



Environment, Housing and Infrastructure Scrutiny

Panel

Quarterly Meeting

Witness: The Minister for the Environment

Tuesday, 11th June 2019

Panel:

Connétable M.K. Jackson of St. Brelade (Chairman)

Connétable J.E. Le Maistre of Grouville (Vice-Chairman)

Deputy K.F. Morel of St. Lawrence

Deputy I. Gardiner of St. Helier

Witnesses:

Deputy J.H. Young of St. Brelade, The Minister for the Environment

Deputy G.C. Guida of St. Lawrence, Assistant Minister for the Environment

Mr. A. Scate, Group Director, Regulation, Growth, Housing and Environment

Mr. W. Peggie, Director, Natural Environment

Dr. L. Magris, Director, Environmental Policy

Mr. S. Skelton, Director, Strategy and Innovation

Mr. B. Markwell-Sales, PA to the Minister for the Environment

Mr. Y. Fillieul, Private Secretary to the Minister for the Environment

[12:30]

Connétable M.K. Jackson of St. Brelade (Chairman):

Good morning, everyone and welcome to the Environment, Housing and Infrastructure Scrutiny Panel, our quarterly meeting with the Minister for the Environment. Can we start off by introducing ourselves?

Deputy K.F. Morel of St. Lawrence

Deputy Kirsten Morel, a member of the panel.

The Connétable of St. Brelade:

Mike Jackson, chairman of the panel.

Connétable J.E. Le Maistre of Grouville (Vice-Chairman):

Constable John Le Maistre, vice-chairman of the panel.

Deputy I. Gardiner of St. Helier:

Deputy Inna Gardiner, a member of the panel.

Assistant Minister for the Environment:

Gregory Guida, Assistant Minister for the Environment.

The Minister for the Environment:

John Young, Minister for the Environment.

Director, Environmental Policy:

Dr. Louise Magris, environmental policy.

Director, Strategy and Innovation:

Steve Skelton, Strategy and Innovation.

The Connétable of St. Brelade:

You can shout your names out, let us get that over and done with at the back, if we may.

Private Secretary to the Minister for the Environment:

Yannick Filleul, private secretary to the Minister for the Environment.

Salesperson, Growth, Housing and Environment(?):

Mr. B. Le Marquand(?), salesperson for Growth, Housing and Environment.

Director, Natural Environment:

William Peggie, director for Natural Environment.

Group Director, Regulation, Growth, Housing and Environment:

Andy Scate, group director for Regulation.

The Connétable of St. Brelade:

Thank you very much. Minister, we have got quite a long list so I am going to try and keep it probably sort of 5 minutes per question, if we can. Obviously with a bit of flexibility here and there. Start off by asking you to provide an overview of where you are currently with the new Island Plan. I know you have presented it to us but from the point of view of the public, if you can just give us an overview, that would be useful.

The Minister for the Environment:

I am pleased to report that I think we are really moving ahead now. We have got the team in place. You have met them. Steve Skelton, who is leading the team, and in fact in the middle of appointing professional support businesses that are going to assist in the project. So we are part the way through that and also part the way through a series of meetings within government, briefing people on the process and we in fact are taking a paper to the Council of Ministers tomorrow, which will deal with the strategic options, which are the very, very big questions that we are going to be launching a public consultation on, which will go out in early July and will carry on until the end of September. That is a really important process. The August period will be public meetings, really about information provision, trying to make people aware of the issues that we need their input on. The timetable is what we have spoken before. The draft plan will be 2020. Planning inquiry in the second half and the plan going to the States in 2021, quarter one. There is a proposal to have, at the end of the early results of the consultation on the options, an in-committee debate. But we will talk about that later.

The Connétable of St. Brelade:

From your point of view, how green do you expect the Island Plan to be?

The Minister for the Environment:

From my own personal aspiration it is to make it as green as they can. What I recognise is that the law gives me that legal responsibility and in the end it is I that have to be content with the plan in presenting it to the States but the law also does 2 things; it prescribes the processes by which we need to go through, open process, and also at the end of the day the decisions are the States Members. So there is always going to be uncertainty about that but the starting point that I have made is that the plan is a plan for best use of land and best use of land sets out in the law the need to preserve our coasts and our special places and our biodiversity and all those things. So those principles cannot be departed from in the plan. They are in the law.

The Connétable of St. Brelade:

Given that we have an insatiable demand for housing both at first-time buyer and last-time buyer levels there will be a significant number of people waiting for development opportunities. What sort of influence do you think that will have on the Island Plan?

The Minister for the Environment:

First of all we need to know what people's aspirations are. Part of the process will provide an open, what is called, call for sites, which will be invite - not just housing but right across the proposal - proposals, ideas and for people's aspirations for their land. Then the process, that will be ... I am not sure of the time; it will be somewhere around the autumn. Then there will be a process of evaluation of those proposals against the Island Plan that will not be done openly because obviously until we publish the draft plan, which will be in 2021 - probably in mid-2021 - those submitters of those aspirations will not see what we are recommending. At the end of the day, we will have to ... it will not be a question of just inviting people what they want and it will go in the plan. As I have said, there will be as many people upset as pleased. What the task is, is to find where that balance is. That is always a difficult choice. It is the most difficult thing, in my experience as a civil servant, for any Minister for Planning to propose lots of agriculture land. The most difficult thing. Therefore, there has to be ... it is a last resort. At the moment, under current policies, and there needs to be a lot of policy test before you arrive at that point.

The Connétable of St. Brelade:

There is an indication that you will be using outside consultants towards the creation of the Island Plan, do you not think there is the expertise within the Island to do that or are we going to be influenced by perhaps planning from the U.K. (United Kingdom), which is perhaps not appropriate for the Island? Are you enthusiastic about using outside consultants, I suppose is the question?

The Minister for the Environment:

I think it is important that we have the support of those outside. Whether I call them as consultants or advisers, I made quite plain to the team that this is an Island Plan which we are running internally. That means that we are the clients. When I say "we", I mean the Government of Jersey and the public of Jersey are the clients. The people that we appointed, the briefs to them has all been set out in a support role, what we expect them to do to cover the ground. I know there is a huge amount to be done and without the support of those various businesses in whole different areas - I will ask Steve to speak in a minute - as to how many packages there are. But without those, in my experience, we would not get the task done.

Director, Strategy and Innovation:

I think, as the Minister has said, this is set up with the Government and the public of Jersey as the client, but we do require a number of technical studies. Some of those are just, by their very nature,

drawing on skillsets which are very detailed, developing all the time, and where you need a wide field of practice in order to stay really good at your game. So some of the work we want to do around assessment of landscape character or an urban character, as well as some of the work we want to do to advance our approach to understanding the sustainability of the plan. They do require people who have had the experience in a wide number of places. That is one of the reasons we kept them on.

The Connétable of St. Brelade:

We have seen the effect on urban character by outside influences before and I wonder what your views on keeping the Jersey built vernacular might be.

The Minister for the Environment:

I have already identified - it was a position pre-election - and I made plain since the election as Minister that I am concerned about our design standards. I am certainly aware of many members of the public who are very concerned about developments which they regard as very much out of keeping, disrespectful of the character of individual locations and so on, which we are all familiar with that. I have met with the Jersey Architectural Commission and I said I want them to come up with some guidance. I want guidance and also assistance with development of our policies in the Island Plan because I would like to see stronger policies to enable us to be more confident that we achieve development, which is in harmony with its surrounding core placemaking. I have met with the Jersey architects on that. I think it is true to say they do not uniformly welcome what I have had to say but nonetheless there has been that dialogue and it will continue.

Deputy I. Gardiner:

Are you aware of the local architects companies who basically have the backing and working in collaboration with international architectural companies? Like we are talking about global consultancy companies and they have years, 10 years, 20 years of experience working together to bring international experience into Jersey. Have you had discussions with these agencies?

The Minister for the Environment:

I personally have not had discussions on a one-to-one basis with architectural practices. My experience is, over the years, that increasingly local architecture firms have entered into arrangements with off-Island organisations to give them some support, expertise and widen out their skill base. But I do think they do also tend to specialise. You find professional practices that specialise more in historic buildings and so on. To be honest with you, they all have their own kind of signature style. At one stage I thought you could just drive round the Island and point to that is practice X, that is practice Y, and so on. I prefer to have the dialogue rather than pick on ... because when things are planned it is difficult for a politician, or planning officers particularly to do, is to be

selective and say: "We like this architect, we like that one, we like this." I think what one tries to do is, through the Architectural Commission, build up a better standard of guidance. Because at the end of the day, decisions have to be made on the basis of the best judgment against the matter coming up. I do not know if any of my colleagues want to add to that.

Director, Strategy and Innovation:

In terms of the specific conversations we have had, the Minister obviously drew our attention to the Jersey Architectural Commission, we also support the Jersey Design Awards, in order to try and raise up and understand the practice and work with the architectural community. In terms of the previous conversation around work commissions to support the Island Plan, that is all of a multi-disciplinary nature rather than strictly being something that you would want to engage in as an architect to practice.

Deputy K.F. Morel:

I have 2 questions but on the architecture front, just very quickly, does sustainability in design come up in your conversation with the Jersey Architectural Commission?

The Minister for the Environment:

It is in the policies but I do not think we have advanced enough in implementing those policies in the Island Plan. It is not my headline. I think in view of the decisions on climate change now and, if you like, there has been a very, very strong public mood towards more sustainable developments and so on. I think that is a factor that we will have to factor in the Island Plan. But at the moment I have not made that the focus. Where I think that will have to be part of, at the moment, is the work we are doing on climate change. I have already flagged up and I have given instructions that the new building regulations draft, which is now up that, because building regulations work in parallel with planning policies. I think that probably takes us on to the next subject.

Deputy K.F. Morel:

Can I just ask one more question about the Island Plan? We have seen in the media today and yesterday Jersey Water talking about the need for a new reservoir or potential need or for more desalination plants, that sort of thing. That sort of item, will that be scoped in the Island Plan and if so, how do we have the conversation about whether we need these new facilities as opposed to greater efficiency? Because if you suddenly say yes we are going to have a new reservoir here, then the conversation about efficiency in water use goes out the window.

The Minister for the Environment:

Both Deputy Guida and myself have attended meetings with Jersey Water. I think possibly you were there as well. It is quite clear that there is an increasing demand, put it that way, for water supply.

It is arising from all sorts of reasons. We have got people with polluted private water supplies that are looking to have quality mains water. We have got the growth in the size of the population and also we have issues to do with the loss of underground water supplies from St. Ouen as a result of the pollution incident now, and so on. It is becoming more to manage. The question of how we manage that will be an issue. Jersey Water have launched this ... I think they call it the water management plan. In parallel with that the Island Plan will look at those options. Certainly I know that there are proposals. I would not say they are proposals; people have suggestions to how we might meet. We might provide additional catchment, which again will be part of the Island Plan. At the end of the day, I think the crucial thing in the Island Plan is the assumptions we make on population and therefore I expressed concern.

[12:45]

I would want to put this on the record, I have done to the Council of Ministers that trying to produce the Island Plan now in a vacuum where we do not have a population policy is entirely unsatisfactory. So what I want to avoid is that we have to go in the Island Plan with a range of options. I want clarity on that as to what population level we are providing for. Then ultimately whether or not we adopt that in our own plan is a choice for the States.

The Connétable of St. Brelade:

Moving on to carbon neutrality by 2030. You recently said that the aim supports the existing energy plan actions. Can you tell us what the energy plan actions are presently in place?

The Minister for the Environment:

First of all you know that - you were all present in the debate - is that I was hopeful that we would have more time to produce this plan because it really is a huge task. The degree of change that is implicit in such a plan is enormous. That will involve very substantial changes in people's lives and in our policies and it will have a very substantial cost. But where we are, the States have given me an instruction that myself and the Minister for Infrastructure, and I think it is me that has to take a lead at the moment, is by the end of this year there will be a plan. The 3 things in there, first of all it has to be a plan by the end of the year. Secondly, there is a commitment to use fiscal levers, which I am delighted about. When I say "fiscal levers", to achieve change because if we have a plan with no means of achieving it that will be defective, in my view. So that work is now being done.

The Connétable of St. Brelade:

Fiscal levers are an interesting thing because that affects the man on the street. What do you think they might distil down into?

The Minister for the Environment:

The 2 big areas are vehicles. Vehicles and domestic emissions. They are very, very substantial carbon emissions. On vehicles, at the moment, we do not input any cost on people consuming the environment, if you like, in polluting vehicles. Nor do we have any incentive for electric vehicles. The intention of fiscal measures would be to shift that equation so that people that use either non-polluting vehicles or lower polluting vehicles or smaller vehicles would get incentives in some degree, compared with those who will have to pay, I think, through tax. I think it is premature to state what those tax options may be. It ranges on the one hand taxing vehicle ownership, having differential taxation according to the size of the vehicle and the pollution and so on, to taxing vehicle use which might be done through a kind of road users system. There are a whole range of options ...

The Connétable of St. Brelade:

So enhancing V.E.D. (vehicle emissions duty) really.

The Minister for the Environment:

I think it is already committed that the V.E.D. ... the replacement of V.E.D. with a new fiscal measure, I think there is agreement in the States that that will be looked at as part of the work that is going on for the 2020 budget, which I think is coming back ... could I ask Louise to pick that up?

Director, Environmental Policy:

I think the point the Minister was making is that as part of the drive to aim for carbon neutrality and the challenge by the States is to bring forward a plan that suggests what that might look like and what it might mean. Because I think we need to scope and define what we really mean by carbon neutrality but we understand this is something really important, that there is climate urgency and that there is a need to take more aggressive action than we were currently planning to take in the Energy Plan, so I think that is a given. Part (b) of the proposition asked us to look at how we might use fiscal levers to assist that transformation away from a carbon-based economy. I think, as the Minister has said, there are a lot of policy options there. They are not particularly unobvious if you think about where our emissions come from. Our emissions come from space heating, from L.P.G. (liquified petroleum gas) and kerosene and from our vehicle use. If we are looking to use fiscal levers - if - to change behaviour then that is where you would start to think. But I think your point there is absolutely well made. Any new taxes or charges or levies would have to take into account transparency and fairness. Obviously what you do not want to do is bring in taxes or any kind of pollution charges, which is what we would be talking about, that were in some way regressive. So there needs to be a lot of work to think of the most reasonable and fair options hence the idea that that work is underway as part of developing the plan. Of course, anything new would have to come to the Assembly for their thoughts and agreement on it and go through a period of consultation. But

I think Constable, your first question was kind of what was the difference between what we had planned and the Energy Plan and what carbon neutrality means. I could pick that up for you, if you like.

The Connétable of St. Brelade:

Indeed, if you would.

Director, Environmental Policy:

At the moment, our actual emissions - my computer is just locked out at the very moment I needed the numbers -but the carbon emissions currently are around 360,000 tonnes a year. By 2030 we project that if we were successful in the Energy Plan, reductions - this is around energy efficiency, this is around transformation to electric vehicles, but not a complete transformation, those sorts of issues - we suggested that we would probably get emissions down to about 277,000 tonnes. If we are talking about real carbon neutrality by 2030 we have got 277,000 tonnes of carbon to do something about that. That is the kind of scale of the issue. Those are purely consumption emissions. That is not embodied energy or anything like that.

Deputy K.F. Morel:

Can I ask you about that? There is a very interesting article the Natural History Museum published yesterday, signed by about 20 scientists in the U.K., and pointing out, yes, exactly, the embedded aspect of carbon emissions. Off the top of my head, if the U.K. was to go to all electric vehicles it would need twice the current world supply of cobalt. If the U.K. was to go to all electric vehicles it would need the entire world supply of neodymium and so on and so forth. Basically, we would be transferring from a carbon-based economy to a rare-earth metals-based economy. That has huge amounts of impact, both from an e-car and from an environmental perspective. How are you going to weigh those questions up?

Director, Environmental Policy:

How are we, as a society, going to, I would answer.

Deputy K.F. Morel:

It is a really important one because already, as the Minister just said, people are already talking about financial incentives to move to electric vehicles. We have not, as a society, decided in an evidence-based manner whether electric vehicles are the way forward.

The Minister for the Environment:

I think you are right. I think what we see ahead, and we are all looking at a very top helicopter view at the moment in trying to work the agenda out. That is one of the questions that I have asked the

Council of Ministers. At the moment I am not getting a clear answer. How much detail do you want us to get into this plan? Are we looking at a high-level view or are we going to get down into the detail and so on? I am being quite plain that if we are going to get down into that detail we are going to have to have some external support, some money. At the moment I do not have it. We have got a small team, an excellent team. So we are having a helicopter view. I mean what we know, we are moving from a carbon-based economy so it means getting rid of oil and gas, one thing is clear, we all need a lot more electricity. What is the capacity of our network we have to supply that? We hear in the U.K. they say it will be double. They will need double the capacity. Of course the U.K., we know, is already short of energy and that is why it went into Ofgem with power links with Europe, which I understand have been frozen because of the Brexit fiasco.

The Connétable of St. Brelade:

Given our links with France, what sort of position are we in, in Jersey?

The Minister for the Environment:

We are assured by our supplier that we are secure. But I think my political view, and it is only my personal view, is that we are not wise to plan for the future and putting all our eggs in one basket. Therefore, I think, having more renewable energy of our own Island-based is a good thing. I think there are opportunities there to have renewable energy through solar P.V. (photovoltaic) on rooftops and so on. I think we can dramatically increase that, and of course that is not at the moment been a priority in past regimes.

Deputy K.F. Morel:

Is there a danger though, going back to the kind of rare earth metals-based economy, because mining, there is huge amounts of mining, et cetera, that Jersey could end up effectively outsourcing its pollution? So basically Jersey will be this beautifully carbon neutral, beautifully unpolluted island; China on the other hand, Jersey has just caused a lot more pollution in China. I mean, should we care about that?

The Minister for the Environment:

Louise wants to speak.

Director, Environmental Policy:

I think your point is absolutely right. What are we talking about here? Are we talking about doing this in a way that just makes Jersey as good as we can possibly be given current world events, or are we talking about a transition to a completely different future where energy systems are different? If we are talking about the latter, what is the realistic timescale for that and what is the transition? Part of the work that we want to do in developing the aspiration for carbon neutrality is a series of

workshops with key stakeholders, and we will be inviting Scrutiny to attend those soon enough, and to look at different alternatives and defining what we mean. Because your point is absolutely right. Are we just talking about exporting pollution or are we talking about a proper energy transition? Accepting that maybe the transition that we would like to move on, and globally we must move on, will probably take longer than 2030. What are we prepared to accept in 2030 as our deadline? I think there is a key piece of work with the community, very importantly, because you are right. This will come down to individual people's actions on what they are prepared to do and bear. But also, as a Government, what we define is our objective. All of that is up to be scoped and worked with the community over the course of the year to define that. We will be doing some carbon futures workshops with the Council of Ministers but with all the other key stakeholders, including the Energy Forum who comprise stakeholders and the utilities, and all the kind of obvious people you might imagine. But also we would like to work with States Members as well.

The Connétable of St. Brelade:

Of course with a science-based issue there has to be evidence, there has to be peer-reviewed evidence.

Director, Environmental Policy:

Correct.

The Connétable of St. Brelade:

Versus opinion. Are you in a position to distil that out, shall we say, that we go in the right direction?

Director, Environmental Policy:

We report emissions annually to the European auditors who look at our emissions and audit them in line with the Kyoto reporting objectives, which are about production-based emissions. We know how much oil we import. We know how much we burn. We know how much carbon comes out of that. So from that perspective there is quite a straightforward balance. But I think that is the very first level. Those are scope one emissions, in other words. They are very much about what we directly use. I think the point really, the public and globally citizens are expecting, is more than that. They are expecting society to take a transition to account for the things that Deputy Morel was talking about. Things like embodied energy. Other environmental impacts. So again, in the short term, an option could be to move entirely to low carbon nuclear hydro energy to get us to carbon neutrality by 2030. That may be an option but is that sustainable, is that long term and is that really what we want to do.

The Connétable of St. Brelade:

Would you see fiscal levers contributing to incentives to improve ...

Director, Environmental Policy:

Absolutely.

The Minister for the Environment:

What this whole agenda of work indicates why we have to look at our whole policy towards the Jersey energy market because at the moment we have a single supplier. Our strategy on power is effectively, if you like, the business strategy adopted by a single supplier, which of course has a significant private ownership. Of course I think what we are talking about is a different world in which where we have a much broader framework of policies in place on tariffs, tariff design, to provide that incentive structure. I think we could put our foot in the water with the end response we did to Deputy Carolyn Labey's proposition. We had an in-depth report as a result of her proposition. It has given us a lot of clues in there to the workstreams that we need to do in developing that energy policy. But I thought it has to involve as well the other big stakeholders because they are oil and gas companies. At the moment we have a very large number of consumers in the Island who depend on their heating systems, on oil and gas. Obviously the whole issue of how we are going to pay as a society to achieve that transition in the timescale we are being asked to do has a massive cost potential. Deputy Guida estimated, I do not know if you want to mention the figure you thought it would cost in terms of ...

Deputy G.C Guida:

It depends what you put into it but I will give you a very simple example. We are looking at our stock of vehicles. We are not even looking at professional vehicles, just cars. So 100,000 cars on the Island, that is £2 billion worth of cars at the minimum cost, forgetting about all the Bentleys around. If you want to get rid of that in 30 years and turn them to electric cars, the effort is zero because electric cars are inherently better and within the next 30 years everybody will have switched it up as they become available, as they become affordable. Especially in an island where you do not need to drive for 400 miles in the same day there is no obstacle to having an electric car. In 30 years costs zero because cars do not really last 30 years and by that time everybody will have switched. If you want to do it in 20 years, then you need to incentivise. There are cars that will still be good in 20 years and you need to give a little bit of initiative. If you want to do it in 10 years you are talking about right in the middle of the life cycle of those cars. You do not want to sell them to somebody else to use petrol on. You want to get rid of that. So that is the value of the stock and that is £100 million a year that you have to find somewhere. That is the kind of money that you are talking about within the timescale.

The Minister for the Environment:

One example how big potentially this decision is. I mean I am very pleased we are going in this direction but what we are not able to do is sit here today and give you the worked-up plan. What we can give you is the agenda of the issues that we are going to have to address and those decisions will have to be made downstream if we are to achieve that 10-year.

[13:00]

The Connétable of St. Brelade:

I appreciate that incentivising the types of cars we have in the Island is not your department's role but what would your advice to the Minister for Infrastructure be?

The Minister for the Environment:

The Minister for Infrastructure and myself have had a gentle dialogue. Some of that has been enforced by media interviews that we have had and opened up a difference between us. My personal view, and Louise put her finger on it, if we are going to have new fiscal systems it is important that they are fair. First, it needs to deliver an adequate amount of money because if we do not deliver an adequate amount of money it is not going to help us to provide those incentives. But the other thing, just to finish, is the fairness. I would prefer to tax usage rather than a fixed cost. But I think that is more expensive. It is going to take longer, it is more complex. The easiest thing to do is just to return to a vehicle tax. If every vehicle paid £100, we are talking £12 million. £12 million a year that can go into the type of work we want to do.

Deputy G.C. Guida:

I just think one very important point is that we want it to be a closed-circuit system so it is all about taxation. It is certainly not about raising the cost of transport. We do not want people to pay more for their transportation or to pay more for their heating. The idea is incentivising. It is going to cost you the same but it is going to be more expensive to use your petrol car than it is going to be to use an electric car or than it is to use public transport. For example, we would not be adverse at all to taxing individual vehicles to finance public transport; cheaper buses, more buses, less cars. It is a transfer. The way that we look at it from the environment perspective, because of course the rest of the government might have a different view, is that it is a closed circuit. We just want to transfer money within transportation, transfer money within electricity generation and within heating to try to push everything towards electricity. I understand the problem about mining and resources. It is massively complex. But there is really no obstacle to going electric. It is quite clear that the future of the planet, the future of the whole planet, energy and the whole planet, is going to be, to a vast majority, electric. So if we go in that direction we are not making a mistake.

The Connétable of St. Brelade:

I suspect it will be largely stimulated by industry as well and availability.

Deputy G.C. Guida:

It is a vast question but the fact that your normal source of energy ... right now our normal source of energy is not electricity, it is hydrocarbons. In the future, the vast majority electricity and for probably an increasing volume created hydrocarbons or hydrogen. So hydrogen is a way of storing electricity and when you burn it you get back ...

The Minister for the Environment:

Just on closing. There is a dialogue between the Minister for Infrastructure and myself and it involves also of course the Assistant Minister for Treasury and Resources because working up those proposals there are lots of choices in there. I envisage the work that will come back to the States will probably give more information on that this year. But of course the timing of when these measures will be introduced ... I think we do know we need to do this anyway because of the declining revenue from fuel duty.

The Connétable of St. Brelade:

Public Health and Safety (Rented Dwellings) Regulations. Where are we with those?

The Minister for the Environment:

We are pretty advanced. For some time now the new law has been in place. One of the first measures I took through the States a new law. That new law sets the minimum standards for health and safety in rental dwellings, which are now in place. The law gives the power to issue regulations. The work on that, the draft has been completed. The consultation started on 30th May, that will carry on for 4 weeks. Then obviously yourselves will have a detailed review of them and our wish is to see a States debate in September. The regulations are detailed of them. The licensing scheme and proposed fee structure is all in the public domain at the moment.

The Connétable of St. Brelade:

Any feedback at this stage or do you think it is too early?

The Minister for the Environment:

I know we have heard feedback from the Landlords' Association, which is extremely negative, but I think up until now the team that are handling this, which is the Environmental Health team, Mr Scate, is a part of that work and obviously will be able to speak in detail on that in a moment. But the feedback I have had is that the work with the letting agents has been generally positive. They see benefits, and I notice walking around town that a few of the offices have now got rent safe stickers set on them. So clearly they like the idea that we are working now to a decent system and standards.

The Connétable of St. Brelade:

Do you expect that a lot of private landlords will pass their business, shall we say, over to letting agents because it will be just too much trouble for them to do it?

The Minister for the Environment:

My personal view is that letting ... I have to put my hands up so I declare an interest perhaps. I have a rental property - it is only a small one - and I use a letting agent. I found it very, very advantageous to do that because I do not have to worry about all those technicalities. What we have seen is we have had new laws on tenancies. We have now got another new law. We have introduced new laws - this is not the first - and complying with those requires a lot of attention to detail and they do it, so yes.

The Connétable of St. Brelade:

Does the department have the resource to be able to police these regulations?

The Minister for the Environment:

I have asked that question. It is an absolutely spot-on question. I have asked that question ever since I was elected Minister and I was brought up to speed with this. The assurances I have been given is the answer is yes. But they are assurances and I am going to ask Mr. Scate now whether he can back that up.

Group Director, Regulation, Growth, Housing and Environment:

That one first. I think we are keeping a watching brief. We are confident we have got enough to get it in and running. I think we do need to keep alive to the fact that I think we are seeing the team that we have within Environmental Health effectively becoming a housing regulatory team coupling a lot of other areas as well. For instance, we have just picked up some work on lodging houses as well. We may well need to get into the territory of Airbnb. We may need to get into the territory of other bits of regulation around the housing field. I think for this piece of legislation we are confident we have got enough. I would not say we are blessed with resource to do this piece of work but I think we have enough. But as we go forward I think we may need just to keep an eye on the review. In terms of the response we have had, consultation we have had so far, we have had some very positive responses from people on the other side of the equation in terms of those who act for tenants, those who receive tenants complaints or concerns. So the Citizens Advice Bureau, for instance, have been very positive about this. This subject is their biggest area of contact with citizens. We have had some very positive comments from the Children's Commissioner and other agencies effectively because of the positive knock-on effects this legislation will have either for children, for families, for tenants, et cetera. Consumer Council is another one where I expect to get

a very positive response from as a result of this consultation. The Landlords Association have been quite negative in the media but on the other side, the practical side of the business, the legal community, the letting agent community, the estate agent community, have been engaged with this for some time and understand why we are doing it and generally been having some very positive dialogue with them. I think overall I would say most of the voices are positive. We have some probably obvious negative voices that we expected.

Deputy K.F. Morel:

Did the 2018 law, when it came in, was it clear enough that it would move to a licensing regime? Was that clear from that law?

Group Director, Regulation, Growth, Housing and Environment:

I think we were clear it would. When you are bringing ...

Deputy K.F. Morel:

Almost like light touch and things like this.

Group Director, Regulation, Growth, Housing and Environment:

We have had a bit of a live debate about whether this is just a registration scheme or is it a licensing scheme. We have gone very much down the route of it needs to be a licensing scheme because with licensing comes ... there is some more teeth in that in the sense that you can withdraw licences and you can stop activity occurring. If people just voluntarily register for things clearly some will and some will not so we did not think the scope of the regulation would be powerful enough if we went down that route. Certainly in the dialogue through this Assembly, the previous Assembly, there was always an expectation that this would uncover every rented property in the Island that we would then seek to deliver minimum standards against. There was always a debate about what level of regulation really occurs. The way it is set up is the fact that you need a licence to be able to rent a property out and we are saying that has to meet some minimum standards. The minimum standards in reality are not hard. They should not be too hard to meet. They are minimum standards.

Deputy K.F. Morel:

What do you think about the cost implications? Would you do it per property or do you think like you do it for a landlord? Obviously the costs will be passed on to tenants.

Group Director, Regulation, Growth, Housing and Environment:

We will be licensing per property so it has to look at the property.

Deputy K.F. Morel:

So that will cost more that way.

Group Director, Regulation, Growth, Housing and Environment:

We have to make sure that every property that is being rented out to somebody is meeting that standard. Whether there are cost implications in complying with the regulations, I would argue that for some there will be. Undoubtedly some properties will ...

Deputy K.F. Morel:

No, I mean just the licensing aspect.

Group Director, Regulation, Growth, Housing and Environment:

Sure. Yes, licensing I think has to be done by property because we have to look at each property individually.

The Minister for the Environment:

Just to come in, we have tried to keep the charges as low as possible for those where there is a high degree of compliance. Obviously the charges are higher for where they have not. Apologies for Deputy Gardiner who was trying to get in.

Deputy I. Gardiner:

Going back to the regulations. When it says private landlords will register, it is pretty straightforward: "I own the property, I register the property." Some of them registered it already voluntarily online. I would like to ask how it will work with the letting agencies. When you are looking online some of them registered 3 properties, 9 properties, 20 properties, which they probably have much more properties they are renting out. Would it be clear where the responsibility lies if it is with letting agency or with the landlord because, as I am aware, there are so many different contracts between landlords and letting agency; letting agency does whatever they decide to do. Would it be a requirement from the letting agency to have the same type of contracts?

Group Director, Regulation, Growth, Housing and Environment:

Ultimately the legal responsibility sits with the landlord; whether the landlord effectively contracts that through the letting agent to deliver that responsibility will be up to the landlord. But if we have to take action against the property it will be the landlord ultimately who will be taken action against.

Deputy I. Gardiner:

Even though it is renting through the agency?

Group Director, Regulation, Growth, Housing and Environment:

Yes, a number of landlords do use agents and there are a variety of letting agreements and tenancy agreements and a number of things which are apparent in the market, which goes back to my previous comment around resourcing. What we are now seeing, certainly we brought together Environmental Health and Trading Standards teams under a single management, and in terms of consumer protection and tenant protection we are also uncovering quite a number of issues around tenancy agreements and what tenants are asking to be signed up. Also deposits, the deposit scheme, we work very closely with housing in relation to deposit regulations as well. Effectively, we are seeing the sort of consolidation of all housing regulation into this one area which goes back to my previous comment about resources. We just need to make sure that we are covering all of those bases as well.

The Connétable of St. Brelade:

Do you think there ought to be any regulation of letting agents? Perhaps controversial.

Group Director, Regulation, Growth, Housing and Environment:

I would argue that it would be a sensible thing to do. Some of the behaviours we see between tenants and agent or whoever is that first point of contact for the building or the property, certainly we do see a number of areas of friction there. Some of that is down to agent behaviour, some of it is down to tenant behaviour, some of it is down to the agreements that people are being asked to sign and the legal agreements and the tenancy agreements that are around. What we are trying to do through this ... we brought in minimum standards but very soon we delve into a number of other things. Deposits and tenancy agreements is a growing area of work for this team as well.

The Minister for the Environment:

I think this is very important.

Deputy K.F. Morel:

Can I just quickly ask, sorry, the rights and wrongs of the way landlords operate completely to the side: are you concerned about increasing regulation and the affordability of housing in Jersey?

The Minister for the Environment:

Yes, I have to tell you that when I ... because obviously the initiative on this law started before I became elected as Minister. You asked about was it always clear that we were going to have annual licensing, that came as a surprise to me.

Deputy K.F. Morel:

It came as a surprise to me as well.

The Minister for the Environment:

Deputy Guida and I had a number of very strong sessions with the officers about that. But I have been convinced ... 2 things. First of all, absolute necessity about registration because we do not know now how many actual properties there are and so we do not have that core information. The registration system will give us that. So trying to plan for our housing needs without that is crucial. Then the second thing, the other part of it, experience in other areas has shown us that there is not a great deal of advantage.

[13:15]

If all we just do is require people to register and we do not have any enforcement processes in place, then I think that is just not ... that is an overhead that you cannot justify. I have been persuaded that we need to have a mechanism with enforcement arrangements in place to rectify where there are serious problems. I have already been made aware of a number of cases where there are problems so this is an area, there is no question that this law will lead to improvements in standards. But there is a cost and is it proportionate? I think on the figures I have seen, let us say somebody who complies, a registration fee of £50 plus an annual fee of £50 compared with, say, income of £20,000 on a property. Is that likely to be a disincentive? What I think is more likely is the costs of bringing properties up to a standard. Should we be relying on substandard and dangerous properties to house our population? I do not think so.

The Connétable of St. Brelade:

I am going to go on to the next item.

The Connétable of Grouville:

The next subject is PFOS (Perfluorooctanesulfonic), which everybody knows is the chemical formerly used by the airport fire service which polluted water. Some weeks ago now there was a big headline in the *J.E.P. (Jersey Evening Post)* which the Minister contributed to, which highlighted the fact that the department was testing potatoes and milk for PFOS. At that time, did you have any evidence that there would be PFOS found in milk or potatoes?

The Minister for the Environment:

I would like to say I have to recognise that my statement was premature. In hindsight, perhaps I should have given more thought to it before I made it. I apologise for that. But nonetheless I acted on after a meeting of the PFOS group, which Andrew Scate chairs, and the advice I was given, because again the picture was emerging that we have got more and more properties coming to light where we are having to do sampling and we are getting more and more information about the use of PFOS, including the fact that reports have reached me that it was not just used in the vicinity to

the airport. It was used in other places. Reports have reached me that foam was sprayed on headlands and open fields and so on. Also what we already know about the plume of contamination in St. Ouen's Bay, it was said to me that ... I cannot recall the words but it was from the Environmental Health team, my recollection is it was noted that both potatoes and milk can concentrate PFOS and therefore should we do testing, and I agreed it be done.

The Connétable of Grouville:

I am not for one moment criticising the tests that were done. What I am questioning you is whether you had any evidence that potatoes or milk were contaminated at the time of that big headline?

The Minister for the Environment:

The evidence was a chart of the PFOS contamination, which I have here, which shows the plume of the area and my understanding is that is where the tests were done from. While I am finding it perhaps I can ask Mr. Scate to pick up the details.

The Connétable of Grouville:

I am really concerned about the headline in the *Evening Post* because I wonder if you are aware of the dangers of that type of headline at the height of the potato season because if the red tops in the U.K. were to come out with a headline "Jersey Royals may contain cancerous substances or substance" that could have a devastating affect on the potato industry and the sales of potatoes. You did not really have any evidence at that time that potatoes and milk, for that matter, contained PFOS. In some respects, it could have been quite dangerous from a publicity point of view.

The Minister for the Environment:

I have said I regret making it at that time. So there is no question about it. It was not my finest hour. But nonetheless, what I would ask the members to consider is that there we are working on throughout a number of areas, contamination of our environment from all sorts of materials. Materials which are routinely in use by the agricultural industry and this material which of course is nothing to do with the agricultural industry but is being used by the fire service. The information available to us that it has been put on other land and also the known evidence of the plume and the information was that those crops were being ... it was said to me that those crops were being watered from those sources.

The Connétable of St. Brelade:

Can I just take you to the airport particularly in that prior to the latest flare up with regard to PFOS, the Ports were handling the historic contamination issue, dealing with local residents with regard to connecting them on to the public water supply; what is the status of Ports with the latest situation

now that it seems to have spread further from the Port area? Subsequent to incorporation, I understood they had taken on the liability for PFOS damages, if you like. Is that still the case?

The Minister for the Environment:

I do not know. Could I ask Mr. Scate to help us on that?

Group Director, Regulation, Growth, Housing and Environment:

What I need to say, the PFOS results we found in St. Peter, effectively at the top of the airport rather than further down into the bay, are lots and lots smaller results than the plume area. The plume area is very high PFOS results which trigger all of the World Health Organization trigger levels, which prompted some intervention and either connection to mains or water supply being provided. The figures we have seen so far through the testing are well within and well below any trigger levels, so they are trace elements that we have been finding. We found it nonetheless so this prompted the further conversation about where do we think this has come from. So we do obviously have to reserve the right to consider this, if this is pollution or not pollution or whether this is just a naturally occurring thing now that we are finding in our environment. The problem with testing, the more you look for things, the more you will find. The way the testing is going in terms of chemical testing, we can find things now that we were not able to find previously. However, the PFOS levels that we have found in tests do indicate they are well below anything that would want an immediate public health intervention. So they are very, very low levels. I do not think at the moment I can say that we are likely to see a replication of the plume area. Same sort of legal connotations that that brought. The results of the plume area are incredibly high, as you would expect, because of the concentration of use in that area. The levels we are finding elsewhere are very, very low so I do not think we are in the same. So Ports do still obviously have legal responsibilities for some of those properties in the plume area. I still think they are providing water to 2 properties in that area. A lot of properties have been put on to mains subsequently. I think we are dealing with a different magnitude of the issue.

The Connétable of St. Brelade:

In terms of regulation, do you have any oversight of Ports' relationship with those in the plume area?

Group Director, Regulation, Growth, Housing and Environment:

We obviously get some data shared with us in terms of what the data is showing. I think what this work has sort of indicated is that there is a report being done to Ministers, which will then be available. It will probably prompt a much wider research and surveying of water quality across the Island on an ongoing basis. We do see some results from Ports. Certainly the PFOS levels in the St. Ouen's area, in that particular end of the runway, are not likely to dissipate very quickly. So they are going to be there for some time. I think we are going to be then having a conversation about

whether we introduce methods of cleaning the groundwater, that can be done. You can pump groundwater out, clean it, put it back again effectively. That can take place. Or do we monitor that in a bit more detail than we have. We need to understand whether it is moving or not.

The Connétable of St. Brelade:

So the effect is the St. Ouen's aquifer is contaminated?

Group Director, Regulation, Growth, Housing and Environment:

It is, yes. Jersey Water are aware of that. Obviously they take a very keen view on where the water is coming from, what they are using. If any more of the aquifer is taking out of supplies then obviously it does have supply issues and goes back to the previous item we have already discussed. So Jersey Water are very clear that the water supply that they can ... raw water is something they need to keep monitoring. Clearly there are climatic influences on raw water availability. Obviously we need to minimise any pollution of raw water availability and then we are talking about behaviour change and increased consumption and increased population. It is coming at it from both ends. So at the moment it is still a bit of a moving ... it is not quite finished, the work from the technical group on PFOS. There is a report we are hoping to get out by the end of next week, which will describe the work to date, the research we have done to date, the testing we have done to date, not just in this area but we tested across the Island. We are very pleased with the food results that came back last week. So we are slowly answering the questions that have been asked either from our technical team or from the public. We had a public meeting at St. Peter and some of these questions were raised. We were asked the question about potatoes and milk, for instance, which is what prompted the tests. We have been asked around human testing and whether there is blood testing available and those sort of things. So taking the latest medical advice, there is no proper test for blood testing. It does not really tell you anything. It will tell you whether it is in that sample or not. It does not tell you where you got it from. It does not tell you at what point in your life you received it. It does not really tell you anything like that. We are going to be answering all these questions. A lot of questions have come up obviously, as you would expect.

The Connétable of Grouville:

My criticism was not of the testing, which is really important, absolutely vital and I am pleased the Minister has acknowledged that perhaps his comments ...

The Minister for the Environment:

I was over-enthusiastic.

The Connétable of Grouville:

I accept that but I just want to try and hammer the point home that things like that can be very damaging. Confusion, which I think you have confused an answer to a question in the States about detections and samples are over World Health Organization limits. It is very important that you use the right terminology because I understand that PFOS is detected in all sorts of things. It is detected but it does not mean to say that there is any evidence that that is dangerous.

Group Director, Regulation, Growth, Housing and Environment:

Absolutely.

The Connétable of Grouville:

It is so important for a Minister, in particular, to be, in my view, and I hope that the Minister will take on board what I am saying, that it is important to get things in perspective and to jump the gun, which he has accepted, was perhaps the wrong thing to do. I just hope in the future that perhaps he will agree that he will perhaps think a little bit more about the implications when he is making statements such as this.

The Minister for the Environment:

Yes, I hope to do better. I think what I have asked the Connétable to consider, there is a very strong body of opinion who is very concerned about pollution of our water, particularly from the farming industry. What I have to do is to take scientific evidence. I have made it quite plain that I cannot just react on the basis of a lay view. In fact, I have a whole number of reports that I have received from very sincere and well-meaning and hardworking people who have submitted reports that this and this need to be or this should be banned or reduced. But I have to take technical advice. I will stick to that. But the reality of it is that - I have the figures here - on the very large quantities of chemicals which are detected and also the amounts of materials that are brought into the Island. So I have to find out where that balance is. Therefore it is right that we have a testing regime, which we have upped. We really upped the water-testing regime. We brought in the scope across a range of materials and I think what I ... and of course there is strong media interest in this and I think I should have been more cautious in dealing with the media in disclosing to them that we had extended that testing regime into milk and potatoes, and I regret that. But equally of course it is clear that people know that we are monitoring people's water supplies. People are drinking and have consumed for many years. Trying to draw that line, I have got it wrong slightly, but what I could not agree to is doing everything in secret and clamming up. The *J.E.P.* editorial said we need to be as open as we can. On that occasion, I was too open. Can I close this by showing you that is the plume that I spoke to? That is the map of where the plume of contamination is.

The Connétable of Grouville:

That is where the potatoes were taken for the test?

The Minister for the Environment:

So I am told they were.

The Connétable of Grouville:

But you implied the whole Island's potatoes had a problem but I ...

The Minister for the Environment:

Did I? I cannot remember the words. Did I say that?

The Connétable of Grouville:

That headline was a quarter of the *J.E.P.* Today we get the results and in the *Evening Post*, which I have only just seen, it is a tiny little thing that says actually nothing was found. I know which headline the general public will be remembering and that is what frightens me.

The Minister for the Environment:

That is because I was advised from our communications team that I should not be making a big statement when I wanted to, to say that all was clear. But of course I did not write the headline.

The Connétable of St. Brelade:

Talking of pollution and I realise there is a limit to what you can probably say, but I just want to touch on the Elizabeth Marina pollution incident. I appreciate your discussion with others on that. But in terms of the policy and the future, clearly we have an area of reclaimed land down there and we do not quite know what it is in parts of it, I suspect.

[13:30]

What would be your policy in terms of future developments which may take place down there in the light of what has gone on before?

The Minister for the Environment:

Can I try and grapple with the general article? I will hand it over to Andrew Scate who is handling this project. This is a real tough one. We all know, it is on the public record, that that site was reclaimed land and the way in which the land was reclaimed was not done anything like to the standards that would now apply and have applied since we reclaimed La Collette where we have had proper salting of material and avoiding hazardous materials getting in the ground, which could leach out to sea. In particular, and during that time we know that the products of what we used to call the incinerator, all of the ash, which was all contaminated from the early 1980s right through to

that plant, was placed in that area. We know that there has been leaching because the tide comes in and out of it every day. So what was done, the States put in place a new set of policies requiring the ash to be treated in proper places, in a proper way, and that was done. But we have this legacy issue and therefore we are reliant, as you correctly say I am sure, in the way in which developments are dealt with when there is an intervention to ensure, as far as we can, that there no release takes place, which makes that problem worse. So I asked the D.G. (Director General) of G.H.E. (Growth, Housing and Environment) yesterday, because obviously as Minister I have been advised that I cannot speak about this because of the investigation that is taking place, but I did ask to be assured that no pollution is continuing and I was told by the D.G., G.H.E., that he believed that was the case; that there was no current continuing. But if I may now ask Mr. Scate.

The Connétable of St. Brelade:

Maybe he can reply but my recollection was that with the Castle Quay development, during the excavation of that, a lot of the material was reprocessed, if you like, down at La Collette and I just wondered if that same regime pertained with the Horizon development.

Group Director, Regulation, Growth, Housing and Environment:

Yes, so I think, as the Minister said, the first point is that the construction of the sites down there, whether it be Castle Quay or in this case Horizon, does involve the removal of a substantial amount of material from that former reclaimed land and that material is getting treated in an appropriate manner, and if it needs to be put into La Collette, into the sealed bits of La Collette, that is occurring. So the overall removal of material is a positive thing; it is taking it out of that immediate environment. It is also right to say that site gets wet every single day, ever since it has been built, and effectively the sea comes in and none of that waterfront area, all the way up to Esplanade of old, is hydrologically independent, it washes in, it washes out, so the water construction site will show that once you start removing the top layers of the ground you see the water coming in and out, effectively that is what we have been seeing. There have been a lot of reports about water flooding into the site; arguably the land underneath the ground will be getting wet twice a day in any case because of the tide. So all of that waterfront area that is reclaimed gets very wet underneath it and it gets very wet and it dries out and so on and so forth. So there is a big water movement coming in and out. The learning coming forward is around how sites are constructed; certainly for future contractors. The proposals for that site do involve secant piling; they do involve the basement areas being effectively tanked off, dug out, dewatered, as they are doing that. The bit we are investigating is the bit before the secant pile went in, how much work took place prior to the secant pile going in, so there is going to be some learning around that, I am sure, in terms of the speed of excavation versus the speed of piling that has to follow on behind to seal these basement areas off. But in the overall scheme these developments will be a positive for that area; not because of the uses they are

providing, but they do involve a huge amount of removal of that material out of the sites and putting it into La Collette.

The Connétable of St. Brelade:

Good. We are going to come back to ground level and talk about feral chickens. I know Deputy Gardiner would like to deal with that.

Deputy I. Gardiner:

Since we have had discussions in the States, I still continue to receive emails with videos and sounds from parishioners, especially around Vallée des Vaux, and I have had a conversation within Environmental Health and they are basically saying: "Please give us policy how we should act on it." I would like to ask the Minister how is the policy development going forward, which you said that you would look into this?

The Minister for the Environment:

I am pleased that you have updated me on your conversation with Environmental Health. Since you raised the subject in the States, I have had quite a number of emails from people very upset; they feel that the chickens are at risk, they are concerned about the chickens. I had one particular lady in St. Peter's Valley who said that she was very keen, she had taken many feral chickens and housed them on her land, and she was very keen to do so. She wanted the cockerels and not the hens, I do not quite know why, but then when I enquired I found out she was not a registered animal shelter as she needed to be under the Animal Welfare Law. So I have had emails like that and I know I joked about Adopt-a-Chicken but I have been trying to find the balance. The reality is, when I came to your question, I was advised that in the past we have culled those chickens. When I say "we", culls have been arranged. I was informed that a cull had been arranged through the offices of the Constable of St. Peter and a cull had taken place. But of course we are now dealing with very large numbers, the culls that happened were quite modest, and so we are in a situation where we have animal lovers on the one hand and we have those who are experiencing a nuisance on the other. So I cannot pretend to sit here and say I have an answer to that and I perhaps turn to Mr. Peggie, the officer concerned, and perhaps Gregory Guida, who has delegated responsibility for animal welfare, as to what the policy should be.

Director, Natural Environment:

Well, thanks very much. Obviously I am delighted to catch that hospital pass. It is an interesting one though because there are 2 principal pieces of legislation, which dictate what we can and cannot, should and should not do, one is the animal health legislation, which stipulates that in order for animals to be considered legitimately or treated well under the Animal Welfare Law they should not be abandoned. The reality is, when people are abandoning feral chickens, cockerels, et cetera,

predominantly cockerels being the issue, we never know when they are doing it. So, without staking out, for want of a better phrase, either Vallée des Vaux or the Roman Road in St. Peter, it is very difficult to determine when they are going to do it, how many chickens they are going to get, so that piece of legislation deals with the unlawful release of the birds. So once they are released that legislation does not pertain unless we have something like bird flu, which comes along, in which case we can make an order under that law and cull because of the potential for infection of the Island's flock, for want of a better phrase. That said, that means that they have been released unlawfully; that is the point at which we could step in legitimately or lawfully then and take action. If we cannot do that then that piece of legislation is then redundant. We then seek to find another piece of legislation.

The Connétable of St. Brelade:

I suppose that is when it becomes second or third generation.

Deputy I. Gardiner:

Which is happening already.

Director, Natural Environment:

It does. We said back in May that there is a bit of an issue at that time of year because of course if you have feral chickens laying then you are going to have chicks arriving very soon, thus exacerbating the problem. So then you look at what you can do in terms of statutory nuisance legislation, which again falls under our wider ambit. With feral chickens on your land, should it be your land, you are able to dispatch them. But if a feral chicken is fed in such a way as to cause nuisance then that is a nuisance under the law and we can take action under that. If kept chickens, so therefore deliberately kept chickens, are causing a nuisance and they can be considered a nuisance under a law, but they are becoming increasingly ...

Deputy I. Gardiner:

But what are we doing with the chickens that are walking down the roads?

Director, Natural Environment:

They are not kept by definition of the law; they are truly feral. So what action do we take? As the Minister says, we have historically contracted pest contractors to come along, we have had a couple of culls last year where we took I think 20 in one area and 15 in another area. That, up until now, has been a complaint-led system. The problem is I think if we are to consider the wider issues, i.e. the wider public concerns, then we run the danger of having an Island infested ...

Deputy K.F. Morel:

I was going to say, Deputy Gardiner and I sit on 2 different sides of the fence on this issue. I live very close to the German, not the Roman Road, and I have never seen them as a nuisance, so I am interested in understanding whether one complaint creates action on your part or whether there is a wider debate that you are being dragged into, Minister.

The Minister for the Environment:

The number I have had says we have had 40 complaints.

Director, Natural Environment:

I would say we have many, many complaints.

Deputy K.F. Morel:

I was just asking whether one does trigger action or not because people do not tend to come out, although they are now, saying: "I really do not think there is a problem with this."

Director, Natural Environment:

It is a fair question and it is unfair to seek Andy's viewpoint on that because it is an Environmental Health issue. It depends on the severity and if it is a vexatious complaint, which often we get with neighbouring properties. In reality, we do need to sit down and I think we have been hampered by our recent loss of our States Vet. We have an interim States Vet in place who will have a very pragmatic viewpoint on this. We need to sit down with him and sit down with the Environmental Health to try to establish where we go and establish what the risk is. Because, as you rightly say, there are 2 separate arguments here, how much of a health risk are they if you are driving down that road ...

Deputy K.F. Morel:

There is one house down there.

Deputy I. Gardiner:

No, it depends where you live, around the Vallée des Vaux you have enough housing, you have children riding bicycles and there are lots of things happening there but I understand that we need to get the policy. You mentioned 3 things, one of them is to take actions against the people who are feeding feral chickens, like feeding seagulls.

Director, Natural Environment:

If it is a nuisance; if it is considered to be a nuisance.

Deputy I. Gardiner:

Around that area it is in agreement you have 2 big signs: "Please do not feed the ...". Would the department be willing to take action against the specific people who are doing it on a daily basis?

The Minister for the Environment:

If we have the legal powers and we have the evidence.

Deputy I. Gardiner:

That is what I am asking; do we have the legal powers?

The Minister for the Environment:

That is why I looked at the officers. If we have the legal powers, enforcement always has to be done fairly and progressively, because I am not for over-the-top enforcement. But, nonetheless, interventions are required and they need to be effective, and that means we need legal powers and we need the evidence to do so. The Minister is not involved in those decisions of enforcement because it would be improper for him to do so. The law is it rests with the officers, the powers.

Director, Natural Environment:

It is delegated authority to, in this case, Environmental Health. You are absolutely right. The lay-reading of the law is that if a feral chicken is fed in such a way it causes a nuisance then that constitutes a nuisance under the law, so action can be taken. It comes back to ...

Deputy I. Gardiner:

It is not a preferable action, just there is a long history of conversations with the people that just decided to ignore any requests, so the reason if it is in place.

The Minister for the Environment:

If there is no enforcement that is the balance; it happens in every area of legal enforcement we come to, whatever it is, if there is no effective enforcement then people will ignore it, whereas over-the-top enforcing is oppressive to a community and should be avoided. What we try and do is have commonsense arrangements where we deal with the worst excesses of where problems occur. Obviously, from what I am hearing, is there are worst excessive issues in the site you are talking about.

[13:45]

The Connétable of Grouville:

Can I just ask, how does it work; if somebody complains about an area with feral chickens, you will automatically go out and sort the problem out, or how many complaints do you need, how does it work?

Director, Natural Environment:

Again, that is a question for Environmental Health officers, dependent on the nature and the severity and the number of complaints coming in. It would certainly be looked at if one complaint comes in, but it adds weight to the complaint if there are 2, 3, 4, a certain number of complaints coming in.

The Connétable of Grouville:

As a Constable, I hedge complaints about an area, there are lots of feral chickens, and how do I go about getting people to make sure that it is either appropriate, the amount of chickens there, or not, and is it your department that sorts that out?

Director, Natural Environment:

Well to the latter question, no, but I am answering on behalf of Andy's team in this respect, as it used to be my department. I speak from experience in terms of how it was dealt with in St. Peter where many complaints were made to Environmental Health, Environmental Health then spoke to the Constable of St. Peter, and between them they organised for the contracting of a pest control team to come and dispatch or to catch and then dispatch a number of chickens, which worked at the time.

The Connétable of Grouville:

Who paid for it?

Director, Natural Environment:

That is a very good question. I think the budget came from Environmental Health.

The Connétable of St. Brelade:

Given that, Minister, you will be aware that in St. Brelade we have a feral chicken population not far from where you live at Table Farm historically and I gather that they have been there on chicken farms since the 1930s; would you say that chickens have priority over residents who have moved in at a later stage?

The Minister for the Environment:

I am not aware that particular problem in St. Brelade is anything like as significant as what I have heard about in Vallée des Vaux.

The Connétable of St. Brelade:

In that case I will move on to plastics.

The Minister for the Environment:

I am also not aware that I have had any complaints about them. In fact my neighbours have said to me how lovely they are, they like going down and seeing them.

Deputy I. Gardiner:

Just very quick, can you please give an indication for timescale when you think you will be able to sit and to discuss it in more detail, approximate, month, 2 months, 3 months?

The Minister for the Environment:

I will be frank with you, there is a huge range of enforcement issues, the team is already very stressed, what I would not want to do is to put total priority on this. We have to find where to draw that line. What I am happy to do, I think there needs to be further meetings between yourself and the Environmental Health team, and Mr. Peggie, to try to find out where we can find a practical solution. That is what we need to do.

The Connétable of St. Brelade:

Good. Thanks very much. You kindly responded to our Reducing of Plastics in Jersey review, however there are one or 2 bits, and one particularly was recommendation R8, which recommended liaising with the dairy to investigate further the feasibility and viability of recycling Jersey's milk cartons. That was rejected. Can you expand on the reasons why this was rejected specifically and why it is not considered a priority?

The Minister for the Environment:

Can you just point me to the item on my response?

Deputy K.F. Morel:

Under recommendations of findings.

The Minister for the Environment:

I do apologise for this.

Deputy K.F. Morel:

It is amazing, we thought we condensed down.

The Minister for the Environment:

My battery keeps going flat, also in the Council of Ministers' table the power switches do not work, so you plug in your laptop, you think it is charging, and it does not. Point 8.

The Connétable of St. Brelade:

This is to do with milk cartons.

The Minister for the Environment:

We said it is not a priority.

Assistant Minister for the Environment:

Drink cartons in general are extremely difficult to recycle; there are laminates of different materials.

The Connétable of St. Brelade:

The reason we have brought this up is because we saw them being recycled in Guernsey satisfactorily and that is what ...

Assistant Minister for the Environment:

You mean collected?

The Connétable of St. Brelade:

No, recycled. They are collected and recycled, we understand they have a recipient.

Director, Environmental Policy:

I expect that the advice is to do with cost/benefit analysis of recycling and collection, so there is a fixed recycling budget and obviously out of that we have to prioritise waste streams and volumes and bang for buck, if you like, and I suspect that the current budgets to move to the collection and recycling, because it is specialist activity, you are absolutely right, it is completely doable, but it is a specialist activity and currently the budget is not there to pick up milk cartons in particular. But of course the new waste strategy will be looking at all of our volumes and all of our waste streams and trying to look at reduction as number one and then reuse obviously, if that is a potential, and recycling. So that is probably where that answer is coming from.

Director, Natural Environment:

No, I think that is about right, if you are spending a pound a kilogramme on recycling P.V.C. (Polyvinyl chloride) window frames and £3 a kilogramme on recycling drinks cartons, I think that is probably where the old D.f.I. (Department for Infrastructure), as was, budget would be targeted to offer best bang for buck for the Island's finances.

The Connétable of St. Brelade:

That brings me on to the P.V.C. windows. We realise there is a crossover with Infrastructure on this, are you working collaboratively with Infrastructure as to how P.V.C. windows might be disposed of?

Director, Natural Environment:

I think the general answer to that would be, yes, through our Eco Active Team. In terms of the very specific nature of the question, I do not know, but I can find out the answer to that question. We are working closely through both Eco Active and the waste recycling officer at D.f.I.; they work hand in glove essentially, to try to determine what the best bang for buck would be and how we then advertise that to the public or educate the public in those aspects of the best approach for the Island's recycling. Again that combination of players will be bringing forward and taking forward the Waste Strategy into the future as well.

The Connétable of St. Brelade:

It is a question of whether there will be a cost to dispose of P.V.C. windows and whether that would ...

Director, Natural Environment:

That falls within the ambit of what it is going to cost to dispose of anything. You can look to other jurisdictions globally and then wonder why they would seek to be disposing or recycling at higher rates than perhaps we as an Island are, but then you very quickly come back to the fact that we are doing everything for a very limited budget here, there is no cost associated with the disposal of domestic or commercial waste, which would then subsidise recycling programmes across Government. So I always feel that there is not necessarily a comparison in that respect, if our waste strategy were to drive behavioural change through a fiscal lever, through user-pays schemes, then I think the opportunity to recycle more, thereby linking into that question, why do we not currently recycle drinks containers, it may then become a lot more financially beneficial or financially useful to be able to.

The Connétable of St. Brelade:

In order to develop the waste strategy, do you think there is sufficient collaboration with your department and the Infrastructure Department to achieve that?

The Minister for the Environment:

This line of questioning is very important but I do think it illustrates that at the moment responsibilities are divided across Ministers, and not only across Ministers but in fact at the moment the executive support, civil servant support, is fragmented across 2 different departments, and so I am afraid, I

have to say, this is an example where greater co-ordination is needed. I certainly have not had any personal involvement in any discussions about the 2 subjects you have spoken about - plastic windows and milk cartons - but nonetheless there is an overarching policy and the overarching policy is that we need to have a waste management strategy and that should be about waste minimisation and while we progress towards reducing our waste greater recycling and recovering materials. Now I do not know where we are with that strategy.

Director, Environmental Policy:

Yes, so in the C.S.P. (Common Strategic Policy), sub-point 5, which of course you will all recall deeply obviously the requirement is to bring forward a new waste strategy, so that is a piece of new policy development that will be worked under the new model using the S.P.3 (Strategic Policy 3) department and of course the subject-matter experts from the departments themselves, which, as we have said, now is G.H.E. and it involves operations within what were the old waste teams and of course from the environmental angle as well, so a requirement to all work together on developing and delivering that strategy. There was a requirement to do it in this term of Government, the reality is, as always, the resourcing means that we have to start prioritising what, when and how, we manage to find the time and money and resources to do that work, particularly waste strategy is a quite complex one because it comes with the requirement to look at charging, which of course was highly controversial the first time around, and so obviously anything that is re-proposed will have to address some of the serious criticisms that came around the first time, so it is not a piece of policy work that can be done very quickly because there is quite a lot of old ground to rework and go over the criticisms that were previously made, I would suggest. So that piece of work is scheduled in for this term of Government. There is a little bit of pre-work going on at the moment around scoping it, so working within S.P.3 but also within the departments looking at some of the economics around some of the collection models. So that is beginning; it is a good 18-month piece of work and it is only just beginning and we have had new challenges given to the policy teams, for example the bringing forward of a carbon neutrality plan and a review of the energy plan and other key areas of policy, so we are having to schedule that in. So the reality is that the new waste strategy will probably not be in a position to be consulted on for at least 18 months, I would have thought.

The Minister for the Environment:

I think we also made the point that under our new structure the policy team is, in my view, extremely small; it is very high in quality, as you can see, but it is really severely stretched and I do wonder whether our investment in that team is adequate in order to do what we are now being asked to do.

The Connétable of St. Brelade:

I can see that.

Director, Natural Environment:

I think on top of that, the ambit of your initial question, are departments working together to deliver this, I think the answer from an operational perspective is most certainly yes, insofar as we have put the key players around the table to discuss how we move forward, co-ordinated by S.P.P.P. (Strategic Policy, Performance and Population) and through the ministerial C.S.P. and Government Plan and the opportunity to talk about that need for a policy going forward is there. So I would say that we are adequately co-ordinated at the minute, we are just at the beginning of a very long road.

The Connétable of St. Brelade:

Organic farming; have you any policies to bring forward or to incentivise an organic form of farming?

The Minister for the Environment:

Well again this is an area, which I think is predominantly, unless I am wrong, part of the Economic Development part of Growth, Housing and Development, and I think you are reporting to the Minister on that side, are you not, Mr. Peggie?

Director, Natural Environment:

The Minister is right insofar as funding has traditionally come forward to the organic sector through R.I.S. (Rural Initiative Scheme) and through R.E.S. (Rural Economy Strategy). I think historically we have also had interim payments to the organic farming industry waiting for a better organic plan for the future. So this year we, collectively as government, have upped the payments from £20 up to £43 and organic farmers are able to take advantage of the Rural Initiative Scheme payments as well. These are in line with the Mark Measures report where payments have been made in line with the Mark Measures report, which relied on criteria for payments going out. I am advised that the payments are likely to be going out any day now in terms of the structured payments.

The Connétable of Grouville:

The area of payment that has increased, is that just for organic farming?

Director, Natural Environment:

Specifically for organic farming under the new Rural Economy Strategy. I could not tell you what the payment is for conventional farming at the moment though.

The Connétable of Grouville:

Do we know if that has changed?

Director, Natural Environment:

I do not know the answer to the question, no. I specifically asked the question of the officer from Economic Development around specific organic payments.

The Minister for the Environment:

It is not a matter that gets discussed across the Environment table, this question of subsidies.

The Connétable of St. Brelade:

But soil health strategy will be, I am sure.

The Minister for the Environment:

Yes, it does.

The Connétable of St. Brelade:

We can come in on that. We understand the department is currently working with an adviser to establish a soil-monitoring framework for the Island. Can you let us know whether part of this work would involve consulting with the farming industry in order for them to have some input into what the new framework may look like?

The Minister for the Environment:

The starting point is that there are divided opinions on this, we have bodies of opinion in the Island who say that our soil is deteriorating and that this is due to intensive farming practices and we have a bigger group that say that there is no evidence for that, that there is monitoring, and that therefore those kind of extreme positions are not justified. So I have had to say I want independent scientific evidence in order to be able to do that because, as I said earlier, in all these areas I have to rely on evidence from those qualified and authoritative enough to do so. So I will hand over, if I may, on the technical details.

[14:00]

Director, Natural Environment:

Absolutely. You may know that we have engaged Cranfield University to help us with an ongoing soil strategy that is looking at soil organic matter, or that is what kicked off the discussion, soil organic matter, we are also now looking at leachability of pesticides and nitrates in various different catchments and on various different types of agricultural land, so that will be put together in an holistic soil health strategy linked into a natural capital, a wider natural capital piece of work that they are going to do for us. The intention is that we sponsor a PhD programme to advise on soil health and, to answer your question, yes indeed that would involve conversations and consultation with the farming community to try to establish what ...

The Connétable of St. Brelade:

Would you expect to engage with perhaps graduates for getting data?

Director, Natural Environment:

On Island here?

The Connétable of St. Brelade:

Yes.

Director, Natural Environment:

I would not discount that; it is probably a bit early to say how we are going to go about getting that data at the moment. We already have some. What we need to try to establish for that scientific methodology is what else we need and, after we have worked out what else we need, it is then how do we get it. So I would not discount that at the moment; it is just how we want to go about it.

The Connétable of Grouville:

What have you charged the university to do then, what is their remit?

Director, Natural Environment:

At the moment they are coming to talk to us about what they could do for us by means of a PhD and so there are, as the Minister has alluded to, differing schools of thought as to the soil health of the Island. I think the university will come and determine what our current data is showing us. We are aware that the soil health sampling that we did historically was adequate for the purposes that it was put in place. That said, as times move on, is it still adequate? Is it still a viable sampling methodology that allows us to compare favourably in terms of our size, our soil health, because it is very difficult to do that, with other jurisdictions? So that is what they are coming in to do, to try to evaluate where we are going, whether it is adequate, what we should be doing, and it is a complex science, as I am sure you are aware.

The Connétable of Grouville:

Are the farming community aware that this is what you are doing?

Director, Natural Environment:

They are aware of this through the Action for Cleaner Water Group, as I understand it, from the conversations that have been had, they are around the table.

The Minister for the Environment:

Particularly who chairs of that Cleaner Water Group.

Director, Natural Environment:

We have got Cranfield coming across on 20th, 21st of this month to talk to us about what they think the ideas could be going to the future ...

The Connétable of St. Brelade:

There seems to be a suggestion that the data we have is lacking in order for a proper policy to be developed. What is your proposed timeline?

Director, Natural Environment:

We have got Cranfield coming over; you would be looking at a 3-year PhD, potentially starting September this year, so that would be 2022 for delivery, but learning all the way along that process, so you would be looking to having milestones along the way.

The Connétable of Grouville:

Who is the lead from Cranfield University; is it the gentleman that spoke at the conference?

Director, Natural Environment:

No, he is the chap who we engaged first. We have 2 separate chaps coming across in a couple of weeks' time who will be under the auspices of, again, 2 separate professors across there whose names escape me at the moment.

The Connétable of St. Brelade:

Given that it is difficult to get messaging across and I do not know, with the comms team within central government you have access to them, do you have anything planned in terms of a public relations campaign to get a clear message across to the public as to the current condition of the soil's health in the Island?

Director, Natural Environment:

That is not something we have given consideration to yet because we dealt with the issue on a question and answer basis. I think once we have sat down with Cranfield and we have a better understanding of where we as a department want to go then, yes, a comms plan and how we are going to advertise our work, advertise any assistance required, would certainly be an advantageous thing to do.

The Minister for the Environment:

Can I ask you, Deputy Guida, who chairs that group; has it come out of that group that they want a P.R. (public relations) campaign?

Assistant Minister for the Environment:

At this stage we are not talking about the problem, we are talking about the question, so we are smart, we can see there might be something, and we are looking at it very carefully. Farmers have been very active in testing everything that matters to them for years, so they know exactly. We have a mass of data on the quality of soil as far as farming is concerned. On a slightly larger level, biodiversity, carbon content, there are questions that we can ask, but it is not a current problem, so I am not quite sure what you could be advertising except that, when a question pops up, we like to have answers.

Deputy I. Gardiner:

It is not about advertising because, as a Scrutiny Panel, we receive letters from the public, we all know about different campaigns on social media, and obviously we need to think the balance would we like to react because we will have the reaction and where it will end. The same time, we had a really good presentation from your professionals about with the site, for example, and the evidence that were presented basically contradicting what we could read through the social media. This is where we are coming, you have communication, you have evidence, and maybe this needs to be sought out in professional way.

Assistant Minister for the Environment:

The question has been asked. The answer is a little bit longer, with the site we do not have any answers ourselves, but the rest of the world does, so it is easy to collect. In this case it is about our soils and we want to see how the fare, so it will take a little while to get those answers. But the question has been asked.

The Connétable of St. Brelade:

I think realistically the public are being influenced by minority pressure groups who perhaps do not have the information that your officers do and I think a lot of people would like to hear the facts.

Assistant Minister for the Environment:

I think it is a very good question and I am personally extremely interested in the answer, but it will take a few ...

The Minister for the Environment:

What I do not do is I do not go into retaliatory mode on social media. In my view, the way social media has become, and it is disappointing, but it has become a vehicle for people to re-emphasise

and join in with a viewpoint and so therefore I think the original thoughts of it that it would be useful debating media has become less so. Therefore there is always a danger you are going to feed a process, which is going to be counterproductive. At the end of the day, I think what we try to do is to respond to the individuals, so when you have a situation like that we have had a dialogue, we have met with those who have a particular interest in this subject, with those lobbyists, and we have had the dialogue with them at several meetings and explained this; the scientific viewpoint, and given them a chance to cross-examine, if you like, the experts and that is what we tried to do. But in the end social media has its own momentum.

Director, Natural Environment:

This is a particularly good example of something that, as you say, social media grabs a hold of by the scruff of the neck. But then we do have an ability to counter that through the eco active side of our business, which is essentially our outreach and educational arm. So, to answer your question, I think it would be very useful to engage with them, the question is always there is resource and whether we can spread them so thinly over the subject matter, but that is one of the challenges that we face.

The Connétable of Grouville:

There is a link obviously between water quality and soil quality, but there was a concern brought to up at the conference last November, whenever it was, that somehow or other our soil was dying and I am hoping that the people you employ will either find that to be true, which would be horrific obviously, or perhaps dispel that myth. But, more importantly, what we can do in the future to improve soil quality further, which is really the area that is important.

The Minister for the Environment:

My impression and my recollection is that they have already said that it is not true.

Director, Natural Environment:

We have. We were concerned it; I know exactly the conversation to which you refer and we were very keen to try to dispel that myth instantly, so that was what spurred us on to speak to Cranfield to do a bit of the early work to say: "How concerned would you be with the data that we present to you now?" as opposed to what was essentially a local myth. We had that work done and our soil is far from dying, it is perfectly healthy, but we do need to try to expand on that. It may be perfectly healthy for the moment, if we are to continue our agricultural systems as we do now, will it continue to be perfectly healthy without any further intervention from us? That is really what the focus of this activity will be.

The Connétable of Grouville:

We also might be able to improve it if it is good and that is important.

Director, Natural Environment:

Indeed, absolutely.

Deputy K.F. Morel:

Talking about biodiversity, it is still early days but I was just wondering whether there are any indications as to the effectiveness of the branchage guidelines, which have been endorsed by the department?

The Minister for the Environment:

Deputy Guida has taken on this project and met with the Connétables, so I am grateful he is up to speed with all the details.

Assistant Minister for the Environment:

Yes, it is very, very early days and we have to admit that most of the work has been done, or 99 per cent of the work has been done by the verges group ...

Deputy K.F. Morel:

By which group?

Assistant Minister for the Environment:

I do not think they have an official name, but we call them the verges group, and they are ecologists from the Island who have grouped together to try to work on that because all verges or branchage flows touch many of those; we are talking about pollination, we are talking about hedgehogs being damaged, we are talking about birds nesting, everybody who is involved in that, and they have done the work, they have really worked on that. They were also quite lucky that many of the Constables went along and helped and we have reached something. Very few participated and decided to just go out, I mean all the professionals that normally do the branchage with the flails, the most damaging one, and they did tests and they found a middle ground where the branchage would be good enough not to attract fines but leave a lot of vegetation on and lead to better habitat for nesting and things like that. So there is a recipe, it is part of the guidelines, most of the professionals are aware of it because they were there, and I hope it will have an influence immediately and this year we will see something.

Deputy K.F. Morel:

One of the reasons I asked is because in St. Lawrence the hedges look different this year to last year.

Assistant Minister for the Environment:

There were a few, it is a large amount of work and unfortunately there is no magic bullet; we cannot just all of a sudden say: "We will not touch our verges and that will be fantastic for wildlife" because then nobody will be able to drive through the lanes because there is a balance to be had. But we touched on many different things and I think there will be a significant improvement. Also, almost by a lucky accident, we had the St. Ouen incident where they overcut Five Mile Road just outside the guidelines, it was a little bit too early for anybody to be aware of them, so I do not blame anybody, however this really raised awareness of the fact that just clearing the road for the sake of it makes little sense. I spent quite a few days in Guernsey recently and the side of their roads is covered with vegetation, usually flowers, and they are full of insects that it looks nice and it is probably extremely good for the environment. So now we have a different attitude and good guidelines for that and I am sure it will make a big difference.

The Connétable of Grouville:

Are the guidelines endorsed by the department?

Assistant Minister for the Environment:

They started with the department. Interestingly, this had already been done, the Environment Department had already had a 4-page document on how you should manage verges for biodiversity and wildlife. It was not very well known; it was not very well distributed, and most importantly it was ignored by the Parishes. Some of them probably had it on their desk for a while. But what we have now is a smaller document, which is a consensus between the operators, the landowners and the Constables, so it is something that is much more likely to be followed.

Deputy K.F. Morel:

Would you be able to supply a copy of that document?

Assistant Minister for the Environment:

Yes, certainly, but it is very fresh, we are talking about a week old.

Deputy K.F. Morel:

That is why, because I believe the ones we have are ...

The Connétable of Grouville:

The farming community have endorsed?

Assistant Minister for the Environment:

Yes, the major point is when the J.F.U. (Jersey Farmers' Union) suggested to do a meeting, it was supposed to be a course at first, but the idea being it can be a meeting to exchange ideas between the environmentalists, farmers and the operators of the machines, and it very quickly became a discussion on what could be best done for the operators if you cut less you work less; that is a very good thing, less money, less time, fantastic. For the environmentalists, if you cut less, more wildlife, if the Constables agree that safety is still valid. So they did manage to come to a consensus, which was fantastic.

The Connétable of Grouville:

I attended that meeting.

Assistant Minister for the Environment:

Of course, when I say "Constables" I think of ...

The Connétable of Grouville:

Exactly. You are absolutely right; the big gain is that farmers were asked if they do possibly, depending on the hedge, do one, possibly 2 passes, and not completely cut all of the hedge, which to some people looks nice. That would be acceptable to the Constables because nothing would be in the road and that is really all that concerns the Constables with regard to the branchage, it is to make sure that the lanes are passable, so that was accepted.

[14:15]

It will save money, the point was made that some landlords prefer the hedges to be manicured and that is a message that needs to get across to landowners to please think of the environment. But some of the other recommendations, I am not sure that farmers could sign up to, because some of them are a bit impractical. So that side of it, standing on a hedge and saying: "You can do this much and that will be fine to make the roads passable," but some of the things in there are somewhat impractical. One of the recommendations is that all cuttings are taken away. That is very expensive to do. For a private landowner that is very easy because they have a short length of hedge to cut and I am just surprised that farmers have said they want paying for that, but I do not think anybody is going to be going raking all the hedges to take all the debris away. So I am surprised they have signed up to that.

Director, Natural Environment:

Was it on the basis it is a recommendation as opposed to an outright requirement?

The Connétable of Grouville:

Well it is a recommendation, but we already know one Constable who has been approached because somebody is not doing it and you think, well, it is certainly nothing to do with the Constable because whether they take the sweepings away it is nothing to do with the branchage, which is our responsibility.

Assistant Minister for the Environment:

It is something that we will continue to push forward because hedges are extremely important in our biodiversity. A cultivated field has potatoes in it and it has no insects, no life, it is just potatoes, and there is nothing on the roads, that is very useful in town, so the hedges are where diversity happens, where you have the most different insects, the most different birds, where they will be nesting. So we do need to look at our hedges as our proper wildlife in the Island. I think this was a fantastic step forward and I praise the group and the Constables and the farmers for having come together and the project a little bit forward, but we will keep pressure on.

The Minister for the Environment:

It is a big step forward. Our biodiversity has been declining, this is a great move. I think we should see how it goes.

The Connétable of Grouville:

For me, as an environmentalist - I consider I am an environmentalist as well - the fact that the tops of the hedges will not need to be cut and will not be cut is a major thing. The other major step forward from the farming community, which I think you are now aware of, is that the cutting of the hedges on the inside is now being restricted to possibly every 2 or 3 years. That is a major bonus to the environment, which again is something led by the L.E.A.F. (Linking Environment and Farming), so I think there are some really big wins, but I think perhaps we are asking a bit too much of farmers to do some of these things.

Assistant Minister for the Environment:

It is guidelines.

The Connétable of Grouville:

One Constable was criticised for putting on their website, mentioning that people will be fined if they do not do their branchage properly. That cannot change I am afraid; Constables should not be criticised, it is the law that we maintain the lanes so that they can be passed down. So we are not going to be heavy-handed. In fact we had a committee meeting yesterday and said that if somebody has attempted to cut their hedge properly and there is one bit that has fallen because they have not gone quite as far as they did last year, at maximum it should be a warning. But if people just are

not going to do their branchage then we have to fine them unfortunately and we should not be criticised for making people comply with the law.

Assistant Minister for the Environment:

When we started this, we started very early with Comité des Connétables, and it was very clear that there was no touching the law, it is a road safety law, so it is not something that you are going to mess with without danger. So that was very, very clear from the beginning and I think again to have reached consensus on some aspects of it is a very, very big gain. It will keep gaining momentum because the outcome is something for us all, farmers included.

The Connétable of St. Brelade:

I am going to take us on to glyphosates, we do not have much time left. There has been, as per our conversation earlier, quite a lot of public interest and uncertainty with regard to the safety and the use of glyphosates, weed killers. We are aware from previous discussions with your department that you consider the use of glyphosates safe as there is no evidence to suggest otherwise. Again, have you thought of or planned a way in which a public relations campaign could be stimulated to get that message through to the public? It does not seem to have got through.

The Minister for the Environment:

I must admit, I have not been promoting that. Again, the public are raising issues, I think that has prompted and will prompt more and more research. At the end of the day I think, as politicians, we are advised to follow the evidence that is presented to us by those who are scientifically qualified to know. I must admit, the case on one side does seem to be mounting, we have the evidence of the U.K. cases, we have the evidence in France where they have, as I understand it, taken action to deal with domestic use of the products, and yet in Jersey, in the Islands, domestic use can freely take place, even though we know that I am advised that it is available in a diluted form in the domestic products, not in the form that is used commercially. A lot of work has been done that I have been told about about the standards and methods and techniques that are used when these products are used to try to reduce the quantities used and the waste and so on and so on, and so there has been a lot of measures in place. But, at the end of the day, I think we will be driven by what international scientific opinion says and there is no question in my mind that, if this product becomes banned in the U.K. or E.U. (European Union), as potentially I understand it may, then that will be the case here.

The Connétable of Grouville:

It has not been banned in the U.K.

The Minister for the Environment:

No, not now, but I think there is talk of it coming in the future.

The Connétable of Grouville:

You mentioned evidence in the United Kingdom; did you mean in the United States?

The Minister for the Environment:

No, the United States. The American legal cases, I only know what I have read, but the cases are putting pressure on. I think the Constable's question was have I said that we should have a campaign to say all is well and everything is safe. I think our duty is to provide proper information, not go out on a P.R. campaign myself.

Director, Natural Environment:

I could perhaps add to that and agree with that, I think we do have varying schools of thoughts on the safety, but that is what they are, schools of thought, and from rightly concerned stakeholders out there who want to know what the facts are. I think we have put out what we understand the facts to be to the best of our possible ability and that is through our own professionals here on the Island who are as qualified, if not more so, than would be required to be doing that job in the U.K. and in Europe as well. We have a 2-stage externally-driven system to determine the safety of the active ingredients in products, one being the European Pesticides Directorate and the other being the Health and Safety Executive in the U.K., who are the determining regulators of the products. We here, as have discussed before, do not have resource, as we would not expect to have resource, to research on a day-to-day basis the efficacy or the danger of these products and so we rely very heavily on the results that come in from Europe and from the U.K. and we keep a watching brief on that. So the Minister is right, we would very much rely on those, we would not necessarily seek to advertise that this product is something that we would be advocating out there, because we do not want to be seen as defending the use of agricultural chemicals when really what we are trying to do is trying to reduce the need for agricultural chemicals. What we would say is very much that, so long as this product and active ingredient is used as on the label, then there is really nothing to worry about from a plant health or a human health perspective. We also know that of course this product is not designed and does not have the necessary biological ingredients to invade the human body, as it were, and to create problems there. It is very much a systemic product designed for plants.

The Connétable of St. Brelade:

A couple of quick ones, Minister, if I may. The "Make it law to stop hit and run for cats", the P.30, what is ...

The Minister for the Environment:

I have delegated the States Decision to my excellent Assistant Minister, Deputy Guida, because the proposition was quite specific, Road Traffic (Jersey) Law, which does not come under me, which

comes under the Minister for Infrastructure, and Animal Welfare (Jersey) Law, which does, and under my scheme of delegation. Because, to be fair, during the debate I looked through the law and it does say the law is there to prevent cruelty to animals and it defines what a domestic animal is.

The Connétable of St. Brelade:

I think I am sure you have read the Animal Welfare Law over several times, but it strikes me that even that, I do not think there is much doubt that the Road Traffic Law does not lend itself really to this, the Animal Welfare Law might. But have you decided how that might be done; would it be by another Article within that law? None of the existing Articles seem to align quite right as far as I can see.

Assistant Minister for the Environment:

The proposition asks for consultation. I suppose they were talking about professional consultation and that is exactly what we are going to do. We are going to ask the legal advisers where in the law we can insert something to make it stronger. Again, it has been before the Assembly 4 or 5 years ago, we looked at the problem when the petition reached the high enough number, and we still feel that the existing regulations and laws are perfectly adequate and leaving any animal dying by the side of the road gets you a £10,000 fine, so you should definitely not do it. The proposition asks for more and we will provide it.

Deputy K.F. Morel:

Could I ask, I mentioned in the Assembly, because I had spoken to the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) about the role they currently perform, and it did strike me that one of the reasons people do not know about that is just because it is not promoted and the J.S.P.C.A. do not have the means to promote it. Is the potential of providing some small amount of money to the J.S.P.C.A. to promote the service they already provide and to recompense them for providing the service to the Island, is that something that you could look at as well?

Assistant Minister for the Environment:

I would not know where the budget would come from but I think it is an excellent idea. The J.S.P.C.A. provides a necessary service to the Island. If they were not there we would probably just have to make it ourselves, so I do agree with you that we should recognise that and probably help them, say this is a government service that they are providing.

The Minister for the Environment:

I agree and if it becomes possible as a result of the work Gregory is doing to make budgetary provision, I shall encourage that.

The Connétable of Grouville:

The law requires anybody to look after an injured animal, but there are people who would like an accident where the cat dies to be reported because there is a lot of heartache for families who lose a cat. That is not covered currently within the law and is that something that you will be looking at?

Assistant Minister for the Environment:

Well, yes, it is part of the consultation and it is something that we can look at. The technicalities are a little bit difficult, but I think it comes back to the same thing, if there is a body you want to involve the J.S.P.C.A., we are not going into details, but, yes, so I think they would be involved and they would have to deal with it also. We are talking about markings, chippings, collar, but it would have to be done by professionals.

The Connétable of St. Brelade:

The draft Wildlife Law ...

Assistant Minister for the Environment:

Sorry, also of course the disposal of the body has to be done by professionals. You cannot just throw it in a hedge.

The Connétable of St. Brelade:

The draft Wildlife Law, Minister, following public consultation, can you let us know where you are?

The Minister for the Environment:

Yes, I can be very brief on that. We are awaiting the draft, the consultation obviously has been completed, the updates have been given to the law draftsman, we expect to have that draft law by the end of this month or early July. We then go to yourselves and then, following your Scrutiny review, we will take on board your comments and then consider whether or not we need to amend the law before lodging. We would hope to get a States debate by the end of this year or the beginning of next year.

The Connétable of St. Brelade:

Good. I have a final question.

Deputy K.F. Morel:

5G networks, I was just wondering, we are moving closer to the rollout of the 5G networks, what work is the department undertaking to ensure it is fully up to speed with both the planning and the environmental implications that could come with them? There is still a lot of research to be done as far as planning.

[14:30]

The Minister for the Environment:

I have to see what and where I am on 5G as the material that has come to us at the Council of Ministers, which is overwhelmingly technical, the 2 aspects that are flagged up in my mind, one is what you might call the planning implications where the proliferation of 5G masts, which I understand have to be bigger and they are more numerous, and also there are technicalities, which kind of go against mast sharing I think. So there are a lot of potential implications on the planning side because nobody, but nobody, I do not believe that anybody wants to see us proliferating even more masts, particularly ones where the technicalities seem to require these sort of high numbers. The other one of course is there are those that raise issues about the radiation levels of the prevalence of these wavelengths and I think it is something that, from my point of view, I would want to be assured about it. I have not yet been able to update myself on what scientific evidence is available. I do not know if any of my colleagues believe that one can turn to any definitive evidence.

The Connétable of St. Brelade:

Well, Minister, if I may refer you to a Scrutiny Report in 2010, which looked at the emissions from telephone masts at the time, and what may be of interest to us would be the difference that 5G might make to that which prevailed before.

The Minister for the Environment:

All right.

The Connétable of St. Brelade:

Minister, I am conscious of the time and I appreciate your attendance today together with those of your officers. Thank you for your full and explicit responses and I therefore close the meeting.

[14:31]