

# Environment, Housing and Infrastructure Scrutiny Panel

## Quarterly Hearing

### Witness: The Minister for the Environment

Thursday, 15th March 2018

**Panel:**

Deputy T.A. Vallois of St. John (Vice-Chairman)  
Connétable S.A. Le Sueur-Rennard of St. Saviour

**Witnesses:**

Deputy S.G. Luce of St. Martin, The Minister for the Environment  
Mr. A. Scate, Chief Executive Officer  
Mr. W. Peggie, Deputy Chief Officer/Environment Director  
Mr. S. Petrie, Director of Environmental Health

[10:32]

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

Okay, if you are ready, I would just firstly like to give an apology from the chairman and Deputy Tadier. They are unable to make today's hearing. Okay, firstly, I would just like to ask members of the public ... thank them for being here but also ask that they keep their devices either on silent or switch them off during the duration of the hearing, and before we start we will go round the table, who we are. I am Tracey Vallois, Deputy of St. John, vice-chairman of the panel.

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

I am Sadie Le Sueur-Rennard, Constable of St. Saviour.

**The Minister for the Environment:**

Deputy Steve Luce, Minister for the Environment.

**Director of Environmental Health:**

I am Stewart Petrie, Director of Environmental Health.

**Chief Executive Officer:**

Andy Scate, Chief Officer for the Environment Department.

**Deputy Chief Officer/Environment Director:**

I am Willie Peggie, Deputy Chief Officer for the Environment Department.

**The Deputy of St. John:**

Thank you. Okay, so this is our last quarterly hearing, Minister, from the Environment, Housing and Infrastructure Scrutiny Panel, so we have a series of questions basically following up on an amount of work that has been going on over the last 3 and a half years. So, our first question is on the Public Health and Safety (Rented Dwellings) Law. We would just like to have an update on the regulations that are due to come forward.

**The Minister for the Environment:**

Okay. Thank you, Deputy. As you will know, we have done the vast majority of this work and I know Scrutiny have been hugely supportive in the work that we have done in this regard. We had hoped to be in a position to move forward before the end of this session, but unfortunately, we are held up in Law Officers at the moment and given the amount of work there is to do in the States Assembly in our last 2 sittings it now looks like we will not be in a position. But Stewart is here today to make sure that we get everything right, but our target date is now something around 1st October 2018 and I do not envisage it being a problem when it comes back to the Assembly. There has, as we know, been a lot of reference to it during States debates, a lot of support for it during States Assembly debates, and I can only apologise, if you like, that we have not got it through Law Officers. It certainly sits there at the moment. Stewart could maybe ...

**Director of Environmental Health:**

Yes. The primary law is still with Privy Council. I believe they may be meeting today but they are not always forthcoming on when they are meeting and what they are debating. Judging by what has gone through in previous meetings from Jersey, it is the next batch so that may well be signed, which is the first step. Obviously, we cannot debate anything until the primary law is through and registered at the Royal Court. In terms of Law Officers, Willie has had some discussions with them and they are hoping that we will be in a position to lodge towards the end of this month.

**The Deputy of St. John:**

Okay.

**Director of Environmental Health:**

But the debate would obviously then be after the election, but it has not changed the date that we would hope to implement. That was always 1st October and we are still working to that. So, we have other plans in place to make sure that it is not going to delay that.

**The Deputy of St. John:**

Thank you. So there is a potential for it to be debated by a future States Assembly in June?

**Director of Environmental Health:**

Hopefully in June, yes.

**The Deputy of St. John:**

Okay. Well, that is good news. Following on from the (Rented Dwellings) Law, of course, the States Assembly rejected the principle of having a social housing regulator. Can I ask you, Minister, what role you see Environmental Health playing in ensuring standards are maintained and that data is readily available for analysis to determine other policy or law changes in the future?

**The Minister for the Environment:**

Well, as we know, Environmental Health officers have already started working on rented dwellings. We have schemes whereby landlords can phone up the department and have their properties inspected. Certainly, we are making moves in that direction already. I envisage that when these schemes all come to fruition and the laws are passed that we will know where we want to start work. We have a lot of work to do and we accept that Scrutiny has said in the past can we cope with it all. We do have a lot of work to do, but we will be concentrating on the areas where we know we need some work and we will also have the basis behind us of those people who have already signed up, Stewart, as part of the scheme. I do not know if you want to expand a bit more on that, but we will have information coming into the department which will help inform us. We will see trends. It may be certain landlords, it may be certain areas, it may be ... but I am sure we will see trends coming out which will help us and inform us further to concentrate on the areas that need to be concentrated on.

**Director of Environmental Health:**

The minimum standards will apply across the board, including social housing, staff accommodation. So, we will have that. We will also when the licensing ... if the licensing is

passed and that comes in, we will have a de facto register of everybody who is controlling rented accommodation. So we will have that data, which is new. We will also have a better idea of what sort of properties, what standard, the thermal efficiency of those buildings. Environmental Health also enforces the Tenancy Regulations on behalf of the Minister for Housing. I met with Jack from the Strategic Housing Unit yesterday to make sure we still are working in the same direction, which we are. We are talking with them, actively talking with them, how we can pull together, if you like, an accredited social landlord to make sure that the bits that do not fall under either tenancy or property standards can be brought in so the thing that makes them a social landlord can be checked by us in order for them to get that status. That is not the same as having a regulator, obviously, but it allows us to make sure that they are meeting their commitments in terms of being social landlords.

**The Deputy of St. John:**

Okay. Can I ask then on that basis, because one of the arguments was that social housing provides ... well, will be required to provide possibly certain special needs/disability kind of accommodation for people, vulnerable people in our community, and that was one of the arguments for a social housing regulator. So can I ask what regulations or legislation or policy the department may have to assist maybe the Minister for Housing to try and move those types of properties on, whether it is just under the rented dwellings, whether we have anything under planning laws, whether we have anything there that would assist in driving that forward.

**The Minister for the Environment:**

Well, we certainly have bylaws in place at the moment which look very closely at moving forward. We know care in the community is something that we are aspiring to, and we are designing houses in such a way now and only approving houses in such a way so as people with disabilities can find it much easier to move around in them. We know that we want people to stay at home longer, so there is always capacity for putting small lifts into properties where there are stairs that need to be negotiated. There are a number of things that Andy might touch on there, but what I would say is that we know that there is a new regime coming forward where housing and environment, planning and building are going to come closer together. It would be my wish and certainly my desire that if those 2 are closer together the needs and requirements, the supply, everything that is needed for social housing, whether that be people with special social housing needs, the discussions around the requirements and the supply will be much better achieved and we will know far more about what we need and then we can make plans accordingly. As Minister for Planning, I need somebody to come to me and say: "This is what ..." I cannot be judge, jury and executioner. If we need more supply, somebody needs to come to me with the facts and say: "We need some more supply. Here is the evidence." Then I can go out and say: "Right, okay, I have now had this request. We need more supply. Let us identify some sites." Or, as you say,

Deputy, we need more of these types of homes; let us go away and find a way of making sure we can deliver them. Is there anything more to add under building control?

**Chief Executive Officer:**

Yes, in terms of building control it applies to all dwellings regardless of tenure at the time of construction. So, all dwellings have to meet those basic minimum standards in the bylaws. Thankfully, some meet ... they go above the minimum standard. So, building bylaws apply equally across tenures to the lowest form of housing, cheapest form of housing, or to the most expensive form of housing. They are common standards and also our minimum standards we are bringing forward again are cross-tenure standards, and we expect minimum standards to be met by all forms of dwelling. So in terms of the quality argument, I think we are well covered at point of build. Obviously, that is only a point in time, and then the work that Stewart and team do post that build then comes into keeping ... making sure that those minimum standards endure throughout the life of the rented dwelling. Clearly, properties that are in ownership are a different matter. Stewart has different controls and laws over residential standards in that case, but we see commonality, either whether it be minimum standards across tenures, building bylaws across tenures, in the standard. Indeed, the Minister is right in terms of the supply side. We have to respond in the Island Plan and our spatial plan in terms of where housing is found. We have to rely on the housing strategy document and the housing demand to say: "This is what the Island needs in the next 10 years." Clearly, we need to keep that live. We have had a couple of reviews of the Island Plan in its current life. When we are faced with changing evidence or more evidence required that we need to up supply, that is the job then of the planning system to find sites and assess capacity. So, as the Minister said, when we have that compelling evidence we then have to respond.

**The Connétable of St. Saviour:**

I have quite a few of these homes in St. Saviour which have been purpose built; wheelchairs, elevators. They have everything. You are mentioning this ... you are going to have the support coming through, but do you have the support after you have the people ... it is okay to say to these people: "You have a home that you are going to be able to be in for the rest of your life." We have these wet rooms and everything that they can go in with wheelchairs, no problem, but are you going to ... is there going to be - I think this would be your department - somebody to make sure that everything, once they are in and they are looking after themselves, that if they need support they have it in the background and they can call on it?

**The Minister for the Environment:**

I think that is very much more for Health and Social Services. Certainly, Stewart and his team would go in if there are issues with environmental health, but care in the community is an initiative being driven by Health and the idea will be that we will have a lot more nurses or nursing-type

staff, people to go into the community to help people to stay at home, recuperate at home, and avoid the need for hospitalisation, or if they go to hospital to get them back in their home very much quicker so that nurses can go and look after them on a regular basis at home. So, the resourcing of that care in the community is very much down to the Health Department rather than anybody inside the Environment Department.

**The Connétable of St. Saviour:**

Right, so you are going to build them the apartments or the things that they can use, but then that is where you draw a line and you are waiting for the rest to take over?

**Chief Executive Officer:**

Yes, so when a dwelling is built, under the bylaws it has to be ... to meet the bylaws it has to be adaptable, effectively. So, we are not saying that all homes have to have all those adaptations at day one, but it has to be planned in a certain way that ... so downstairs bathrooms now or the en suite facilities or downstairs bathroom is a good example. You will see a lot of new homes with quite big downstairs bathrooms because they have the space built in to be adaptable in the future. So, that is just one example of how you can meet the bylaws. Or even another simple way of meeting the bylaws is what is the stair configuration or even the configuration of some of the rafters, for instance, which could allow a lift to be put in, a small domestic lift, if required.

**The Connétable of St. Saviour:**

Or a Stannah on the steps.

[10:45]

**Chief Executive Officer:**

Yes, that is right. We do not say that those homes have to have all that upfront because obviously a lot of homes that are built do not require that at that point, but as time goes forward if an occupier wants to fit a small residential lift in, does the rafter alignment allow that? So it is often those sorts of things that we see builders now meeting the bylaw standards. Just thinking ahead, okay, if we did have to put a lift in between the lounge and the upstairs bedroom, what is the rafter alignment? Does it allow that? Yes, and most of them ... and some of those there will be a certain space left to allow that, for instance. So it is just about thinking where the power plugs are, the sockets are, and you will see those varying. It does not really matter if ... it is just about designing something to think ahead. A power socket right on the floor now is not such a great idea. A lot of power sockets are a bit higher up. That also helps in terms of if your washing machine floods and making sure the power circuits are a certain level. It is just practical stuff like that and the bylaws and that sort of thing.

**The Minister for the Environment:**

If I could just go back to supply and demand, though, I think the next Island Plan review is going to be a really crucial one for Jersey. I say that because we know and we have some evidence that the number of elderly people - over 65 - is going to double in a relatively short period of time, and I am one of them. We are going to have an additional 14,000-odd retired people in 15 years. Now, it seems obvious to me that a percentage of those 14,000 are going to need some sort of retirement home or care home or some sort of facility, and you do not need to be much of a mathematician to say even 10 per cent of those 14,000 is 1,400. A care home for 50 people is a large building. We are going to need a number of these going into the future and this is going to be a challenging discussion for whoever is in government in the next session of government because we are going to have to provide these facilities somewhere. We have to face up to reality. We have an ageing population that need looking after. We want to look after them, but the physical facilities in order to do that are going to challenge us, challenge the countryside. It is going to challenge the Island Plan. It is going to challenge all of us. So that is something that ... if I am still around that is a challenge that I am up for next time, but it needs more discussion between the people that know the requirements, the people that deliver the sites, the people that build, the people that look after those people who are in retirement homes afterwards.

**The Deputy of St. John:**

I agree. I think the Island Plan is going to be quite critical about how Jersey moves forward in terms of supply and demand issues in the Island. I think I want to kind of push on the whole age side of things because I think there has to become a principle, does there not, in terms of the Island Plan that you are trying to build for a variety of needs, not necessarily just because people are old age. They may be fitter than some people who are younger that may have certain types of illnesses, but they want to be independent. So what kind of consideration going forward would we have for looking at the Island not just in age barriers but in terms of needs, different types of needs? How would that work?

**The Minister for the Environment:**

Well, again, we go back to the new Island Plan and the time to review it. You are absolutely right because we know, for example, in the countryside we have on one hand people who say: "We want to keep our countryside green and pleasant, brown cows and green fields" and I am all up for that, but we also know that Parishes want to retain their young people in their Parishes. You can think of St. Martin, St. Peter, other Parishes that have aspirations for their youngsters who want to stay in their Parish. That is going to put pressure on building in the countryside. So we know that village developments in the future are going to be crucial. That is a really big policy that is going to have to be hammered out in the next session of Government. Because as much as the Island

Plan may focus the increasing population on development in St. Helier, we cannot do it entirely in St. Helier. We do need to keep our countryside vibrant. We want our Parish communities to be vibrant. We want families living close to their Parish schools for their young children. So, there are a lot of things going on in the next Island Plan around supply and demand for all age groups, whether that is schools, whether that is health, whether that is nursing homes, whether that is homes for families that families can afford to buy as well. That is something else we have to focus on because the shared equity is something we have to move forward with because with the pressures as they are, that is possibly the only way that some families are going to be able to get on the housing ladder, on the property-owning ladder, in the future.

**Chief Executive Officer:**

That is entirely right. The other thing we have to be mindful of is how we are planning for accessibility going forward across various of our communities. Whether that means physical accessibility or mental accessibility, there are a number of things that we need to take into account, especially in our built environment, how places are used. We know certainly that we need to focus on open space in St. Helier and we also need to focus on what does St. Helier and our built environment feel like to be a child. So there are a number of things that the Island Plan I think is going to have to get into next time round which it does not currently get into. So, how do places work for a variety of needs and communities? We have been fairly traditional in the sense that the Island Plan delivers supply of sites or buildings for things, office space, retail space, accommodation for residential. It does not necessarily go below that to think about how a place is being used. What are the challenges we have to move around? Even if we just look at physical accessibility moving around St. Helier, where are the crossing points? What does signage look like? What do thresholds on pavements look like? It is all of those things: what colours are we using in our signage and our public realm to make things easily more useable for certain parts of our society? So, all of that is a growing area of consideration for planning, especially in urban design, and I think we certainly need to get into ... we need to have some replication or respect to that in the next Island Plan as well.

**The Minister for the Environment:**

Something I might just touch on is you learn by experience, and certainly the experience we have gone through in the last few months on reviewing the waterfront masterplan, we have done a lot of consultation and it has been really interesting to see how when you meet and sit round the table with all the people involved, so that is not just ports and S.o.J.D.C. (States of Jersey Development Company) but the pressure groups, the individuals who live in the area, those representatives of the Parish, when you get all the various factions sitting round a table together it is amazing when you start talking to each other how we all have a common goal. I think both sides have been really surprised as to how much we have in common when we sit down and talk to each other. The new

Island Plan is going to have to follow that lead. We are going to have to talk people in the Parishes, talk to people in town, talk to people of all the various ages, and discuss with them what they require. Because I think we will all be quite surprised as to how we share the same view about where we want to be going on this journey.

**Chief Executive Officer:**

There is a lot of commonality about the need for buildings. Buildings generally provide space for things and buildings tend to look after themselves. They meet standards. They meet space standards, accessibility standards, but the spaces between our buildings is what everybody uses, not just the occupier of the building. The spaces between our buildings is going to be a big debate for St. Helier in the next decade because we have to get our public realm right and then it ties into everything which we have just previously said about how places are perceived and how places are used.

**The Deputy of St. John:**

Okay. Thank you very ...

**Director of Environmental Health:**

In terms of supply, the Minister for Housing has commissioned a report to find out what we have and then with help from the Stats Unit they will be able to predict what we need, but we need to know what we have first. I think that will also inform the Island Plan because we will know what sort of accommodation we will need for the ageing population.

**The Minister for the Environment:**

We are going to have to work with private individuals and landowners as well. I said in the Assembly at the last sitting my views on surface-level parking in town. It is a waste of space to have cars parked on tarmac in town and nothing else happens with that particular square footage. We should be building on top of car parks, putting cars underneath. We must make better use of that available space. Similarly, we must do a piece of work about empty buildings, empty structures. I understand that there is always transition between people selling houses and moving to new ones and there are always good reasons why some buildings are empty, but we have a lot of structures and there are all sorts of structures, not just houses or sheds, all sorts of structures around the Island which do not serve a useful purpose any longer. We need to be looking at all those so that we avoid building things in new greenfield/brownfield sites when we have empty buildings somewhere else which could be converted. Whatever it is, we have to make best use of our resources on this Island, but there are a few things there that I really would like to get into if I am still around in the next session. The spaces that cars park on need to be better utilised and

empty structures, whatever they are, we need to make sure that we are using every one to the best of our ability.

**The Deputy of St. John:**

We are moving on to Future St. Helier in a minute. I just have one last question on the (Rented Dwellings) Law. The States just agreed Deputy Tadier's proposition with regards to children in rented properties. Can I ask how that would work under, for example, the new (Rented Dwellings) Law or any particular legislation that you may have under the Environment Department in terms of ... because there is a worry that there is going to be discrimination against landlords or something along those lines because they have to have children in the properties.

**The Minister for the Environment:**

Well, yes, there is a bit of a political angle to that. I was not quite so assured that the Deputy's proposition was going to achieve quite what he was after. What he has made is that you cannot discriminate against it in the advertisement, but I do not know that he is going to turn the boat round immediately. I know where you are coming from. What I would say is in the new standards, which we are just about to publish, we are going to be looking at interior space. We are going to be looking at amenity space and we are going to be looking at the amount of space that people need to successfully and happily live in their homes. We know through the work that we are doing on Future St. Helier and looking at open space public realm in town that we have a percentage of people now who live a distance away from open spaces. People have told us why they use our green and open spaces in town. There is lots of work going on, but what we are going to do, certainly on the standards, is we will be coming out and saying with every unit you need a certain amount of amenity space or if you have less amenity space you need more space inside. We are going to be looking to make sure people have space to live properly. That is a big issue for us, people being happy in their homes. One of the surprising ... I will not go any stronger than that, one of the surprising statistics coming out of our work is the number of people living in town who have no space at all, no amenity space, nothing other than inside the 4 walls that they live in. We need to think about that moving forward for everybody's benefit. Having a standard of living and a quality of life relies on access to space you and your children can enjoy.

**Director of Environmental Health:**

In terms of our standards, as we have said during the workshops, there will be properties that are unsuitable for children and we will say they are unsuitable for children. So landlords who feel their properties are not suitable we can certainly give them the backing to say: "No, this is not a great place for kids to be in because of the nature of the staircase" or whatever and the choices are either make it suitable or we can say that that should not be let out to people with children because it is not safe for them. The whole of the regulation is about keeping people safe and there are

some properties that are quite suitable for certain people to live in and not for families. We would not want to put families in there not because of discrimination but because we do not want them damaged. The other aspect is overcrowding.

**The Minister for the Environment:**

Similarly, with elderly people, there may be some properties that are perfectly good for letting but are not suitable for people who cannot negotiate steep or twisted staircases or something like that. So that is where the advice will come in.

**The Connétable of St. Saviour:**

It is common sense.

**Director of Environmental Health:**

Yes, and the regulations are nuanced to allow that so we can maximise the use of the space and still protect our population.

**The Deputy of St. John:**

So there is potential for landlords to tap into the Health Department to ask: "Will you come and assess my rental property?"

**The Minister for the Environment:**

Yes, of course, yes.

**The Deputy of St. John:**

As to whether it is safe or not.

**Chief Executive Officer:**

Yes, and I think we have to do that based then on evidence that is based on the property and what the property is rather than just a perception: "I do not want to rent to children." It has to be based on evidence that we can back up to say it is around safety, it is about wellbeing, effectively.

**The Deputy of St. John:**

Okay, thank you.

**The Minister for the Environment:**

I cannot reiterate it enough. Stewart's department deal with a whole range of different issues, but in every case they always seek to discuss and work their way through the problems by just having

a chat, a commonsense approach, before we go anywhere near pieces of paper and regulations and stuff. It is always a discussion: what can we do, how can we do it, let us work it out.

**The Deputy of St. John:**

That is good. Right, we will move on to Future St. Helier after that. So, in 2014 the Council of Ministers set out in the Strategic Plan for 2015-2018 an ambition to regenerate town as a vibrant, environmentally aware and attractive urban centre of distinctive character that people want to use, invest and live in. Do you feel that this objective has been achieved and, if not, why?

**The Minister for the Environment:**

Okay. Let us start by saying that I was really pleased to be able to get this as a strategic goal of the Council of Ministers. I think it is the first time the Environment Department has seen itself mentioned in a strategic ... and quite rightly we talk about health, we talk about education, but I was delighted to be able to get Future St. Helier up there as something that people are thinking about. Obviously, it was disappointing that while it was a strategic priority it did not come along with any hard cash. So we have relied for these first 3 years on the Department for Infrastructure having monies available and also the Constable of St. Helier having monies available to pull together and try and do some schemes. I put my hand up and say we have not done as much physically as we might have done. We have done some good work in places like Conway Street. I am really pleased with the eventual outcome, although it is not quite finished yet, of Charing Cross. We have put in some zebra crossings but they are minor. We have some great ideas about where we are going to go forward. We have identified sites. We have potential schemes in place.

[11:00]

We have done a lot of work around transport. We have done a lot of work about identifying development areas similar to the North of Town Masterplan in the south-west of town. We have a lot of work on paper. We have done a huge amount ready for the moment we have some cash to spend. Midvale Road, for example, will be our next scheme, one of our next schemes. At the moment I do not quite have ... the amount of funding we need to do a really nice job is not quite there. I am meeting the Minister for Treasury and Resources this afternoon to discuss how we might move that forward. So, cash is the problem. Obviously, I was disappointed not to take the infrastructure levy through the Assembly. That was the method that I had identified to fund a lot of these schemes in St. Helier and I tried my best to sell it as a means of improving our town, improving the green areas, amenity areas, but I take on board the message that we had back, which was bring everything back at the same time, bring it back in the next Assembly, let us have some more detail. We are doing what we can to use planning obligation agreements to help

where we can but, of course, with P.O.A.s (planning obligation agreements) any additional provision has to be in the immediate vicinity of that development. So, for example, a large development in St. Brelade cannot contribute to helping me make areas of St. Helier better because it is just not close enough. So we are looking at ways we could improve, but certainly if I am still here and in a position to, I would be looking to bring back the infrastructure levy debate to the next Assembly, unless there are other methods of identifying funding for Future St. Helier, and there may be some. But at the moment what we have for the Future St. Helier project is some great ideas. We have a lot of evidence and a lot of stuff on paper, a lot of ideas for what we want to do and where we want to go, but we need money to do that.

**The Deputy of St. John:**

Can I ask in terms of ... because there have been arguments about more housing in St. Helier. You have mentioned that just before with the Island Plan. In terms of people coming forward and either changing offices into homes or building within St. Helier, is there a better way to use the planning obligation agreements in those circumstances? For example, you have a building going on at Summerland at the moment. If that had an impact on the roundabout ... because this was one of the arguments against the infrastructure levy from the Chamber of Commerce, was it not? So, is there an ability ... is there anything coming up? How do we encourage people to transform these offices and use those opportunities to invest in St. Helier?

**The Minister for the Environment:**

Well, we know that many of the offices which have been used for 20 or 30 years now are becoming not so nice to work in. We know we are building new offices down at the south-west corner, the waterfront, and we are slowly seeing a movement by some of our bigger companies out of the secondary office space into new office space and that has been tremendously successful. Those people who have moved have seen transformations in the way their staff work, their happiness, the health of their staff, so we know that is all good. We have always known that the secondary office space which is emptied is ripe for conversion to accommodation and we have seen some good examples of that. We also know that in some instances it will not be good enough or will not be capable of being converted, so in those instances there will be demolition and rebuilding. But we also know that in the North of Town Masterplan we have identified sites from a long time ago when the plan was adopted through the Assembly that those sites would be housing sites, they would be residential sites, and we should not really be surprised that they are coming forward as sites now. It is interesting that people who voted in favour of the adoption of the North of Town Masterplan are being critical of all the building that is going on, but of course that is what was always envisaged. The thing that we have to do as planning officers looking forward and looking at green and amenity space is to make sure, as Andy says, that the spaces between the buildings, the greater spaces, the Millennium Park and other areas which can be

developed, are developed but our streets are taken back from priorities for the vehicles to priorities for pedestrians. We need to make use of every single square foot of town that we can for the benefit of the people who live in town. I know some people who want to drive through town will be going: "You are making it more difficult" but there is always a balance to be struck here. We will have more people living in town. We want pedestrian access. We need some of these design lines going across town which are pleasant to walk through, which have green open space. We need people to start walking and cycling around town. We do that through things like the North of Town Masterplan. At the same time we know we are going to have more people living in town, but we can do that and we can make it a better place to live at the same time.

**Chief Executive Officer:**

Yes, and directly the question about P.O.A.s or levy, I think what we did get out of the levy or the infrastructure levy debate was a general acceptance around the construction industry that contribution to betterment in town is a good thing. I do think we have moved into that position. They have argued that we need to use planning obligation agreements and we have said yes, we can use those more. The problem with doing that ... we think there is a problem in doing that in the sense that each one of those is an independent legal agreement, lots of paperwork, lots of negotiation, lots of potential argument at a late stage in the planning process. It gives you less certainty as to what you are going to get, whereas the levy would have given more certainty upfront so that a developer could say: "I know I have to pay X; therefore, I have to take that into account when I purchase the site." Whereas a planning obligation agreement comes later and very often then it is quite hardily fought over because the land is already bought. You are then really delivering that value from the margins of the development fee or you are trying to place the development cost on to the purchaser. So that is why. I think we still need a live debate around the best way of capturing uplift in value or benefit to the planning gain, but we do not use planning obligation agreements as much as we could. We thought the levy was a better and a simpler way and a more certain way of getting some gain out of the system. The problem with the P.O.A.s is they are big legal agreements potentially and we then have to have a lawyer; they have to have a lawyer. You have a train of paperwork existing for sometimes a period of weeks. It delays projects. It can lengthen the time to give a permission, and then you get all the uncertainty about negotiation. If we are good at it, we may get more, if we are not good at it we may get less. It is just less certain for the community, I think. So we do need to have that live debate again. I do not personally think that P.O.A.s to deliver public realm improvements is the best way. I think the levy is quite clean but, as the Minister said, we will have that debate again. I think as part of that debate we need to be really clear what the benefits are of the levy. Where will it be spent? What will it provide for St. Helier?

**The Deputy of St. John:**

Would you consider then having either just an infrastructure levy or the P.O.A.s instead of having the 2 together? Because I think this was some of the confusion as well.

**The Minister for the Environment:**

We have had this discussion before and I think it is important to try to understand - and it took a long time for me as well - the difference between the 2. When you come to do a development, it may have an immediate impact on the traffic outside. You may need to have an entrance on and off the site which allows for cars to see and for drivers to have good visuals and stuff like that. It may need a new main drain. That sort of thing has to be done regardless of whether you get all sorts of benefits. There are things that have to be done and that is what P.O.A.s are about. We cannot ... if we drop P.O.A.s and just go for the infrastructure levy, we may find we have things coming forward which just do not fit regulations well enough. As much as I would like to drop P.O.A.s completely and just go for one single, simple, easy to calculate - square footage times a particular number, that is how much you pay - there are still some very practical things that you need to leave for the P.O.A.s to tackle, which are very specific to that site. It may be you have 2 identical buildings and 2 sites 100 metres apart, but where they are, how they work with the road outside, how they do different things, in some instances you will have to put P.O.A.s on one and maybe no P.O.A.s on the other.

**Chief Executive Officer:**

Yes, I think what we, again, maybe could be clearer about is the legal agreements offer specific site infrastructure requirements. So if you do need to run a drain, for instance, or a sewer across another person's land, you have a development site here but you have to run a drainage connection across someone's land, we do need legal agreements to make sure all parties are doing what they promised to do. Access to affordable housing also is one of the areas that we have used legal agreements for. So if you did get an affordable housing scheme built, we then need to make sure legally that the access to that housing is going through the Housing Gateway and things like that. So we will often use a legal agreement to tie that together to make sure that those sorts of things are delivered. So there is still a place for them because sometimes you do need to get ... unfortunately, you know, people promise things and you do need to tie them up legally to make sure they deliver their promises, especially when it is physical things like drainage connections and stuff. But the infrastructure levy could be broader, frankly. It could cover wider planning gain, but I think that is going to be a very live argument. We generate a lot of value in our development industry here. Is it right for the community to get some of the benefit of that? We still think that is right.

**The Minister for the Environment:**

It may be that I just did not explain it well enough, and I know the industry started off with a feeling that I was saying: "If I get the infrastructure levy through planning obligations will fall away." I never said that. What I said was we will dial down as much as we can on the P.O.A.s if we can get the infrastructure levy through. We want everything to be as simple and as easy to work as possible, but we cannot do away with P.O.A.s absolutely completely.

**The Deputy of St. John:**

Because the fear was the double dipping, was it not?

**The Minister for the Environment:**

There was and we assured and assured and assured and the message did not get through and maybe that was my fault. But the fact that we were still going to have ... we would have had 2 systems running at the same time was confusion. It did not help, but we cannot put everything in one place unless we ... it is just not possible to have an infrastructure levy which covers very, very site-specific things like Andy has just mentioned.

**Chief Executive Officer:**

The other problem of capturing everything by a levy is that we then get all the money for everything and we then have to go and build the drainage connections and the site visibilities and all of that as government. So, it is a lot easier and simpler for a developer when they are on site building things to get on and do that sort of stuff and just have a legal agreement to make sure they do it.

**The Deputy of St. John:**

Okay. Moving on to permitted developments, it was your original intention to bring to the States Assembly proposed changes to permitted development in respect of listed buildings before the end of this term. Why has this not been achieved?

**The Minister for the Environment:**

Yes. I indicated at the start of my tenure that I was going to do 3 tranches of changes to the general development order. The first one came along quite quickly and was relatively low-hanging fruit and easy to get through. I knew that as I moved through the listed buildings and then finally to the coastal national park G.D.O. (general development order) that it was going to become more challenging. Certainly, we have had a number of discussions about changes to permitted development as regards listed buildings. Some of them are very close to being delivered. We have split that particular work stream into 2 pieces of work and the easier bits are I think at the Law Officers.

**Chief Executive Officer:**

Imminent.

**The Minister for the Environment:**

Yes, they are just waiting for the last sign-off on the final wording.

**Chief Executive Officer:**

Yes. So the Minister has signed a Ministerial Decision to set out the changes that have been agreed to permitted development, so that tends to focus on domestic-owned listed buildings, so people's homes. We have not strayed into all the other forms of listings that we have, our castles and things like that, for instance, but we have predominantly focused on people's homes. People live in listed buildings. They want to improve them. They want to do things to them. So the changes that have been agreed ... and they are winding their way through the legal process. We have to get an order, a Ministerial Order, drafted and a change to the current order. So that is in train and it literally is imminent. So we are hoping that that comes out in the next week or 2.

**The Minister for the Environment:**

One of the more challenging things about changing the permitted development listed buildings regards windows and doors, which has been more of a challenge, but what I have done is to try to fulfil the promise I made inside this session. I have been looking at the supplementary planning guidance rather than the permitted development order, and I have some supplementary planning guidance, which again is also very close to being signed off, which will make things a little bit easier. The guidance as to what people can do will be a little bit stronger and that is in relation to things like double glazing, wood and some of the challenges. We have an ongoing ... well, we have a number of ongoing battles, if you like, inside the department where on one hand we are trying to reduce carbon, we are trying to reduce the amount of energy people need to use, and we are also trying to conserve our listed historic environment and that means original windows and doors. There is always compromises to be made.

**The Deputy of St. John:**

But there are competing issues there as well, though, is there not?

**The Minister for the Environment:**

Absolutely.

**The Deputy of St. John:**

I mean in terms of habitable residents being able to have insulation, just keeping energy within your home, a lot of competing issues there.

**Chief Executive Officer:**

Yes. We have had a debate whether it is right to, for instance, just deregulate windows and doors from listed buildings and just say to people: "You can replace your windows and doors as long as they are this." We could do that. However, unfortunately there are always occasions where people do not follow the rules and we lose quite a lot of our historic fabric. So windows and doors play quite an important role in what a building looks like. We have instead said you still do need to apply. However, the guidance on those applications when you do apply are more flexible now.

[11:15]

So, we do want to allow people to replace their windows and we do want them to have double glazing, but they need to be done in a design and a character that meets and fits the listed building that they are building in, effectively.

**The Connétable of St. Saviour:**

Sorry, things have moved on quite a bit. I would think when this plan first came out that double glazing was plastic. Things have come through so nicely and you can get things that enhance your property.

**Chief Executive Officer:**

Exactly, yes.

**The Connétable of St. Saviour:**

If you are living in one of those properties that has the sort of interest and you cannot do ... it is disappointing and annoying when you know you are sitting in a draft and in today's world the new plastic ... or the new wood for double glazing is very complementary to the building that you have.

**Chief Executive Officer:**

Yes. I think what we are trying to do in this new guidance is, for instance, if you have a house with sash windows and they are of a certain style, they are 6-over-6 paned windows, it is very integral to the character of that house. If those windows are failing, would we allow then wooden windows in the same design, 6-over-6 type design? That is the sort of conversation we would like to have to maintain the historic integrity of the building. It does not mean to say they cannot be different or double glazed, but I think that is why we are currently saying you still need to apply. We actually permit quite a high proportion of those applications when they come in but, as the Minister has rightly said, we need to be clearer in our guidance about when we allow that.

**The Minister for the Environment:**

We also need to talk about repair and replace because there is also ... we have had a lot of challenging discussions between ourselves about the repair of windows and the replacement of windows. When the repair gets to a particular size it is much easier to replace the whole thing. What constitutes replacement and what constitutes repair?

**Chief Executive Officer:**

Yes. So windows we are saying will still be controlled. However, the guidance around their replacement will be more flexible. The other side of permitted development is just making sure that there are some forms of development that do not come to the Planning Department, so we are giving homeowners more ...

**The Deputy of St. John:**

Yes. I mean, there is a bigger risk around all of this, though, is there not? I mean if we are not allowing these people to have their homes in a certain standard where they can live in a comfortable condition, then there is a risk that those homes will not be lived in, will be left empty, possibly rot because they will not be looked after because there will not be any point in spending money on these homes. I mean there is a huge risk there, so there has to be a compromise.

**The Minister for the Environment:**

Absolutely and one of the other things that I always try to balance in my mind is that if I adopt or try to push through a policy, which is so draconian that people do not want to go anywhere near it, sometimes we achieve even worse than we are trying, because people look at it and they say: "I cannot possibly do that; I am going to just do it and not tell anybody. I'm not going to apply. I am going to use another method to get to where I want to be." We want to work with people; we do not want to put people off, and sometimes I think we need to accept that if we ask for too much we end up with nothing. We are better off to get 80 or 90 per cent rather than keep holding out for 100 per cent. We need to work with people a bit more and I think that is what the S.P.G. (Supplementary Planning Guidance) is going to hopefully do.

**Chief Executive Officer:**

We have to allow people more power to live their lives in their homes and to get on and improve their homes. It is slightly different in a listed building because there is a lot of heritage things and historic things you have to take into account. However, the G.D.O. for instance focus is fundamentally about the outside of listed buildings; what people can do with their gardens, their fences, painting of listed buildings, that sort of thing. So there are a lot of things around the outside of the listed buildings, which will be deregulated effectively in terms of patios, play equipment, all of that sort of stuff that happens, solar panels, satellite dishes, as long as they are

in the right places and the back side of a listed building, not the public side, we have to be a bit more sensible about people being able to live their lives. So the deregulation will cover some of those items and then the guidance on windows and doors will be more flexible to allow more changes to these things in future.

**The Deputy of St. John:**

That is due to be signed off?

**The Minister for the Environment:**

Before that starts ...

**Chief Executive Officer:**

We want that signed off this month.

**The Minister for the Environment:**

I have been very determined that I was going to do this before the end of this session and I continue to be determined to do it.

**The Connétable of St. Saviour:**

Are you still on course for that?

**The Minister for the Environment:**

It is going to be right to the wire I suspect.

**The Deputy of St. John:**

Okay, on to the water management plan. So, Minister, you introduced this in 2016; how is it performing?

**The Minister for the Environment:**

Well how is it performing? We are still to get to the detail; the law is still to come in, which gives me the ability to go out and enforce. Having said that, my desire has always been to work with people without resorting to enforcement, without having to threaten and without taking people to court. We are moving towards that, it is a slow process but we are getting there. We do need that in place because it is important, even though I am trying to work with people, I think it is important to have the legal vires behind me if I need it and, if people know that I do not have the legal power at the end of the day and they do not want to co-operate, they may not. So it is important that is coming. It is coming and it will arrive. Having said that, the work that we have been doing with the industry, the agricultural industry and others around water I think has been one of the highlights of

my 3 years. I said it publicly and I say it again today, I take my hat off to the farmers who have come to the table and have worked, we have set up the Action for Cleaner Water Group, has evolved out of the Nitrate Working Group. But I would like to think that in the 3 and a half years I have been Minister we have made some great strides and farmers have realised that they need to, not only be seen to be doing better, they need to do better, and they are doing better.

**The Deputy of St. John:**

Just on the farmers' side of things, there is a suggestion that introducing precision application of fertilisers, how many farmers have introduced that following the trials?

**The Minister for the Environment:**

The vast majority of the ... I was going to say the larger farms. We have fewer and fewer farmers every year, the vast majority of farmers are now the big farms, especially are using precision application techniques in their fields. We are going to see a major reduction in the amount of nitrates put on fields this year and that was a commitment that was made back over the winter, in fact during last year, because farmers need to obviously look ahead far enough to make sure they can implement things. We see now satellite technology for driving tractors is quite commonplace in our fields, it was not many years ago that it was a pipe dream, but we have a number of farmers now operating tractors that are controlled by satellite. That sort of technology is allowing them to put the fertiliser right around the potato in the ridge and not broadcast it, because the thing we are trying to get away from is the broadcast application of fertiliser across the whole field, including the corners, including the headlands at either edge, and we know that sometimes some of that fertiliser ends up in the hedges and ends up in places it should not be. Precision application allows, not only a reduction in the amount that is being used, but also the application of the fertiliser in a place where the plant can use it, rather than in the soil where the plant may not get it all because, when the plant does not get it all, it goes somewhere else, usually via the water course through the groundwater and then into the reservoirs and Jersey Water have to deal with it there. So we are making great strides, we are going to see a reduction, I do not know the numbers off the top of my head, but it is certainly a considerable number of tonnes less fertiliser being imported this year. Jersey Water assure me that even though we have had a large amount of rain, the farmers have had almost unparalleled challenges with weather so far this year, it has been an appalling year for trying to work farms, even with that in place the trends in our groundwater and in our streams are still down. We have seen continued year-on-year reductions in nitrates and in pesticides. I am not saying they are without their challenges and we do know in times of high rainfall that, not only do we see higher levels of nitrate, but we also see pesticides getting into our streams. That is predominantly down to the weather. But the trend is positive and continues to be positive and I can only hope that we will continue to make positive strides in the future.

**The Connétable of St. Saviour:**

As a farmer, and I am slightly different because I am organic, although the manure still has to go on the land, I was given a plan years and years ago of where I was allowed to put stuff because of water concentrates and anywhere in a water catchment, going into a reservoir. So we have areas that we are not allowed to put them. But the troubles that we have now, do you not think there could be a plume because we have had the worst winter we have ever, ever had. I cannot remember a winter like this on a farm. Yet you still seem to be having problems in the water courses. Do you think it is a plume? Do you think it is coming back up again because it has been in there for years?

**The Minister for the Environment:**

We certainly know that the chemical oxydixor, which has not been used now for 13 or 14 years, is still in our groundwater and we know, this is the sort of statistic that surprised me, but the more it rains the more comes out of the ground. You might think that the more it rains the more it would get diluted, but that is not the way it works. So we are dealing with oxydixor and the historic problems and Jersey Water have answers for that, their active carbon filtration and stuff like that is addressing that issue. But we continue to operate exclusion zones around reservoirs, we continue to expand the distances from streams that farmers are allowed to spread manure or spread fertiliser, and we continue to operate zones around bore holes. Every bore hole in the countryside is identified, farmers know where they are, farmers know how close they can get to them. So every little helps and we will continue through the Water Law. If, in the future, if we find that we have continued issues in certain areas of the Island, the ability will be there in the Water Law for the Minister of the day to say: "I have decided in this particular catchment area I need to make some changes", and whatever they may be; it may be around chemicals, it may be around nitrates, but there will be the power, moving forward in the future, to attempt to safeguard water supply in a different way, in a better way. As I said at the outset, my hope would be that we avoid the need to use the legislation because we can work with the farming industry to reduce levels to a point where they are not a problem.

**The Deputy of St. John:**

On the basis of you working with the industry, which is a good thing, working with them, but on our review, when we looked at the nitrate levels, we recommended that funding was found to enable a new catchment or compliance officer to begin work. Was this achieved?

**The Minister for the Environment:**

It has not been achieved yet and maybe Willie would like to talk to us about that. It has been a bit of a challenge.

**Deputy Chief Officer/Environment Director:**

It is a bit of a challenge. Looking at the work that Catchment Officer would be expected to do, their job would be to go on farms, look for potential mitigation for nitrate and pesticide, or the potential for pollution, in order to try to improve the downstream water quality. We were working with D.f.I. (Department for Infrastructure) initially looking for sponsorship or for funding essentially for that role on the basis that, if we could improve the quality of the water from a nitrates perspective that ultimately will end up in the treatment works, sewerage treatment works, then it is a cheaper spend doing that than it is putting in a specific nitrate treatment plant, which then ...

**The Deputy of St. John:**

Prevention rather than cure.

**Deputy Chief Officer/Environment Director:**

Absolutely right. So that aids their compliance in terms of discharge consents as well. We have not yet come to an agreement with D.f.I. in terms of that funding; we are in discussions with them. That is not to say we are not doing anything. We are a relatively outward-looking department and we have very good relations with colleagues in S.E.P.A. (Scottish Environmental Protection Agency). So the budget that we have got available this year in terms of improvement to those water courses and farm visits, we were able to spend with them, to bring in expertise from S.E.P.A. to undertake the same work that we would anticipate would be done by that Catchment Officer into the longer term. So our intention this year is to spend money that is within our existing budget on that work, which will be ultimately beneficial to our own water quality. Into the longer term we are negotiating still with the Department for Infrastructure and I cannot say how that is going to go but we will see whether we can get funding from them. We have an existing budget, we are clarifying our carry-forwards with Treasury, which is always something we have to do, in terms of ensuring that we have sufficient budget to carry on this work of S.E.P.A. or a Catchment Officer and to backstop it we have put a growth bid in for 2020 / 21 to fund that catchment officer as well.

**The Connétable of St. Saviour:**

You must be able to know how much fertiliser is being brought in though?

**The Minister for the Environment:**

Absolutely, yes.

**The Connétable of St. Saviour:**

Are you happy when you divide the amount of farms that are using the fertiliser, it is being used correctly and sparingly?

**The Minister for the Environment:**

Yes, absolutely, the levels of nitrate per vergées, nitrogen per vergées, which are being put on, not only grass, but predominantly the potato crop, is now a lot less than it ever was before. In the day, going back to the good old/bad old days of the more fertiliser you put on the better it was, people just blasted fields full of fertiliser in order to maximise their crop output, those days are gone now. The scientific work that has been done by some of our leading potato growers has identified that they can get the absolute levels down to single digits that they can reduce their nitrogen input and still maximise the amount of crop.

[11:30]

So instead of putting 100 units and saying: "That will be fine because it will never use all that so it will take as much as it wants, it will never run out", the farmers are now saying: "No, 100 units is too much because a lot of that goes off into the streams, what we need to do is identify how much", and they are down to levels of 45, 46, 47. So the amount of fertiliser being put in fields is exactly and no more than what the crop needs to get to full maturity. So after the crop is harvested there is nothing left over and that is one of the vital pieces of work. But I cannot stress enough what Willie has just said, this catchment officer is a vital post and they are vital because we all understand that solving the problems that go into the Jersey Water filtration stations, the water that goes into Bellozanne for treatment, the water that ends up on our beaches through our streams, especially in St. Aubin with the seaweed issues, we know the easiest, quickest, cheapest way of sorting all this out is to solve it at the source and that is why we are working with the farmers; that is why the farmers are reducing their inputs; that is why we need a catchment officer to help to do that, to make that better. We want the catchment officer to work with the farmers further, give them the hints, discuss where they might modify. We do not want anybody to go out of business, we are certainly not aiming for that, but what we need to do is to work with them so that we get the best use out of the least amount of fertiliser and chemical for everybody's betterment that saves Jersey Water money on filtration, saves them money on pumping water around the Island from reservoir to reservoir when one is out and one is in, it saves D.f.I. a huge amount of money running Bellozanne and trying to take out nitrates and that sort of thing, it saves D.f.I. a huge amount of money clearing up the beaches at St. Aubin. It is not a short-term fix, it is a long-term fix, but solving the problem at source is the cheapest way of doing it eventually.

**The Connétable of St. Saviour:**

Are you happy with the amount that is coming in to what is being used, you think at the moment you are at a happy level that the farmers are importing enough?

**The Minister for the Environment:**

I am completely satisfied that the vast, vast majority of farmers are doing an excellent job in making sure they are only using exactly what they need to grow the particular crop they are growing. We know, and you will know, Constable, because of the work we do, farmers are now having to come up with scientific schemes where they identify how much the crop needs, what the residual nitrate level is after the crop is there, what crop you are putting in next, will that absorb the nitrate that is left over, because the last thing we want is excess nitrogen left in the soil being flushed into our water courses to end up in our streams and end up in St. Aubin's Bay.

**The Connétable of St. Saviour:**

Thank you. You have mentioned the sea lettuce problem.

**The Minister for the Environment:**

Did I? I did not think I did.

**The Connétable of St. Saviour:**

You did. It is a problem and it is kind of being blamed on the farmers and what they are putting in, but surely some of the problem is with the tides and the reclamation corner, it has not allowed ... because we have enough farmers at the north end and the west of the Island and we do not seem to have anything growing there, but we seem to have this area where we have reclaimed and it does not seem to be able to distribute itself anywhere.

**The Minister for the Environment:**

Well there are 2 things: the first one is we need to remember that St. Aubin's Bay is almost a perfect laboratory for growing green lettuce seaweed. It is shallow, it is south-facing, it warms up very quickly, and on top of that it has the vast majority of discharge from either Bellozanne or from a number of major streams, which empty into the bay, including Grands Vaux, which is one of the largest catchments and runs through the town, through Town Mills, under the town and out into St. Aubin's Bay. So we know that there is a lot of nitrate, there is a lot of phosphate, there is a lot of other things that help to grow sea lettuce going into the bay down our streams and we know when it gets on to the bay that it is a perfect place to multiply because it does not get stirred up a lot by the storms, it is shallow, it is warm, it is going to do really well there. That is why we get back to the problem, we need to solve the problem at source, we need to make sure that we minimise the amount of nitrates, phosphates and other things, going down our streams and through our public water supply. Because what happens is, of course, the water in Queen's Valley, for example, it

goes through Jersey Water, Jersey Water goes to the homes, homes go into the drains, drains go to Bellozanne, Bellozanne ends up in St. Aubin's Bay. Just about every bit of water on the Island ends up in St. Aubin's Bay one way or the other, so that's why it is crucial to keep working in the countryside to reduce these inputs.

**The Connétable of St. Saviour:**

Do you not think the reclamation and the alterations where the tides run and drain has had an input at all?

**The Minister for the Environment:**

I am not saying it has or it has not, but certainly one can find photographs from days before the reclamation site was there where there is green seaweed on the beach. Of course we cannot go back and identify what sort of seaweed it is, but there is no doubt that the seaweed has been around for decades and decades and it is not something that has just started happening in the last few years; it has pretty much always been there as far as I am concerned. But what we are doing is we are addressing the issue now. Back in the 1970s and the 1980s it was not a priority, but now it is, we want to improve the quality of our water, and the by-product of improving quality of water will be less seaweed in St. Aubin's Bay.

**The Deputy of St. John:**

Minister, I am aware of the time, we have quite a few questions to get through, so if we can just try to keep the answers as succinct ... I will try to make sure our questions are succinct. Thank you.

**The Minister for the Environment:**

Okay, yes and no answers from now on.

**The Deputy of St. John:**

The next area is on planning application process. Are you generally satisfied with the present system as to planning applications?

**The Minister for the Environment:**

Yes.

**The Deputy of St. John:**

There are occasions where the Planning Committee decides against your department's recommendations. In your view does this reflect lack of understanding on the part of the committee as to the requirements of the Island Plan?

**The Minister for the Environment:**

Now there is a challenging question. The Island Plan contains the policies agreed by the States Assembly by which we want to do planning and building on the Island. We know that generally speaking, whether you are an officer, whether you are a director, whether you are a member of the Planning Committee, whether you are the Minister or whether you are the inspector conducting an appeal, you should be looking at exactly the same policies and hopefully coming to the same conclusions. But if only things were that simple. We know that we will always have planning applications that challenge us because, in balancing the policies ... always applications are a balance of policies: does this policy outweigh that one and is it an approval or is it a refusal? We know we will always end up with these fine-line decisions where it is difficult to say whether it should be approved or refused and occasionally we will have officer guidance, which will say we think this is a refusal, and it may well be for other reasons that the Planning Committee say: "Well, we accept the officer recommendation, but in this particular instance we will go against it" or: "We will go for it", depending. That is the way the system works. Is it the best system? I could not say. But we always want, as politicians, the ability to have a final say on things and certainly I get the final say on appeals and that is the way it is. We have seen, it is fair to say, and one cannot shy away from it because the statistics will be there if anybody looks at them, we have seen a lot more officer overturns in the last 3 years from the Planning Committee than we saw from the previous Planning Committee. The previous Planning Committee I do not think overturned a single officer recommendation in the 3 years that they sat.

**The Deputy of St. John:**

It has just gone from one extreme to another.

**The Minister for the Environment:**

Maybe one extreme to the other, but it may be that some of the applications that were before this session of Planning Committee were particularly challenging and on occasions they have used words like "leap of faith" in one particular one I can remember in St. Peter where the chairman said: "We are going to have a leap of faith here, we know this does not fit in with the requirements of the green zone, the Island Plan, but we believe the business case behind this is of great benefit to the Island and we have decided in the round that we are going to accept it."

**Chief Executive Officer:**

I think currently we are 8 years in a 10-year plan, so I think there is always a natural ending of the plan and we are in that period of time now thinking some of those policies probably do need to be refreshed a bit. But the Island Plan is a reflection of what the community want it to be effectively, we have a States Assembly who agree it. What is the next 10 years for the Island Plan? We need to have a very lively conversation about that. In terms of process, I would just say that digital

planning, we have a live product that is being delivered at the moment, a digitally integrated planning process, we call it D.I.P.P., but that will allow all customers to submit all planning applications online and then have all customer interactions online as well, including some pre-application advice online: "Do I need planning permission" type conversations. So that is being developed at the moment. We are about 99 per cent there. We have about another week working with our local I.S. (information systems) supplier here to get that out and then we will be rolling that out in tranches from March through to the end of the summer.

**The Deputy of St. John:**

On the basis of your answer, Minister, then do you think the process could be improved if non-States Members with appropriate experience in planning matters were included on the committee?

**The Minister for the Environment:**

There is always scope for improvement but far be it for me to tell other politicians what they should do when they sit on the Planning Committee. I am aware that, because I have sat with them and done the training myself, States Members do not just get put on the Planning Committee and asked to determine applications. They are put through a number of training sessions where they are shown how to address a planning application, the pros and cons and how they consider policies, and they are given quite a lot of training. I think it is okay. There is always scope for improvement and one should always strive to do better, certainly when it comes to the current process and Andy has pointed out we always will do our best, but we have had some stressors on officers in the last few months and that would come as no surprise, because where you get an application like the hospital, for example, and you put an officer as the officer responsible for sorting out that application, it was a full-time job for a senior planning officer when you get an application like that. You get a number of applications that are large in size, you are bound to get a strain on your service occasionally and these dips and troughs that you get occasionally just purely because of the number of applications that come through the door. The larger the application is, the more time the officer has to spend on it.

**Chief Executive Officer:**

We have had more public inquiries in the last 12 months than we have previously, so there has been a big amount of officer time dedicated to those big public inquiries. But last year we permitted about 93 per cent of applications coming through, so our approval rate is very high. However, it can be quite tricky to get through the process sometimes, we get a lot of people involved in planning, a lot of people want to get involved, and we have third parties getting involved a lot. So there is always room for improvement, we are hoping the digital stuff will really help that customer throughput, customer interactions, so we can get some of the smaller applications dealt with far more effectively.

**The Minister for the Environment:**

It is always that balance because individuals who put an application in for a particular scheme they want to do may feel a little bit aggrieved because they may say: "You make it really difficult, there are so many constraints and questions we get asked and modifications we have to make", the other 99 per cent of the population may be saying: "You know what, we are really pleased that you challenge and you end up with a good design that really works well, sits in the landscape and fits all the criteria." So we have always got this balance between the individual applicant wanting as easy a ride as possible, but for the greater good, for everybody's benefit, surely it is a good thing that we challenge and we try to get people to come up with the best design that we possibly can. It is always a balance.

**The Deputy of St. John:**

Your role as the Minister and ultimate arbiter of a decision on appeal precludes you from participating in consultation on major issues such as the hospital. Are you satisfied that your views are sufficiently taken into account by the Council of Ministers on consideration of such issues?

**The Minister for the Environment:**

The difficulty I face is that, as the final arbiter, I have to make sure that I am not conflicted in any way. So certainly with the first hospital application I was around and took part in discussion when it was general policy, but as soon as we got to a stage, probably 18 months ago now, when the Council were looking at various sites, along with other people, and trying to decide on issues around the hospital, I took myself away from all that because, when it came to making the final decision, I need to be able to say that I have not thought about this previously, I have not been influenced by others around the Council of Ministers table, I have not been influenced by anybody, I have sat down with the application, with the policies, with the recommendations from the inspector or the areas I need to look at, and I have made a decision coming fresh to the application. Yes, it is frustrating sometimes, but I think it is important that I take part in the early preliminary work but as soon as the application hits, as soon as the site, well before the site is determined, I need to stand back so that I can say quite legitimately I am not conflicted, I have not expressed a view on this any one way or the other before.

**The Deputy of St. John:**

So making it a bit clearer for the ordinary person, like myself, when it comes to planning, so in terms of departments being able to advise Ministers or officers in terms of planning advice at the stage, and then ultimately getting through the planning process, and then you decided ultimately that you were not going to go ahead with the hospital. I am just using this as an example because it has been written down here. One of the criticisms that was made at the briefing on Monday was

that, why could the scheme that is now being proposed not have been proposed before? Because of the advice had been taken from planning then, then surely this would have been the scheme on the table beforehand? So that is where this question is coming from, it is from my chairman and he is not here, so ...

[11:45]

**The Minister for the Environment:**

I think the answer is you might possibly think that I could not possibly comment. I take your views on board entirely, it is very frustrating and it must be hugely frustrating for members of the public to have a States department put forward an application, which is then refused by another States department. Certainly I am aware of a developer that will not submit an application until such a time as they know they will have the support of officers within my department and that is the way to get applications, the majority of your applications approved, and we need to work closer on these issues. It is not acceptable to me that major projects come forward in this, we need to be more co-ordinated and I very much hope that we will be more co-ordinated in the future. It is very unfortunate that the largest-ever scheme ever produced for the department met the fate that it did. I am relieved that we have found a way forward. We seem to be finding a way forward. Again, I have not been involved. I will be putting the new application to another public inquiry, I think it is only right, it is another huge scheme, it will have an effect on everybody on the Island, it challenges the Island Plan. Maybe not hopefully challenging the Island Plan quite as much as the last scheme did, but it is certainly worthy of public inquiry, so I will be doing that, so I will not be commenting further because I will be making the final ... well somebody else will be making the final decision, whoever the Minister is at the time will be making the final decision. But I do share your frustrations and this is no criticism of anybody in the Civil Service, but certainly from a political point of view we must do better as a Government, as a States, to make sure our own schemes move forward as quickly as they possibly can. It is hugely frustrating to have something like a new hospital, which is so important to everybody, to come to an application and then be refused the renewable energy. With this new hospital have you ever thought of having solar panels and all sorts on the hospital?

**The Minister for the Environment:**

Certainly there is a requirement on any large commercial building now to have a certain ... is it 10 per cent, I think, has got to be ...

**Chief Executive Officer:**

Yes, the new hospital, our understanding is, it is going to be an electric hospital, effectively, powered that way.

**The Connétable of St. Saviour:**

Yes, they did say that the other day.

**Chief Executive Officer:**

The debate, where does the electricity then come from? Obviously, we have got an agreement currently with imported electricity from France predominantly, which is low-carbon hydro and nuclear mix. There is a lot of work going on with the department in terms of looking at other sources locally, so certainly solar, tide, for example, is 2 examples. There is work going on in terms of keeping an eye on what the French developments are like. In Saint-Brieuc there is a wind farm there consented down to the south-west of us, so we need to keep an eye on that. There is potential, potentially, for offshore wind still in waters, that is ...

**The Minister for the Environment:**

Ground source heat is another one we are looking at.

**Chief Executive Officer:**

Yes, ground source is very ....

**The Connétable of St. Saviour:**

But we had just to ascertain it because of the seaweed that that is in a beautiful area, the sun is shining, can we not take advantage of it because a little way up the road we are going to have a hospital that could have the solar panels, which could benefit?

**Chief Executive Officer:**

Yes.

**The Minister for the Environment:**

Certainly, I am fully aware that people who go off-Island, wherever they go, whether that be France or the U.K. (United Kingdom) or further afield, it is quite obvious that when you go away other places, other than Jersey, have more solar panels, have more wind farms, have more sustainable energy in their locality. I do come back time every time and think to myself, why are we not doing more in Jersey? I think one of the answers is that we have a very well-priced, very consistent, very good energy supply in our current electricity and certainly the cost of that electricity, not being as high as elsewhere, means that the financial viability of installing commercial P.V. (photovoltaic) or commercial any sustainable makes it more difficult. The fact that our current electricity in Jersey is not massively priced makes the payment period, the repayment period for photovoltaic to lay on your roof, much, much longer than it would be

elsewhere. On top of that we also have not ever subsidised solar panels or subsidised electric vehicles like they have in the U.K. I am fully aware that in the next session of Government sustainable energy is something that we have really got to get to grips with, particularly transport because we are committed on carbon emissions to Kyoto. We are making some really good strides. A lot of our electricity is nuclear powered, so it is low carbon. But the 2 areas we know we have got to continue to concentrate on are housing and transport. Housing we are making big strides in; the new insulation levels in bylaws for houses is meaning people are going to use a lot less energy and a lot less carbon will be emitted because of that. But where we need to concentrate next is transport. We need to be looking to reduce our carbon emissions from transport; that means electric vehicles, that means hybrid vehicles. Certainly, if I am around in the next session of Government that is somewhere I am going to be concentrating. I have already had discussions with a number of people about electric vehicles, how we incentivise that further and I can only hope that that moves forward. Sustainable energy is something we have got to embrace. We have just got to find ways of embracing it without affecting the cost of electricity.

**The Deputy of St. John:**

Okay, thank you for that, Minister. On to fly-tipping. In January it was reported that more than 14,000 instances of fly-tipping had been recorded in St. Helier alone in 2017. What do you think the reasons for this sufficient number are?

**The Minister for the Environment:**

It is a very large number and, of course, as soon as we saw it we all ran around and said: "How can this possibly be?"

**The Deputy of St. John:**

Without waste charges as well.

**The Minister for the Environment:**

I think the answer is that every piece of rubbish that had fallen out of a waste bin or was picked up by somebody was counted as a fly-tipping incident.

**Deputy Chief Officer/Environment Director:**

Also, those incidents where waste had been deposited beside waste facilities and was not contained within recycling bins was considered as being fly-tipping as well. If you look at our department figures; during 2007, in terms of what was reported to us, we had 155 in total and we had 50 fly-tipping incidents directly reported to Environment Protection, (which is our regulatory function) and 105 fly-tipping incidents were reported by the Love Jersey app. I think one of the answers to the question "why we are getting so many reported nowadays?" is because a lot more

people are using the Love Jersey app, which from a fly-tipping perspective, is now being administered by our department, so we can try to centralise any reports coming in and put them through to the regulatory officers.

**The Deputy of St. John:**

Am I right in saying then from your answer that it is a case of different definitions applied?

**The Minister for the Environment:**

It is and I think what has happened is, for example, Willie has just outlined it, you may have 2 green wheelie bins outside a hotel and somebody has walked past and dropped a black plastic bag full of rubbish right alongside the bin, so it is going to get picked up by the operators and put in the lorry and taken away. But somebody has taken a photo of it and just pinged it on the Love Jersey app, which is so easy to use, it is great but there is an instance and that is another one and every time somebody takes a photo and sends it in, however big or small, it might be an empty cigarette carton or a ...

**The Deputy of St. John:**

It is counted, so that would be counted under these figures.

**The Minister for the Environment:**

Yes, and I think that is one of the reasons why those numbers are so high. But that is not to say we do not have instances and Willie has highlighted we had 150 in our department last year. It is something we need to address and we need to keep working on fly-tipping. It is not acceptable that people throw their rubbish over hedges or into fields or dispose of it in places where it does not need to be disposed of. Again, it is working with them. We need, for our part, to make sure that we have enough receptacles in the right places for people to put their rubbish. We need enough bins around town for people to put rubbish if they have got it.

**The Deputy of St. John:**

In terms of working with the Parish of St. Helier or Infrastructure Department in terms of providing that information back where particular areas may be more prone to fly-tipping or particular types of rubbish, do you feed that back and ask them to consider putting more receptacles there or how they would address this?

**The Minister for the Environment:**

We certainly do. This is sort of going off-piste a bit but the recent concentration on clearing up plastic on beaches is a classic example and dog-poo bins in areas where people are very popular walking their dogs. If you have got an area where people walk a lot of dogs we need to make sure

we have got a receptacle for them, the bins and the dog poo that gets picked up to put in. Similarly on beaches, we need to make sure there is a sensible-sized receptacle because we have got a lot of people now going on to beaches every weekend picking up plastic, picking up the debris and that is great, really fantastic. The last thing we want is for them to come up the slip and find they have not got anywhere to put it. Again, this is working together with D.f.I. and making sure that we identify ... we do our bit. If the public are going to do their bit to look for places to put rubbish, we need to make sure that we have got somewhere for them to put it.

**Deputy Chief Officer/Environment Director:**

I know we are very pushed for time; we are very keen to work with the Parishes and with D.f.I. in terms of notification and feeding back; that then allows us to work out who is going to pick up the waste, take it away. We are throwing resource at fly-tipping now. Prior to, as you correctly say, waste-charging legislation coming in; because we recognise that if Jersey follows the "U.K. model", that is when we are likely to have more incidents of fly tipping taking place. We have got an officer in place now, who has come to us from the police in terms of investigations, to help us focus on this area. We have also got 9 cases on the go at the minute with 2 with the Attorney General's office in terms of a case file. We are working very hard on fly tipping, so I would be very keen for ...

**The Minister for the Environment:**

I would very quickly say that there is a further education piece here about waste, about buying things that create waste. I went into a park during our holiday last year and there was a sign as you walked in: "There are no bins in this park. Please do not bring any rubbish, do not leave any." This place was spotless because the public in that country have got used to the fact that they do not want to take plastic. If they take something to eat it is going to be an apple or it is going to be fruit. There is no waste. They do not need to leave anything in the park. They do not need to dispose of anything in the park while they are there. It is a mind set about the purchase, the creation of waste.

**The Deputy of St. John:**

Different culture as well, yes.

**The Minister for the Environment:**

Before you buy it, what sort of waste product am I going to get out of this? What will I do with that waste when I want to come to dispose of it? There are instances where you can encourage the public to think differently about what they are doing, just by saying: "In this park there are no waste bins."

**Deputy Chief Officer/Environment Director:**

That ties in very well, again, with the plastic-free Jersey perspective where one of the objectives is for local companies and organisations to reduce the number of single-use plastic items that they operationally use or, therefore, have to dispose of. As you say, it is a cultural change.

**The Deputy of St. John:**

Yes. Finally, Minister - I know we have got 5 minutes left - throughout the period of this term, this panel has consistently expressed the concerns about the resources in your department. Do you consider our concerns are justified in light of the department's responsibilities, especially now with some of the legislation that is being passed?

**The Minister for the Environment:**

We have always been very grateful for the support that the Scrutiny Panel have given us throughout these 3 years and I can say that personally. It is always great to have a Scrutiny Panel that say: "You need more resources", rather than going the other way and saying: "You have got too many resources, why are you spending all this money frivolously?" It is really encouraging to have a Scrutiny Panel that say that we need more but we need to be careful, this is taxpayers' money we are spending. But I know, in particular, when it comes to environmental health and social-rented and all the other initiatives we have in that department when it looks at the Catchment Officer and other stresses and strains we have due to workloads, that resources can be tight, so it is always a balancing act. We know in rented dwellings in the short term if we see a massive spike, that we can get some people over at short notice who are well trained, properly trained to help us with that work. We have got 3 new F.T.E.s (full-time equivalents), which are just back on sort of recycling staff, staff leaving and being replaced. We feel that we have a way through with rented dwellings and it proves that we are under pressure and we are not achieving. We will not be shy and we will come forward for more staff. I have mentioned the Catchment Officer; if we do not achieve through negotiation what we need in the way of resources for a Catchment Officer, I will go to the Minister for Treasury and Resources and say: "This is such an important post I need somebody." At the same time we know that we need to continue to make efficiencies within our department, so that we reduce public spending and Andy is charge of ... that is not really my department.

**The Deputy of St. John:**

There is a balance though, it is not just about reducing; it is about value for money. If you are intending on doing something to protect the public, which is your duty to do so as a Minister under someone's legislation, you have a duty to provide those resources in order to enforce that legislation.

**The Minister for the Environment:**

Here is a nice example that I hope we are going to be able to achieve in the next session, we have for some time now said or I have said that we need officers to be able to do more and that means instead of sending an officer ... I could use a countryside analogy, if you like, or a housing one but an officer to look at trees and then another officer to go into the same field later to talk about grass and another officer to come along later to talk about fertiliser application and maybe another one to come along later and talk about biodiversity and environments for butterflies and bees. There is no reason why all that advice cannot be given in the first instance by one person who has a good general broad base. In a similar vein, when it comes to environmental health, when it comes to health and safety, when it comes to housing standards, Stewart's officers are visiting every restaurant and café on the Island on a regular basis and they are advising on environmental health. When they are there, there is no reason that they should not have some basic training in health and safety, in other issues like training, where they can identify to the restaurant or the café owner on a general broad-brush approach to how you run that side of your café.

[12:00]

That is something we would be keen to move forward with and we very much hope in the future that we will achieve what I have just explained; I may not have explained it very well. I do not know if you want to go further, Stewart, and it may send some alarm bells ringing. But I think in the first instance people could do more ...

**Director of Environmental Health:**

It is work that has happened in the U.K. with a better regulation office. It started because there was a certain branch of Tesco that has 366 formal visits during the year from people doing things and they had to employ one full-time equivalent just to deal with officers going in, so they whittled it down. My officers are already trained in health and safety, it is part of environmental health anyway in the U.K., so we have that training. It is never going to be the full audit what the Health and Safety Inspector would do but it is spotting hazards, it is spotting the open trap door in the pub that people are going to step back from the bar and go down. It is checking guards on slicing machines and mincing machines and we can do all that. But there are certain questions, for instance, if they sell bottled gas we need to point that out to the fire service and us pointing it out will trigger a visit. It means they do not have to visit 1,085 premises to find the 30 or 40 that are doing it.

**The Deputy of St. John:**

It is common sense.

**Director of Environmental Health:**

It is common sense but common sense is not always that common.

**The Deputy of St. John:**

No, that is why it is common sense.

**The Connétable of St. Saviour:**

You are not allowed to have common sense these days.

**Deputy Chief Officer/Environment Director:**

I think the one other area, I mean Brexit creates its own challenges. An area we recognise where it is specifically are agricultural, our fisheries and, to an extent, our veterinary officers are getting a bit of pressure, as we move in through the Brexit process as we are discovering more and more what it means; it does take away resource from existing officers, so that is an area. We are already in discussion with Treasury and we are already having success in terms of replacement of resource ...

**The Minister for the Environment:**

I think, to be fair, Government have identified Brexit is a very, very big issue and resources cannot be something that allows us to not deliver on the work we need to do in time. The clock is ticking and, to be fair, where we have asked for resources in regards Brexit we have received them.

**The Deputy of St. John:**

Okay, just a final question because I note the time; we are just slightly over but it follows on from this very much so. The work that is going on by the new chief executive officer looking at changing all the departments and all those types of things, then hand in hand with that there is also the machinery of government proposals in terms of, I think, it is looking at more flexibility with the Ministers' side of things but also giving the principal accounting officer the ultimate role of being the chief executive officer. Can I ask you, as Minister for the Environment, how you see that affecting your department or your ability, as a Minister, if it were to go through in order to do the things that the department needs to do?

**The Minister for the Environment:**

There are 2 sides to that, obviously there is the reorganisation of the Civil Service and then we may want to say something but we may not want to say something. But certainly our new chief executive officer has come up with a plan of how he would like things to be reorganised, and that is fine and that is what he is employed to do. He will do that to the best of his ability and deliver the best he feels he can. Politically, I have to say I am still to have it completely explained to me

as to how it will work with Ministers. I am still a little confused. I know I am a simple farmer from St. Martin. I have asked to have it better explained. I still do not understand completely in my mind how it works politically, who has oversight, where that oversight goes. It is a move away from silo mentality and that can only be a good thing. We have spoken today about interaction between D.f.I. and environment and housing and economic development and working together will achieve efficiencies. It will achieve quicker working, cheaper working, and it has got to be the way to go and I am all in favour of that. I just need to understand a little bit more how the ministerial roles sit on top of the new Civil Service structure but I look forward to having it explained to me, so I can understand it better.

**The Deputy of St. John:**

Okay. Just to wrap, is there anything that you would like to finish up with before we close the hearing?

**The Minister for the Environment:**

I do not think so, other than to say obviously this is our last Scrutiny hearing before the elections. I would just thank the panel for their interest and input. I think we have had a good relationship and we have had some very good scrutiny, some particular bits, rented dwellings and a couple of others stand out and some excellent scrutiny. I think we have ended up with better than we would have had without, together we do a better job and that is what Scrutiny is about.

**The Deputy of St. John:**

Thank you very much.

**The Connétable of St. Saviour:**

We appreciate the honesty that we have had from you, as a Minister. The rest of you think that the Minister has been honest with us and we have appreciated it. Thank you very much.

**The Minister for the Environment:**

Thank you.

**The Deputy of St. John:**

Thank you very much.

[12:05]