 halves of my department sitting in one building. I think it would help a lot because the decisions about planning are made at South Hill. While we have a lot of input from consultees at the Howard Davis Farm, they are distant, they are remote physically, and it would be so much easier if people could bump into each other in corridors, the discussion over the water fountain and discussing things. You get so much more done sometimes in that way. I think the environment people would have a lot more ability just to influence on a regular daily basis because they would be working in the same office together. I am not saying that they do not have input at the moment because they do and we quite regularly see officers at South Hill coming to discuss planning applications. But I think if the 2 halves of my department were in the same building working on the same floor side by side, we would see a much easier integration. It sounds silly, but I think it would work.

The Deputy of St. Mary:

You say that. Are you suggesting that that will happen soon or is it part of the office modernisation programme or ...?

The Minister for the Environment:

I very much hope it will happen. I have been asking for it to happen for some time. I have a department, a ministry, to look after and it is very much separated into 2 ... not quite 2 halves because we have Met Office at the airport, we have the Fisheries Department based at the harbour, Environmental Health working in town. But the 2 main sections are planning and building, which is up at South Hill, as you know, and all my other environmental people at Trinity. Even for officer and Minister time running between the 2, we would get so much more efficiency into the business having everybody in one building.

Deputy M. Tadier:

There must be plans to sell South Hill for housing though. Surely that must be in train. I would have thought there would be a great ...

The Minister for the Environment:

Absolutely, and it is a source of amusement at South Hill because every Minister apparently - the last 3 or 4 Ministers - has started by saying: "I am the new Minister. Do not worry, we are going to be out of here in the next 2 or 3 years" and they all chuckle because I think it has been talked about for many, many years now. But I would like to think that while I am Minister we might make some progress, and South Hill is officially one of the sites that we are going to ... the States need to lose some of the many, many sites we have. We can do so much better with our portfolio, but we need to lose sites. South Hill is one of those. The Infrastructure Department will be gone out of South Hill by the summer, so half the building will be empty.

Chief Officer, Department of the Environment:

The other thing we are working on in Environment, just our way of working, is we have our planning online project, which is going from phase 1 into phase 2. Phase 1 was around viewing things online and phase 2 is really about submitting things online. That should be live around May of this year, late May, all being well. At that point customers having to come and submit paper to us will disappear. We can have online submissions. With the way mobile technology is working, we can have officers working in the field not needing to go into a physical office as much as we have done previously, so the officers do not need to be in town so much. They have to visit sites. We would want to put a customer presence somewhere, wherever that may be, if people turn up for advice, but that could potentially occur in any Government building we have in town where there is a reception area. Yes, trying to get our workforce more mobile using mobile technology is better for the environment as well because obviously people are not all traipsing into town for 9.00 in the morning and having to go home again at 5.00. They can work more flexibly, they can work from home, they can work from any other Government site around. We have some work in train doing that as well. I guess the plan is to get out of South Hill. It is a prime asset for the States.

The Deputy of St. Mary:

Just to finish this off, are you suggesting therefore there is an embryonic plan, because South Hill is going to be no longer available to you, to move many of your staff up to Trinity with a ...?

The Minister for the Environment:

I think at the moment there are 3 options. The first one is the possibility still of a new launch Government building in town somewhere, which we would go to. The second option, which would be my preferred option, would be to move the offices at South Hill to Trinity and do some work there to accommodate everybody in the same building. The third option, of course, is to do neither

of those and just find another place to go or work differently in another way, shape or form. But something will have to happen at some stage. We cannot continue. South Hill has to be sold, and not just because it is South Hill. From my perspective personally, I feel the States own too much property. It would be fine owning all this property if they all served a useful purpose and made us some income, but we have a large portfolio, some of which is not used and lying empty. We should be using the money that we ... we either use the site and use it for something better or dispose of the asset and use the money received from it to do good work for taxpayers.

The Deputy of St. Mary:

I think we support you in that. I think Tracey has a point there.

The Minister for the Environment:

I do not think that is a particularly difficult one.

The Deputy of St. John:

Moving away from the property aspect back on to the actual environment issue, the Shaping our Future consultation that was done, it quite obviously pointed to environment in every category where we were performing worst, where we could do better. Everything was very focused on environment. What do you take from that as Minister for the Environment and how are you working with your colleagues to ensure that Islanders are being listened to?

The Minister for the Environment:

As regards the result of the survey that was done - a large survey, as we all know, and you are quite right, environment featured very heavily - as Minister for the Environment, I was over the moon about that, because not only is it good to know that the public are thinking a lot about the environment, it is also very good to see that they have aspirations which are better. As the Minister for the Environment, I am delighted about that. We all want to have greener, more pleasant, less chemical, more wildlife, greater biodiversity, cleaner water, better beaches. We all aspire to do better in everything, which is only right, but it is good that we can take this document and say: "You know what, people really, really value their environment." They value brown cows in green fields and golden sand, and we need to up our game and make sure we are looking after it better. It makes my job easier because when I sit round the table at the Council of Ministers and we discuss issues now. I can quite legitimately say: "Look, we know the public want us to do better in this direction." There is no doubt that unfortunately the environment, the countryside, is never top of agendas when it comes to dishing out money because we have responsibilities for health, we have responsibilities for education, we have the economy, we have a whole load of things that we have to do and it is very difficult to justify spending more money to create a habitat for birds or butterflies or bats when you are pressed for a new C.T. (computerised tomography)

scanner or something at the hospital. That again is a no-brainer as well, but I think we do realise that we have to find ways of being more environmentally friendly and we need to find ways for the Government to steer policy more in that direction. I really value the work that has come out of Ian Skinner's ... and we have more to do. We know, because we are going to get on to talking about the environment in figures at some stage ... we might talk about it now, but we know that birds that we have been used to seeing are in decline. We know we are doing slightly better with bats. We have indicators there to work from, but we know we can do better and we will do better.

The Deputy of St. Mary:

Okay, we have spent a lot of time on that one. Thank you. This is a much shorter one: the waterfront master plan. I have in front of me the news release of last September about there being a review. Could you update us, please?

The Minister for the Environment:

Yes. Following the appeal decision on Building No. 5, it was very clear that while the existing plan still has some relevance, it is not as up-to-date as it should be. I committed at that time that we would review the document and certainly we are getting on with that. There were 6 bullet points in the original master plan and we will look at them all again. When you look through the list: "Create new areas for public space", we know that is coming: "a distinctive mixed-use quarter", we think that is still relevant. One of the ones that is the most important is the integration of the old town with the waterfront and this subject of connectivity with how we connect the part of the waterfront that is being developed at the moment with the part that is still to be developed on the other side of the road. That is crucial and we also need to look at the way the original master plan was put together. It was done in a way where there was a big scheme that was put forward and the whole area was almost given a rubber stamp at the same time. There has been some criticism of the way that the development has happened, but the chances of us developing the whole site in one hit was always going to be a challenge. As it has turned out, we are developing it piece by piece, but I think what we need to do is to review the master plan again so that what we are doing fits in better with the master plan and the master plan fits in better with what we are doing. Certainly one of the things we have identified, I have identified, is the original master plan worked inside a red line and the master plan was concerned with what was inside that red line. What I would like to do with this review is obviously we will still have the firm red line, but I would like to blur those edges so that the new master plan takes more into consideration what is happening just outside the red line, so the integration not only across the existing road but the integration up Castle Street, the integration towards the Weighbridge. We take into account a lot more how the buildings that we are going to develop down there integrate with the buildings that are around them. I do not know if you want to add some more.

Chief Officer, Department of the Environment:

Yes. I think the connectivity ... there are 2 issues for me. Generally, the Island still needs modern, commercial space. A lot of our commercial space is getting to the end of its life or it potentially could be used for other uses such as residential, so we have seen a bit of a push in some areas where older offices have been converted to residential. There is a need for new office premises still. There is certainly a need for new residential premises. There is an argument there may be a need for some form of tourism or more part hotel type uses. I think the uses, generally we are fairly confident that there is still a big demand for all of these things. Connectivity is a really interesting point and I think we need to have a very decent debate about what we are trying to connect with what. As the Minister said, the connectivity push really from the original master plan was around town towards Jardins de la Mer, in that direction. We now have a community at Castle Quays. We have a big community living there now, which we did not have at the time when ... of that size at the time when the master plan was first put together. We also have a lot of need to connect in other places such as into the old harbour and other places. I think we are going to look at connectivity properly and what is the most cost-effective way of doing that connectivity. We are going to have to have a discussion about the road and we also want to have a discussion about the community gain as a result of the scheme. There is a lot of value obviously created as part of the scheme. What is the value that is generated and what is the community gain relating to that master plan? I think the original master plan was ... I guess it could be argued it was a bit silent on that. There was always an expectation a lot of money would be invested back into St. Helier, public realm improvements and the like. We just want to be a bit more obvious about that: what is the scheme going to deliver both within the site, but also outside the site? As the Minister said, trying to plug the site into the rest of St. Helier is really important and public realm improvements from that site into town, whether it be through Charing Cross and towards the old harbour, people travel through that site in more ways than just one connection across the Jardins de la Mer.

The Deputy of St. Mary:

I do understand the connectivity point. I think it is fair to say at the time the original master plan was prepared there was an assumption that, as you say, there is demand for commercial space.

Chief Officer, Department of the Environment:

Yes.

The Deputy of St. Mary:

Is that demand still to the same degree? That is one of the basic points, surely?

Chief Officer, Department of the Environment:

Certainly the immediate demand I think all of the figures show that there is still a very strong demand for a good level of accommodation, hundreds of thousands of square feet.

[10:45]

We are trying to build a bit of flexibility into the master plan moving forward because we know that residential pressures are changing and we will need to either have a bit more residential in there, a bit less residential. I think what we are trying to move away from is a master plan that is seen as a rigid blueprint and it can only be developed in a certain way. I think we need to understand the master plan that we currently have, the work on it was done in 2005/2006. It was approved in 2008, so it is nearing a 10 year-old product. We need just to make sure it is realistic for what we now need in the Island, and a bit of flexibility would be good.

The Minister for the Environment:

In a similar sort of way, we have some of our large developers on the Island who will submit a scheme for X number of, for example, one-bedroom flats. They will have approval for that and they will start building, and as they are working through the first tranche of the building they will realise that the market is changing slightly. There might be a bit more demand for 2-bedroom flats or 3 bedrooms. They will come back to us and say: "When we move to the second block, can we revise the plans so that the layouts of the flats changes slightly?" They may do that once, twice, 3 times during the 4 or 5-year buildout of a site. What they are doing is they are adapting their build to the demand. I think in a similar sort of way we need to have a similar approach to the way we move forward with the waterfront. It may well be that we will identify another 3 or 4 office buildings, but who is to say in 3 years' time when we start looking at the second or third one of those others that we might say: "There is a different demand now"? We have a much greater demand from the hospitality sector or from housing or from something else. So I think we have to be more flexible.

The Deputy of St. Mary:

Yes, I appreciate the need for that and perceptions change.

The Minister for the Environment:

Getting back to connectivity, I do not want to go on about it too much, but Andy is right, the connectivity has to apply in all directions from the waterfront. It is quite obvious now with Building No. 4 just about completed, just about to be occupied, you look at the junction between Castle Street and the Esplanade and there are some fantastic opportunities there to make a better public space. The cross roads are still dominated by traffic, but we need to think more carefully about that and certainly Future St. Helier is doing some work on that. How can we make that area nicer,

more attractive, greener, more open? There is a lot of space there and it does not take a lot of imagination to see now that we have a space there that we could really do some exciting things with.

The Deputy of St. Mary:

Going back to my original question, I appreciate all you say and it is a work in progress, but is this work in progress going to be made available for the public to see at some stage and how far down the line are we?

The Minister for the Environment:

Absolutely. We have a timeline and my great hope and expectation is that this timeline ends with a States debate before Christmas this year, but the timeline is tight. The first time we would look to engage with you officially would probably be end of April, beginning of May. At the moment we are doing more consultation and workshops, but we will have something for you then. We would then expect June, July, August time to be working on consultations and amendments, and then I would like to think as soon as after the summer holiday that we are all back we will have a document for you to scrutinise, if you should wish to do that. Following that, we have built in some time for amendments, lodging and States debate. Now, I appreciate that we have a lot to do between now and Christmas if we are going to do all that work, but I have indicated that it is important and we need to move on with it as quickly as we can. We are getting some assistance from the Treasury on the modes of finance, because it is quite a big project. It is not budgeted for in our day-to-day budget and we are going to need some assistance from the U.K. to do that. As soon as we have got some money, we are going to move ahead, but we have received some papers this week from the lead officer. As I say, I have got a timeline in front of me here: drafting, checking, public consultation, obviously Scrutiny is featuring at least twice in there. Lots to do and there will be a lot of interest and the public will want to get involved.

The Deputy of St. Mary:

Anything else on that?

Deputy M. Tadier:

I just wanted to ask, I think it ties in with connectivity, but rather than just physical connectivity, giving people more reasons to go down to the waterfront, other than just living or working there, has consideration been given to something like a new arts centre/national gallery, which I know that External Relations has voiced support for previously in a different role? It seems to me that one example could be that the current arts centre is a prime location which could be used for housing and if there could somehow be a deal done with that and the economics stack up, we

could have a multipurpose centre down on the waterfront, which would be good for both local cultural use, but also as a tourist draw. Is that being considered as part of the ...?

The Minister for the Environment:

If my memory serves me correctly, culture certainly has been mentioned a number of times in our initial discussions. With my aspirations for green and open space down there and public amenity, the culture aspect would sit very comfortably alongside that, because if you have got an attractive place for people to go because they like the ambience, there is no reason why you would not have other reasons to attract people.

Chief Officer, Department of the Environment:

I completely agree. I think the challenge from master planning nowadays, ultimately this is a new quarter of St. Helier and we need to make it vibrant throughout the day as well as into the evening. I think we do need to look at the mix of communities who live there, the mix of cultural offerings that are going to be there as well as the mix of commercial opportunities. But it is a big, big chunk of land and as a result we do need a mix of things, so the cultural offering is something which probably was not as visible as it could have been in the first master plan, but that community ownership, what does the community get out of this? On a wider strategic perspective, it gets something that helps drive the economy and that sort of thing, but culture is certainly something we have got pencilled in to discuss.

The Minister for the Environment:

Because what we must not do is create ... I know it would never get that big, but if you go to Westminster, for example, during the working week, it is buzzy, it is vibrant, the restaurants, the pubs, it is really full on. You get to Friday night and it is one of those areas where everybody goes home and pubs do not open, restaurants are not open on weekends because there really is not the need.

Deputy M. Tadier:

The City of London in particular is probably more so, because it is out on a limb, is it not?

The Minister for the Environment:

Yes, maybe that is an even better example. What we would not want to do, in our very small microcosm down at the waterfront, would be to create an area where we have got small streets and blocks where people just are not there at weekends because there is nothing happening. We need to use the area all the time.

The Deputy of St. Mary:

Can we move on, please, to the averment of figures report? I think we touched on this once in a previous public hearing and I said at the time we could spend all day on it, such is the breadth of its recommendations. But it did contain 30 objectives within the I.C.Z.M. (Integrated Coastal Zone Management Strategy). Could you comment on how many of these have been achieved?

The Minister for the Environment:

I said at the time that I was disappointed by some of the outcomes and disappointed that we had not managed to do better, but I suppose I look at the list now and I find obviously red ratings quite straightforward, because you just immediately go for the reds and see where you have issues and where do you need to do better. I am looking down the list now and thinking the first block of reds and oranges are all around water quality. As we all know, we have just approved the latest round of amendments to the water law and the results - I know we are going to talk about nitrates later on - we are starting to move in the right direction. While the levels are still not where they need to be, we are getting there ever so slowly. There is a block of oranges and reds there under fresh waters, which I think we are headed in the right direction. We then move down to marine issues and whelks in particular. I have made a point of being particularly interested in the ongoing whelk trials at the department. It is something that we have quite a lot of data on, we have been religiously following a programme of fishing for whelks using officers in the boats in specific areas at specific times of the year now for decades almost. The whelk population is not good, but we do have the ability to limit the number of pots used to fish whelk inside the 3-mile limit and certainly that is something I am continuing to monitor and I will not hesitate to act on if things get so bad. I am waiting for the latest results of the February fishing, but the initial words I have had with officers would indicate that things are no worse than they were, but that does not mean to say they do not need to be better, because the levels were much higher 15, 20 years ago. Moving then on to the other reds, we get to conservation of wildlife, butterflies, birds, wading birds and breeding birds. On one hand, I was quite pleased to see that bats are doing well. Bats are an issue that gets everybody excited, whether you are a bat lover or somebody who is trying to develop a building. We need to do more work on bats. I am certainly at the moment talking to officers from both sides of my department about how we work better together when it comes to enhancing the facilities for wildlife, for bats, for birds, for wild animals that use structures for their homes, for habitats and how we can move forward with continuing to use some of these structures for people to live in, so basically mitigating the bats and birds. But breeding birds and garden birds and the drop in that is of concern. Certainly as somebody who likes having his bird table outside his kitchen window so he can see what is going on, it is quite noticeable that the number of garden birds around varies from year to year and in the countryside - and the Constable will know - some people get quite successful with populations and then others, around mine, for example, I do see less than I have in the past. Certainly I would like to know more about it. I have got my own theories as to why

that might be, but the indicator of the number of breeding birds is not good and it is going down and we are seeing less birds, less small songbirds, in the countryside than we have previously.

The Deputy of St. Mary:

Sorry, just to interrupt you there, I think the National Trust and others have a programme of growing crops. Is there any input from Environment on that? What we are really getting at, what measures can the Environment Department take to improve this?

The Minister for the Environment:

We cannot force people to grow crops in particular fields. I suppose we can stop them growing particular crops in fields, but we cannot force them to. But I think that farmers ... again, it is this realisation that the environment is starting to become higher up people's priority lists. There is no question that following a crop of potatoes, where people sow a mixture of seeds, which is very much environmentally friendly and good for bird feeding in the autumn and your sunflower crops and your other crops produce a lot of flower seeds, these fields are full of birds looking for the food. It is not always the best thing to do from a bird point of view to just dig your spuds and put your rye grass down. Rye grass is great for cattle and we have a requirement for that as well, but maybe we should be looking to encourage - we will be looking to encourage - farmers to think more carefully about bird mixtures that they sow after potatoes.

The Deputy of St. Mary:

Sorry, that was a specific question. The more general aspect was in the context of this report, is there much that the Environment Department should do to involve the public as a whole in improving these things?

The Minister for the Environment:

I am sure we probably could do more and maybe we should try to do more. We could do more publicity around how you can help birds. Certainly I know there are plenty of places out there to go to buy bird feeders and bird seed. From the department's point of view, the prison make us bird boxes as part of their scheme there.

The Deputy of St. Mary:

We have seen them, I think, yes.

The Minister for the Environment:

The bird boxes are sitting outside the department at Howard Davis Farm in a big crate and they are free to anybody who wants to come and pick them up and take them home. We have bird boxes for all different types of species of birds and maybe we should go on a publicity drive to

encourage more people to put bird boxes up. It may be more than just bird boxes though and if we have got a population of breeding birds which is declining, it may not just be because they cannot find places to lay eggs.

Deputy M. Tadier:

I was going to ask - I do not want to get bogged down in this, but it is important, I think - obviously things like pollinators and insects, that is what birds feed on and creeping urbanisation is probably going to be a problem just as much as whether fields have the right type of flowers in them rather than potatoes. Is there a general policy about that and do we know what the causes are of the issues with birds?

The Minister for the Environment:

I do not. I would like to know more about the causes of why populations of some types of birds are decreasing. As I said, it may be a number of different reasons, but certainly when it comes to pollinators and biodiversity generally, I would point to the new Rural Economy Strategy and say when farmers are signed up to the new L.E.A.F. (Linking Environment And Farming) audit by the end of 2019, part of that is very much focused on the environment.

[11:00]

Part of that is very much focused on the environment and part of that will be things like margins around fields that you do not crop, thinking about how you can have areas of your farm which are more environmentally friendly and lots of angles encouraging the public engagement and consultation. There are lots of different aspects to the L.E.A.F. audit. It is not just about the best way to grow your crop, it is about the other stuff that can help you grow your crop as well.

The Deputy of St. Mary:

Sorry, for the record, can I confirm that the Constable of St. Saviour has now re-joined us? Unfortunately she was unable to come earlier. Welcome again.

Connétable S.A. Le Sueur-Rennard of St. Saviour:

Thank you.

The Deputy of St. Mary:

Thank you for that bit on those things. Rather than going through each objective individually, do you have a battle plan or a progress report you could let us have?

The Minister for the Environment:

Certainly these reports, the environmental figures come out every 5 years. They are what they are. They are factual data, which is as a result of the many hundreds of people who help us with the Environment Department going out into the countryside and counting butterflies, counting birds and doing monitoring. I would like to go on record saying there really is thousands and thousands of hours of public time given to us for our own benefit for nothing and I am really grateful, because that helps to inform all these reports. But they are what they are and if the numbers say that birds are reducing and bats are getting better, that is what is happening and we need to do something about it.

The Deputy of St. Mary:

Just reading about these objectives which are identified and where you can help ...

The Minister for the Environment:

I would like to think that the various policy changes that we are making, they may not directly link, it may not be: "I am going to have a new policy on trying to increase breeding bird numbers" but the Rural Economy Strategy is certainly helping in that direction. We have got lots of ancillary policy. The Coastal National Park is starting to come to more prominence and that will help as well. I would like to think that the policies that we are putting together may not specifically address the issue, but altogether, when you put them side by side, they sit better. Birds on the Edge is another one. It is not necessarily Environment. That is driven by the private sector.

Chief Officer, Department of the Environment:

Yes, the bird indicators and the other insect indicators like butterflies, they are just indicators of the general health of habitats. They would be our, I guess, canary in the mine type indicators of the health of the general insects. There are a variety of things in the ecosystem, which are either climate change indicators, loss of habitats, lack of public awareness, loss of trees. There are a huge variety of things which could either help wildlife and help an increase in wildlife numbers or ...

The Minister for the Environment:

We are looking harder at pesticides and chemicals and we do that and we will continue to look even harder. We are making some progress in nitrates. We can do better and we will continue to do better. We have got the Rural Economy Strategy, we have got the biodiversity action plans. We have got a climate change adaptation plan. We have got other things. We have got lots of policies and while none of them specifically focus on more breeding birds in gardens, I would like to think they are all helping to improve wildlife.

The Connétable of St. Saviour:

Could I just say - and I do apologise for being late - I do not know if it has been mentioned, but there do seem to be an awful lot of cats around and they do not help either. I know pesticides and things do not, but there are an awful lot of cats and feral cats. It is in the nature of the beast to go after them, so I would just like that put on record. Although different farmers and things are getting not the blame, but mentioned quite often, domestic cats do not help the situation either.

The Minister for the Environment:

There is no doubt in my mind in the 1970s we had depletion of wild birds. There was no doubt that the sprays that we were using were affecting the mice and the vermin and voles that were being picked up birds and that was having an effect on the thickness of the eggs, the eggs were not hatching and we did not see kestrels and sparrowhawks and all these types of birds. It was wonderful to see them first in 1980s, when you could see one, and now you see them all over the place. I think we are doing better and it is not necessarily the farmers. I am thinking about other birds of prey which might be affecting the numbers of birds that we see. I am thinking about crows and magpies; I am thinking about climate change, temperature change. There could be a whole list of factors. I am confident in saying that while farmers are still using sprays, the sprays they are using are very much focused on what the spray has to do and they are not more general. In the old days, we had sprays that did stuff very generally and affected all sorts of things that were not necessary.

The Deputy of St. Mary:

Two specific questions here I hope you can easily answer. One of the objectives of the strategy was to designate 21 sites as geological S.S.I.s (Sites of Special Interest). Has this been done?

The Minister for the Environment:

The straight answer is we have not got to 21, but ...

Chief Officer, Department of the Environment:

We can give you an update. I do not know off the top of my head. We certainly have a number of geological S.S.I.s, a range of S.S.I., either ecological ones, geological ones or more like built environment places as S.S.I.

The Minister for the Environment:

It is all part of the listing process. I am very much hoping that we will have the listing process finished this year. It is time it was finished. We started out on it a number of years ago and we have still got a few thousand buildings to go through, but I very much want to get to the end of the process so all the buildings in Jersey, structures in Jersey which need listing have been listed, the

listing has been agreed and all the legalities are all done. We can then move on. I am not sure that the places of the S.S.I. are part of that or ...

Chief Officer, Department of the Environment:

No, so the geological ones, we have certainly got a number already, but being honest, we have not done any recently that I am aware of, but let me get an up-to-date number.

The Deputy of St. Mary:

The other point I make is there was a reference to a conservation grazing scheme between Les Landes and Plémont. Can you help me on that?

The Minister for the Environment:

Yes. When I first became Minister, the department were on the verge of creating another grazing area for sheep, not dissimilar to the area that we have at Sorel Point. I brought that to a halt and even though we had put down a small amount of fencing, I asked for it to be taken up and we would have another think. I was very clear in my mind the reason I did that and that was because in the Sorel area, the sheep have access not only to the cliffs and the bracken, but they also have access to fields where they can have some proper grazing land so they can get some nutrition from the grass, because they do not eat bracken. It is the trampling of the bracken which gives us the benefit that we are looking for. I thought it was really important that they had a good mixture of places to go. The land that was identified between Plémont and Les Landes was very much bracken and the cliff and very, very little area where there is any grass. I said I did not want to go ahead. There were certainly other public pressures which were brought to bear and there was land ownership issues, there were other issues, and I just said: "Right, we are going to stop and we will have a think." But I have said to officers again recently the moment they can come back to me and identify some areas where we can have a combination of grass fields and headland, where the sheep would sit much more comfortably for a longer period of time, I am very open to going to visit to see where we can make progress, because it is important and I think we can do better again.

The Deputy of St. Mary:

A more general point I have which I was originally going to introduce is under the heading of energy and emissions, which comes in with this. I hesitate to bring Brexit into the equation, but we are there. The level of emissions has been helped by the fact that we are using more electricity, which in turn depends on the agreement between the J.E.C. (Jersey Electricity Company) and EDF. Do you have any views as to how that might change if, for instance, tariffs were introduced and are they able to be introduced?

The Minister for the Environment:

It is certainly very early days with Brexit. I suppose it is not impossible that somebody might want to look at tariffs on the basis that we buy the vast majority ...

The Deputy of St. Mary:

Yes, they will. They may have to import.

The Minister for the Environment:

Tariffs are a subject which is being discussed certainly in the section that I work in, which is agriculture and fisheries. In both of those, tariffs are talked about a lot. A lot of our wet fish and lobsters and crab and oyster go into Europe and if they continue to do that, there is every possibility there may be a tariff of some sort.

The Deputy of St. Mary:

I was not trying to encompass the whole subject, it was just on the energy aspect and electricity, but are we likely to have to pay more, which might have ...?

The Minister for the Environment:

The answer is I do not know whether there will be any difference at all, but when it comes to reducing our carbon, certainly having a power supply which the vast majority is nuclear, and of course some of the power we get from France is sustainably generated, but we know that the 2 areas where we can continue to reduce our carbon emissions quite clearly in Jersey is buildings and transport. I am confident on one hand that with our building by-laws being amended on a continual basis that we continue to need less energy for houses that we are now allowing to be built, which is great. So regardless of how you want to heat your home, you will need less energy, so that has got to be right. But the one that we have not really cracked is congestion and while on one hand it must be right to say that the engines that drive our cars and buses and lorries are becoming more efficient, we are not really getting to grips with congestion and the environment. That is another factor that comes out of *The Environment in Numbers* report, that reducing the number of cars on our roads is not something we have succeeded with thus far.

The Deputy of St. Mary:

But the very basic one I was getting at was if electricity increases in price due to Brexit negotiations, then there may be a greater use of carbon fuels, which will be obviously disadvantageous.

The Minister for the Environment:

Quite possibly. That is certainly something that could well happen and if we do not have our energy generated by nuclear and if we do it more locally, we will use more oil, we will use more gas. But I would like to think that even in the intervening 2 years between now and then that we will move forward very quickly with technologies allowing us to generate our own energy on-Island in the form of sustainable energy. I was looking and only this week I received an email from a person in Jersey who wants to put solar panels on his roof of his house, but these are not panels in the way we use, these are tiles which are now being developed in America which look like tiles, they look like slates. You cannot tell the difference, but they are solar panels. That sort of thing will allow us to move forward, I hope, very quickly, with generating more power on-Island. I would like to think that consumers will have the ability to do that, the new sort of Tesla wall product, where you have a big battery in your house and you have a small amount of either wind or solar outside and you can put the energy on the wall and use it, that type of thing. We are really keen to move forward with that technology.

Deputy M. Tadier:

Should the States not lead by example on this? We have any number of public buildings. Could we not put a requirement in that new builds or current buildings in the portfolio have that?

The Minister for the Environment:

Absolutely. We do not get to build States buildings as often as we might like, but certainly St. Martin's School is the most recent. There is a lot of sustainable energy there. Quennevais School, when it goes ahead, will have 10 per cent, I think.

Chief Officer, Department of the Environment:

Yes. I think it is really important that the building fabric is super-insulated, so you can build very, very efficiently now, so you do not need to have too much space heating, especially as that is where most of the cost goes. Lighting products are getting far more efficient now with L.E.D.s (Light Emitting Diodes) and things like that. But then if you can generate either solar photovoltaic on the roof, all of those contribute. The biggest push we have got on energy really is around reduction in use and manage what that energy is. That is far more, if you like, bang for buck, rather than investing in lots and lots of imported energy. But yes, there are risks all around in the end. Energy is a global climate, is it not, in terms of energy contracts and the mobility of energy across our grids? Obviously we get a lot from mainland Europe, in France. But yes, sustainable building is a key to that, I think.

The Deputy of St. Mary:

Sorry, go on.

The Connétable of St. Saviour:

I brought this up before about buildings coming with solar panels: if you were going to build a home, you have to have X amount of solar panels on it. I think it would be a very good idea. Also you were talking about vehicles, and as far as the old vehicles, the stuff coming out of the exhaust pipe is quite obnoxious most of the time. Do you not think if we had a M.O.T. (Ministry of Transport) that would help and get rid of some of the vehicles?

The Minister for the Environment:

Certainly that the Minister for Infrastructure has some plans, not necessarily for M.O.T., but he has some plans in place where he will start slowly, but trying to encourage people to have routine maintenance, to have certain quality of maintenance of their vehicles and I think that is directed mainly at the commercial fleet to start with. Vehicles I think are better than they were, but you are quite right, Constable, we do have some larger older vehicles running around that have a lot of noxious fumes coming out of their exhaust pipes.

[11:15]

We do need to address that. I am not sure that M.O.T. is specifically the way, but an M.O.T. type scheme has got to be the way that we have to look. I think asking commercial fleet operators to sign up to regular maintenance with qualified people and have to get to a certain standard of maintenance is a good start.

The Connétable of St. Saviour:

It would be better for them too, because the vehicle would run more efficiently and it would not be so expensive.

The Deputy of St. Mary:

You mentioned Les Quennevais School in the sense of solar panels. Montford, would you like come in on that one now?

Deputy M. Tadier:

In February you rejected the planning application for the new Les Quennevais School. What were the specific reasons for that?

The Minister for the Environment:

There were some specific reasons, 2 in particular. The inspector highlighted what he described as considerable reservations and that is not the sort of starting point that you want to hear when you are trying to find some approvals. But he was looking at the site layout and he particularly

mentioned safety of traffic and parking. It was clear at that point that if this application was to proceed that those issues were going to have to be addressed, because as the Minister who was responsible for taking the final decision, I could not be and would not want to be part of passing a scheme which had been identified by a senior inspector as having safety issues for people who were using the car parks and moving in and out and transiting backwards and forwards from the school. I think that was realised by the applicants during the inspection process and it was clear that they were taking the reservations that the inspector had on board. I do not think it was a great surprise when the application was refused, because you get feelings for these things during the public meetings. So it was not really a surprise to them. The design of the proposed building was not found to be satisfactory and I know people have picked up on some of the issues around colour and the finishes of the outside of the building, but those were really small matters and while some parts of the press may have said: "You rejected it because it was the wrong colour and they used the wrong sort of metal" there were some fundamental challenges to the application. Having said that, the thing that really pleased me about it was that the public inquiry sorted out the green zone issue. One of the really big reasons for having the inspector was to decide whether there was enough justification to break the green zone policy and build what is a very large school and car park in an area of St. Brelade which is very green and open at the moment. You need a lot of justification to go against that Island Plan policy. But the inspector looked at all the evidence in front of him and spoke to the people and he felt that the justification had been made for building on that site, so that was a major hurdle that we got over. In actual fact, sending it back to have the design tweaked and the road layout and the car parking arrangements changed was a small price to pay, because the big decision was around the green zone.

Deputy M. Tadier:

Obviously, if you indulge me, I am quite keen on this because it is in my constituency and I am glad to note that the traffic and parking considerations in particular will be reconsidered. I do not think there is anything more for me to add.

The Deputy of St. Mary:

No. Again, the timeline?

The Minister for the Environment:

I am encouraged by the noises I hear. Andrew might say more, but they are not going to be long.

Chief Officer, Department of the Environment:

No, I think we are talking a matter of weeks for something to come back into the department. Obviously we would then take that through our planning committee process now, so we are

hopeful. I think as long as we get something back which addresses these points, we should be looking at a decision in the summer so the team can get on with the timeline thereafter.

Deputy M. Tadier:

Who submits it, just for ...?

Chief Officer, Department of the Environment:

The previous application comes in from the Department for Infrastructure or the applicant, Property Holdings. I guess they are the agent. The client is the Education Department. Yes, so we would need to see a resubmission address those reasons for refusal, so we would need to see a different design. Part of our consideration is this building will be there for a significant number of decades, so it needs to feel that it is part of the community and the design is right for the community.

Deputy M. Tadier:

You have not received the plans yet?

Chief Officer, Department of the Environment:

We have not yet, no.

Deputy M. Tadier:

Just a minor point - sorry if it is not the point to raise it - but has consideration been given to putting in a roundabout as part of the exit from the school, so when you get to that part before ...?

The Minister for the Environment:

The traffic considerations are generally left to the traffic experts, so the Department for Infrastructure would be thinking about that, along with the developers, because as you would expect, there is a list of consultees and when it comes to traffic issues and particularly the traffic on the road - not necessarily the car parking on the site, but the traffic on the roads - we are led by the traffic experts in the Infrastructure Department.

Chief Officer, Department of the Environment:

I do not think so is a quick answer, because the majority of the school traffic is sort of a.m. and p.m. peak, so the main need, I think, is to keep the route to Quennevais operating. I do not think a roundabout has been considered, but again, we have not seen a resubmission yet.

The Deputy of St. Mary:

Another topic is the infrastructure levy or proposed. States Members had a briefing on that last week and this panel was treated to one earlier on. Can you generally update as to where we are in the consultation process?

The Minister for the Environment:

I will not rehearse at length the reasons for the infrastructure levy again, Chairman, but I would just very quickly say that I am keen to make sure that when developments take place that the public get something out of developments, especially when the value of people's land is enhanced many, many times over. The infrastructure levy was something that I have been very keen on and I am pleased that we have had top officers working on this. We did say very clearly to the industry we would not move forward on this, there was enough money in the job for us to take a little bit more. I said very clearly that we will do a large viability study, which we have just about completed, and we have engaged somebody to help us from the U.K. who is very knowledgeable about the community infrastructure levy on that side of the water and he has worked alongside some local people and we had the presentation very recently. But as you say, the final report is in the final stages and I was hoping that we might have had it a week or 2 ago, but I am yet to see the final report. But when I do, the viability of the proposed levy will then be set out in front of us, whether there is money there, whether there is enough money, whether there is not enough money there. At that point, if we move forward, we then go to consultation with the industry again to see what their reaction is, but we have worked very hard to make sure the numbers are accurate. We have put a lot of effort into making sure we can verify the numbers that we have used, so we are happy with the costs, we are happy with the levels we put in. I very much hope that when this report comes back, it will show that there is enough money for us to just extract a small amount to help with infrastructure.

The Deputy of St. Mary:

Is it fair to say that the industry are not over-enthusiastic at the moment?

The Minister for the Environment:

I think it is fair to say that the industry are not overly enthusiastic at the moment, but it would be a surprise if they were enthusiastic, because what we are seeking to do is to remove a very small amount of money from any development. The idea is very much to target the value of the land, but I do realise that in many cases a lot of land has been purchased already and there would always be a crossover period where people would have purchased the land with an aspiration of certain prices in front of them and then we might impose or ask for another levy on top of that. But we are not looking for 10 per cent, 15 per cent, 20 per cent. We are looking for a very much smaller amount. But as I say, we are right at the final stages of the viability study that we have done and I am hoping it is going to come back and say: "Yes, this scheme is viable. There is

enough money left after the developers have had their profit margin” and there is still a little bit left that we can tap into.

The Deputy of St. Mary:

Do you determine what their profit margin should be therefore or ...?

The Minister for the Environment:

We have not. What we have done is we have taken advice. Certainly if you are a developer and you need to borrow money from a bank to develop a particular large scheme, I am told that the bank would be looking for somewhere around a profit of 20 per cent, because banks obviously need to build in unforeseen circumstances. If the profit margin of 20 per cent is there, they can consider that to be a scheme that they could lend money on. We have built into our calculations a 20 per cent profit margin and we have said we would look for how much money is there over and above the 20 per cent profit margin.

The Deputy of St. Mary:

Will the developer not argue that it is difficult to anticipate totally what that profit margin might be at the outset?

The Minister for the Environment:

Possibly, and it has certainly been pointed out to us that every scheme is different and I appreciate that it is impossible to come out with numbers which will be accurate for every different development. Some will have different restrictions, different groundwork, which would need to be done. Some may need mitigation before they can start the development, any number of different things.

Chief Officer, Department of the Environment:

What we are asking developers to do in this scheme is to take into account an infrastructure levy before purchasing the site, so it is another cost of development, as they would take into account any other form of cost, whether it be groundworks, water supply connections, anything else that has to come into a construction cost, i.e. the build itself. Once you have taken into account your costs, you take those costs off your gross development value and you are left with a profit and you are left with a figure that you can pay for the land. Developers should be building this into their cost calculations prior to purchasing the site, so it will get reflected in the land value and it will not get reflected in the profits.

The Deputy of St. Mary:

Then Montford has a question. Can I just finish off mine, which is that you mentioned earlier on that you appreciated that some builders already had the land and therefore could not build in their costs when they bought it. Are you talking about a 2-tier approach therefore and a ...?

The Minister for the Environment:

No, I am not talking about a 2-tier approach. All I was saying was that in an ideal situation, we could come out with an infrastructure levy that developers could use before they go to purchase the land. That is the way it would normally work and then they would say to the landowner: "Here is the cost of my development, but I have got to pay the levy on top. I can therefore only afford to pay you this." I appreciate that there is a certain ...

The Deputy of St. Mary:

But there would be no exemption for people who have already bought the land then?

The Minister for the Environment:

I know that there is a certain amount of land-banking that goes on in Jersey and that is historic. I am trying to address ways to help the department with people coming forward with development applications, encourage them ...

Chief Officer, Department of the Environment:

All I would say in terms of developers buying sites in advance of development, there is always a risk that public policy changes related to development. Whether it be a levy or any other requirement that gets added subsequently to the land purchase, developers put themselves at risk by land-banking too much. But that is part of the development risk that they have to bear in mind. If someone buys a site and is willing to sit on it for a decade, then they do put themselves at risk for public policy changing and they will have to take into account future requirements as Government change their requirements in the future. That is why we would advise developers not to buy land and to take options on land and buy land post planning permission rather than pre planning permission.

The Deputy of St. Mary:

But could that not be used as a lever, saying: "If you have got a land-bank and you develop within a short period, you might be exempt from it"?

The Minister for the Environment:

Any infrastructure levy, if it did happen, it is not a quick fix. If I could bring it through before the next elections, I would be very happy. But it is a big piece of policy work and we will see how we get on. I have given enough warnings. Well, not warnings, but certainly if the viability study

comes out and says: "Yes, there is money available for the levy, as proposed" developers will see the writing on the wall, they will have a period of time to come forward with schemes before any levy could possibly start to take effect.

The Deputy of St. Mary:

Sorry, Montford.

The Deputy of St. Mary:

I have just got 2 questions, one of which I did raise during the presentation the other day, but now to do it publicly. There is an issue, I think, because the mechanism that you are suggesting for the levy, you talk about capturing the uplift in value, but your proposed levy does not do that. What it does do is it bases it on land area rather than on the profit or the uplift in value. Have you looked at a mechanism whereby you capture the uplift or the profit made on the land uplift in a proportional way? Is that something you do without necessarily going down the general route of a capital gains tax, which I know Government might not want to do for various reasons, but just apply it specifically to land development?

The Minister for the Environment:

I certainly have not thought about how a capital gains type tax might work, but there are different ways of coming to a total levy sum. One of them is the way that we are proposing, which is the square meterage and so much per square metre under thresholds to be agreed, if we move forward. The other way of course is to look at the value of the property, like you are suggesting, and see a percentage of the ... you are saying a percentage of the development value once it is finished or are you ...?

[11:30]

Deputy M. Tadier:

The increase. The problem with doing it on land area is that that bears no correlation to any profit made. It is possible that you develop, buy a piece of land and make no profit on it and that may not even be your intention, you just want to change the use of it, whereas as I said, if you get a brown or a greenfield which gets planning permission, it could have an order of magnitude of profit which goes up. It is not correlated, so should you not just base it on the profit that is made?

The Minister for the Environment:

Yes. In very simple terms, obviously we probably propose a square meterage and so much per square metre, but we would vary the amount of payment per square metre depending on the type of development and potentially where it is being built. But the important thing is obviously if you do

not make a planning application, you do not have the levy, so if you are just buying land and you just want to continue to use it as a field, there is no levy involved at all.

Deputy M. Tadier:

But there is no uplift in value, but once you have got an uplift, whether or not you develop it, the deemed value of that land would be deemed and then you would say: "Now you owe us whatever the X per cent rate of the tax or levy is on that uplift"?

The Minister for the Environment:

I cannot say that we have specifically considered it, but if we get to the next stage, it can certainly be considered in the consultation.

Deputy M. Tadier:

Can I suggest you do, because you seem to be selling it, on the one hand saying: "We want to capture some of the uplift in the value" but that is not what you are setting out. You are capturing a figure which bears no correlation to the uplift and it is essentially based on area.

The Minister for the Environment:

Yes, I can see where you ...

Chief Officer, Department of the Environment:

We are assuming an uplift of value through a net increase in floor area, if you like, so the more floor space you have got in a site, we are assuming there will be a net increase in value. The other thing we have got to bear in mind is it has got to be, I guess, able to be administered within the Planning Department, in effect. What we would seek to try and avoid are arguments over every single site around the valuation pre and post-development, otherwise we will end up in Government buying valuation advice on every planning application that this gets applied to. We need something that is simple for us to administer as well as something which is fair, I guess. Yes, it would be good to have that conversation, I think.

Deputy M. Tadier:

Just a second point, which is can you remind us what you expect to raise from this? It is my concern that it is a relatively small amount of money in the grand scheme of things.

The Minister for the Environment:

The simple answer is we do not know yet.

Deputy M. Tadier:

You gave us a ballpark the other day, I think.

The Minister for the Environment:

Did we ballpark it? £500,000, was it? It is not millions and millions of pounds, that is for sure.

Deputy M. Tadier:

I think it was about £500,000 a year, was it?

The Minister for the Environment:

Yes, and that was pretty much based on in the U.K. the average is about 2 per cent, somewhere around that, and you transmit it over here and it is somewhere between £500,000 and £1 million. But I do not think we are anywhere near that yet, because what we need to do is to make sure that the viability study comes back and says: "Yes, this scheme is viable" and it may be that while we are looking we consider putting a levy on houses and offices and commercial premises and stuff like that. It may be that certain types are not as lucrative as others.

Deputy M. Tadier:

Affordable housing was mentioned.

The Minister for the Environment:

Until we get the viability study back and it says: "Yes, this type of build could definitely attract a levy, this type of build is a little more ..." it is really difficult.

Deputy M. Tadier:

Are you sure we cannot establish a ballpark figure today in this hearing?

The Minister for the Environment:

No, I would not want to do that until such time as we know what the viability study says, because if it comes back and says there is not the money to do it, there will not be any money for us at all full stop.

Deputy M. Tadier:

But what I am trying to get at, you are not going to spend hundreds of thousands of pounds on a viability study for something which might only get £500,000 a year?

The Minister for the Environment:

No. The viability study will not cost us that amount of money and it will only be done once, and if we move forward we need to know that the scheme is viable because there is no point in trying to do something if there is no money at the end of it. I take your point exactly.

The Deputy of St. Mary:

Okay. Sorry, final point on this is to clarify: am I right I thinking or can you confirm that P.O.A.s (planning obligation agreements) which are in effect at the moment, are they going to be made redundant by this or are they going to carry on?

The Minister for the Environment:

No, P.O.A.s will carry on, but in a very limited way. But what I have asked officers to do, because I knew we were going to do this work on infrastructure levy and it was going to be some time coming before it could be implemented, we do have planning obligation agreements at the moment. They are written into the Island Plan and we have not been making best use of them. So officers have just about completed a piece of work which has identified much more clearly where we are going with P.O.A.s. It is going to be better for the industry because they can look at this document and say: "we know very clearly now when we will be expected to pay a P.O.A. and how much we will be expected to pay and what we will be expected to pay for." While P.O.A.s can only be applied in the immediate area around development, they are certainly a tool that I want to make more use of straight away inbetween now and a potential infrastructure levy coming down the line. So this document, which is just about ready to go out for consultation, but you will be able to see that.

Chief Officer, Department of the Environment:

There is still going to be a requirement for P.O.A. Sites that need access, drainage points, physical things to make the site work will still need to be done through a P.O.A. but the wider community gain from a development will be covered by levies. So hopefully there will be clarity as to why ...

The Minister for the Environment:

It has become clear to me that some developments have taken place where P.O.A.s should have been made more use of and developments are having much greater effects on the close vicinity and they should have contributed more. In the past I do not think we have got as much as we have. Some maybe have contributed a bit more than they should have done. But in the same way that the infrastructure levy would be very clear and upfront, and this is how much you pay and you can do the calculation yourself, the work will be done with planning obligation agreements. Again, we are going to be able to give it to developers and say: "You can look at this and if your

scheme is that size and it ticks these boxes, this is what we would be expecting you to pay if there is an effect on the immediate vicinity.”

The Deputy of St. Mary:

In the industry we are looking for clarifications, and what you are telling me is that is coming forward at the same time.

The Minister for the Environment:

If the levy moves ahead, when we get to instigate the levy, a lot of the obligations under P.O.A.s will fall away. But inbetween now and that time I am going to try to make more use of P.O.A.s.

The Deputy of St. Mary:

Okay, thank you for that.

Business Director, Department of the Environment:

In terms of the updated P.O.A.s we have sent some details to Sammy and offered a briefing around that specific project because that is getting to a place ...

The Deputy of St. Mary:

Yes, you have, kindly, and we deferred it for the moment, I think.

Business Director, Department of the Environment:

So we are happy to ...

The Deputy of St. Mary:

May I move on? Permitted developments for listed buildings. I know you divided permitted developments into 2 phases and we have got our houses for goats and hens okay, but the more substantial use, I think you used the words it was a challenge.

The Minister for the Environment:

It has been more of a challenge at the moment. You remember exactly right. I envisaged doing work on permitted development in 3 phases: years one, 2 and 3. Year one was fine, year 2 was a combination of listed buildings and other things and it was obvious that the listed building bit was going to hold back the other things, so we have done the other things. We are now working on listed building and it continues to be a challenge. But the chief officer and I are having now regular meetings with our policy team and we are close to some thoughts and conclusions on items such as repair and maintenance, replacement roof coverings, windows and doors, painting, satellite dishes, security cameras, solar panels, detached structures in gardens, fences and gates,

driveways and car parks, heat pumps, cables, agricultural land fencing and industrial buildings - and these as well - work done by public service providers. So in all those sections we are trying to look for areas where we can free up and give the public the ability to do a little bit more to their properties without permission where they own a listed property. I know Andy will talk about it, but I would say that we are operating planning and building with less people, because of efficiencies and cost savings, and we need to reduce the number of small, repetitive applications which we could let go and let people do without the need for an application. This is part of that. Listed buildings is quite contentious. Obviously we have groups of people who would like to retain the historic fabric exactly as it is, and at the other extreme, people who would very much like to have *carte blanche* to do whatever they like in their listed building. It is our job to steer a path between the 2.

Chief Officer, Department of the Environment:

We need a sensible line, as the Minister said, in terms of manoeuvrability and practicality for people who are owning and living in listed buildings, especially the domestic side of the permitted development rights. People need to be able to do things with their buildings because they live in them and we have to allow people and families to live in listed buildings. We obviously have to be mindful of that. We do not want them destroyed. They are the Island's heritage so there needs to be a practical solution to some of these things that we see constant pressure on, certainly around things like windows, doors, garden works, that sort of thing.

The Deputy of St. Mary:

You said in consultations, but again the ... anyone with a listed building will be anxious to know how soon might there be a change.

The Minister for the Environment:

This year there will be some changes. I have been patient and I have worked hard with officers to make progress and I will continue to work hard, but I am not going to sit back and let them ... this will not be going on the shelf for the next ...

Chief Officer, Department of the Environment:

The other thing, we have to start consultation. We did do a consultation and it was not conclusive enough in certain areas. We had quite a lot of mixed feelings around listed buildings. As the Minister said, lobbies of the community said we should protect them, full stop, and chunks of the community say we should be bold and flexible with them. So there was no easy sole answer from the consultation, which we talked about in the complications, I think. But we are trying to approach it with a practical commonsense approach really about people have to be able to live their lives and live in a listed building, but we want the buildings invested in. That is the predominant part

here. Buildings are maintained and preserved in the long term and people live in them and invest in them.

The Minister for the Environment:

If we take windows and doors, for example, in a non-listed building you have the ability to turn a window into a door, a door into a window or you can change the size of your window without permission in certain cases. But in a listed building I do not think that it is right that people should be allowed to turn windows into doors or doors into windows without making an application. I think it is right that officers get the ability to look at that. Having said that, when it comes to the specifics of the window there are obviously issues around repair and maintenance and replacement of windows, and I think in that area we need to be more flexible.

The Deputy of St. Mary:

That I think is probably the main concern.

The Minister for the Environment:

At the moment we are very rigid about the need to repair historic windows or windows that are old, but I think we can be a little bit more flexible. I obviously get a serious challenge from the people in historic, the people who would support the historic who say: "No, we want the windows maintained exactly as they are. We do not want them replaced. We want them repaired at every opportunity." But we need to be realistic and have a commonsense approach. People need the ability to be able to do a little bit more and that is the challenge that we have.

Chief Officer, Department of the Environment:

As always in Planning, we please and annoy in equal measure depending on whatever decision we make. Yes, it is still tricky, this area, but we do want to have some commonsense practicality adding to some of these rules.

The Deputy of St. Mary:

Sorry, not meaning to pressure you on this, but the timeline again: you say "this year" but are we to see some proposals before the summer recess maybe?

The Minister for the Environment:

Yes. I am not sure if we would get them to the Assembly before the summer recess, but certainly I think the proposals we expect to make would need to go back to consultation again. That will not be that long.

The Deputy of St. Mary:

Who will you consult on that, sorry?

The Minister for the Environment:

I think it would be only right to put it out to consultation. I am sure the Société and Jersey Heritage will have a view, but landowners will have a view as well. I mean, as Andy said, we get a mix of people who live in listed buildings. A vast majority certainly do not want to destroy them, they want to make them more beautiful and better. But I think some of the ways that we can help them to do that, we can slacken off some of the prescriptive stuff that we have at the moment, just to make it a little bit easier.

The Deputy of St. Mary:

Anyone else on that? Next one: environmental health charges, food safety and rental property. We know the intention here: when do you plan to bring legislation to the States that will enable the introduction of charges for Rent Safe and Eat Safe schemes?

The Minister for the Environment:

The food safety stuff is in the Law Officers' Department. It was put there before Environmental Health came over to me so I am not sighted on it, but I believe that is certainly not going to come before the Assembly before next year. It may be after the election before the Food Safety Law gets to the Assembly. There may be something to scrutinise just before the end of the year or early next year. But I need to check up on that because it is one of those bits that was put in train before it came over to us.

Chief Officer, Department of the Environment:

Yes, the law on that is in the drafting stages at the moment, so I guess it is trundling its way through how it all gets drafted and prepared. So we hope to have sort of final drafts of that later this year, hopefully it will come out of that process into a Food Safety Law, which we can then get into a formal Scrutiny conversation around.

The Deputy of St. Mary:

One concern is about the generation of income. I see it is scheduled to generate £800,000 by 2019. Was it not meant to start the previous year as well?

Chief Officer, Department of the Environment:

It is sort of phased in. A lot of it is back-loaded in the M.T.F.P. (Medium Term Financial Plan) 2 for 2019, because we assume obviously we have got to get laws in place.

[11:45]

But yes, the registration charges for both food premises and private rented premises are both incorporated in that figure.

The Deputy of St. Mary:

Is there not income due in 2018?

Chief Officer, Department of the Environment:

Yes, I think we are saying around £200,000 in 2018 and the remaining £600,000 I think we said in 2019. We are assuming things are put in place for 2018 ...

The Deputy of St. Mary:

By the end of this year then?

Chief Officer, Department of the Environment:

Yes. We will get the law out, get it in place. It will be part-year funding in 2018, hopefully get a States decision sort of mid-2018, get the charges in place by the latter part of 2018 to generate some income, and then the majority of the full-year effect will be in 2019.

Deputy M. Tadier:

What is the annual income projected from that?

Chief Officer, Department of the Environment:

At the moment we have not yet set the limits, we have been working on assumptions of ... we have got to work on the assumptions ... we have got to incentivise proper behaviour both in private rented sector and in food premises so depending on ... the honest answer is we have not yet set a fee and then worked out who gets what discounts, depending on how they are behaving.

The Minister for the Environment:

But we do know the principle will be at the moment obviously people have got the star rating on their food outlet or their food premise.

Deputy M. Tadier:

Just to clarify, that is compulsory, so if you have got a restaurant will you automatically be part of the Eat Safe scheme?

Chief Officer, Department of the Environment:

Yes, every food premises has to have an assessment.

Deputy M. Tadier:

So you cannot get out of that? You run a business, you sell food, you ...?

The Minister for the Environment:

You have to register.

Chief Officer, Department of the Environment:

We are planning, and again the detail will come out in the charging work after we have got the law in place, but we want to incentivise people who get 5 stars, those who are the safest, so to speak, will get a bigger discount; a very big discount. So we need to incentivise the behaviour around the registration.

The Minister for the Environment:

The next thing we are going to do is at the moment obviously you get a certificate and you are at liberty to put it up and you go into a lot of establishments where you will see the sticker and the stars, but they are not ...

Deputy M. Tadier:

So you do not have to put it up if you have got a bad star rating?

The Minister for the Environment:

No, you do have to put it up, but you are not obliged to put it up on the front door or somewhere where it is highly visible. So I think we will be changing the rules so you do have to display it somewhere where it is highly visible and not just somewhere where it is invisible.

Chief Officer, Department of the Environment:

It is also publicly available on the website, so you can ...

The Minister for the Environment:

It has proved to be really successful and people do want to do better and they do want to get to 5 stars, and obviously if the star rating is on the front of the premise and it is not 5 stars, people will ...

Deputy M. Tadier:

With the breakdown in costs I am trying to establish because we have got Rent Safe and Eat Safe combined but Rent Safe is not up and running, it is not even obligatory.

The Minister for the Environment:

No.

Deputy M. Tadier:

So it is arguable that that is not going to generate any revenue necessarily, so the majority of your money is potentially coming from Eat Safe.

Chief Officer, Department of the Environment:

We are aiming for registration fees to come in. I think most of the income from that will be 2019. With that, we can only bring that in once the law has been approved.

Deputy M. Tadier:

The problem with the Rent - and this is of course where there is an overlap between Environmental Health and the Minister for Housing and the Strategic Housing Unit - is that we do not even know who the landlords are. We do not know what properties are being rented out. There is no obligation for people to sign up to this scheme. Is there not a disparity between those 2?

The Minister for the Environment:

We have to put our hands up, there are some numbers that we do not know. We do not have a finite number on the number of rental properties in Jersey at the moment. We need to obviously try to do that. It would be a massive part of calculating any income that we ... if you want to do a theoretical income, how many properties have you got times whatever.

Chief Officer, Department of the Environment:

I think it also comes from the consumer perspective in a sense of consumer pressure being put either on to landlords or on to food premises. Consumers certainly on the star rating for food safety, it is that consumer pressure which is driving standards up as well. People are expecting to eat or to purchase food in the higher star-rated establishment. I think the same will apply to rented property. I think the question we have been asked ...

The Minister for the Environment:

If you have got proper insulation and it is not damp and you have got more stars, people will know ... I mean, we know estate agents that are desperate to start because they want to advertise their properties as: "Rent this property, it is 4 stars or 5 stars." In the same way we can be sure that we know landlords that will not want to get involved because they know their star rating is going to be very low. The whole idea is to try to drive up the quality of accommodation. There will be challenges on both sides because it may well be that you will be charged a bit more. But the hope

will be in the fact that it has got better living standards and more insulation that the cost of living in that will be considerably less.

Chief Officer, Department of the Environment:

I think consumers sharing information about rented properties will be really important as well in terms of us understanding what properties are rented. So if as a tenant I want to rent a property, I will ask the landlord what is the star rating for his property. If the landlord is saying: "I have not got one" it may well prompt a conversation with the team ...

Deputy M. Tadier:

Why do you not just set up a website as the department to be administered by the public?

Chief Officer, Department of the Environment:

I think certainly as we would look towards the Eat Safe website we would certainly look ... the critical thing is to get information out into the market so tenants can see the star rating of the properties they are potentially renting.

Deputy M. Tadier:

But what I am saying is the tenants could rate it themselves so you have a TripAdvisor type of scenario. No doubt it would lead to all sorts of data protection issues and possibly even libel ...

The Minister for the Environment:

I think, to be fair to tenants, the last thing I would want to do if I was living in somebody else's property would be to go on social media and tell them how bad it was because I might find that I was not living there for very long. This is a far more independent and constructive way of doing it, in the sense the same people are doing the same assessment and everybody is getting assessed ...

Deputy M. Tadier:

But why do you not just ask the Minister for Housing to regulate? I mean, this is surely not an issue that you need to be dealing with. I can understand the Eat Safe, but that is a completely separate thing and we do not want people dying of food poisoning when you go to a restaurant, and that is compulsory. But why not tell the Minister for Housing to just regulate and get on with it?

The Minister for the Environment:

It is the same sort of difficulty inasmuch as does Environmental Health sit comfortably in Health, does it sit comfortably in the Environment Department? It has got feet in both camps. Certainly

there is a lot of feet in the Housing camp, and at what point does the Environmental Health work move so much to Housing that ... you know, Housing is not about the standards of ...

Chief Officer, Department of the Environment:

We are the regulator for private sector rental. Increasingly the Environmental Health function is flicked between food and dwellings. There are 2 very specific functions on that in terms of dwelling standards, so there would be a lot of visits already in terms of dwelling standards. So increasingly that will become the regulatory function.

The Deputy of St. John:

But realistically though in the wealth that we live in, in Jersey, there is not sufficient supply for this to work in the most constructive manner that you would expect it to. Will it not lead to less affordability in the Island?

The Minister for the Environment:

I could not disagree with you. The one way we are going to drive rents down more than anything else is to increase supply, and the Minister for Housing and I know that, and we are doing as much as we possibly can to get on and get building because we know that the whole ... the very, very basic premise is increase supply, reduce demand, reduce rents, and that across the whole board that affects everybody, which is good news. But you are absolutely right, because if by coming up with new standards some bad landlords - really, really bad ones - say: "You know what, it is easier not to rent this out" we may find that we lose some really substandard property, which on one hand is great news, but on the other hand drives demand, because those people who are not in that substandard property anymore will be looking for an alternative. It may well be a more expensive alternative, but it is always this conundrum between providing lesser expensive really awful property that some poor people can just about afford or do you want to do better for them by saying: "No, as a society we do not want you to live in that type. We want you to live in a better quality of accommodation"? But there are downsides and I take your ... absolutely with you on that. But the way we do better is to provide more housing.

The Deputy of St. Mary:

While we are just on legislation, can I just refer to ...?

Deputy M. Tadier:

Can I just step out? Will you excuse me just for a moment?

The Deputy of St. Mary:

The question raised by Deputy Hilton last Tuesday of the Chief Minister: "Will the Chief Minister inform Members when you will make the necessary arrangements to transfer responsibility for the Statutory Nuisances (Jersey) Law 1999 and other relevant legislation relating to food from the Minister for Health and Social Services to that of the Environment" et cetera, and the answer was: "It is hoped that regulations to transfer these responsibilities from the Minister for Health and Social Services to the Minister for the Environment will be lodged before the 18th April 2017 States sitting." That was mainly in connection with feeding seagulls, I think. I was just wondering whether there are other ... the reference to food, are there other items of legislation we should be concerned about in that?

The Minister for the Environment:

I think specifically it is about seagulls and nuisances from seagulls and seagulls encouraging vermin and other things like that. We do get complaints, Environmental Health do get complaints about that and the difficulty at the moment is while the department has transferred over to us this particular piece of legislation that we need to modify to sort out the problem of seagulls causing nuisance is still sitting in the Chief Minister's Department. That is the issue we have got. We just need the legal transferred over to us and then I can make decisions about my people in my department to get on.

Chief Officer, Department of the Environment:

To be honest, it is an administrative answer. We have had a people shift, we have had a budget shift and now we are catching up with the legislative shift, so all of those decisions can be made within the department under the Minister. So we would expect the appropriate legislation to follow with the Environmental Health team to this ministry.

The Deputy of St. Mary:

It is the generality of the wording which confused me. It does refer to the Statutory Nuisance (Jersey) Law 1999, which is one thing. It goes on: "... and other relevant legislation relating to food" but you are saying it is only really in the Statutory Nuisances Law that you are ...

Chief Officer, Department of the Environment:

Yes, I think the other in terms of food safety and the other bits of laws that we have just mentioned, the Food Safety Law, I think there will be a further debate then. If we are the regulator for that it makes a lot of sense for this Minister and this ministry to have that law within this ministry rather than another ministry. Yes, we are catching up with a bit of administration, I think.

The Deputy of St. Mary:

Are we going full circle, in the sense you are taking on more responsibility for regulating and maybe have not got resources to deal with it?

Chief Officer, Department of the Environment:

Certainly the Environmental Health team, the team come across with their budget, so the people came across, the finances for all that team came with them, so our budget ...

The Deputy of St. Mary:

So that was anticipated in the work?

Chief Officer, Department of the Environment:

Yes, so we can afford to run with it.

The Deputy of St. Mary:

Sorry, we have just realised we have kept you over time so we can probably close it then, I think, if you are happy to do so. Thank you, Minister, and colleagues for your time.

Chief Officer, Department of the Environment:

Thank you very much.

[11:57]