



# Environment, Housing and Infrastructure Scrutiny

## Panel

### Quarterly Hearing

### Witness: The Minister for the Environment

Tuesday, 9th June 2020

**Panel:**

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

Deputy K.F. Morel of St. Lawrence

Connétable J.E. Le Maistre of Grouville

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

Deputy I. Gardiner of St. Helier

**Witnesses:**

Deputy J.H. Young, The Minister for the Environment

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

Mr. S. Skelton, Director, Strategy and Innovation

Mr. K. Pilley, Head of Place and Spatial Planning

Mr. W. Peggie, Director, Natural Environment

Dr. L. Magris, Head of Sustainability and Foresight

[00:00]

**Connétable M.K. Jackson of St. Brelade (Chair):**

Good morning, Minister, and welcome to the Environment, Housing and Infrastructure Scrutiny Panel quarterly hearing with you, the Minister for the Environment. I will start off by touching upon the Government Plan 2020-2023. We note that it is going to be revised in the light of the COVID-19 pandemic and is likely to become a recovery plan. The impact on Jersey's public finances will require consideration of how available public resources should be best prioritised, allocated and

used, in fact. How are you reprioritising the viability and deliverability of projects within your department please?

**The Minister for the Environment:**

the environment and the regulation team, which I take responsibility for, spend around £4 million a year in revenue and they do have a limited number of projects. But they are part of the Growth, Housing and Environment Department, which used to have a budget of around £85 million but that now is reduced to £65 million due to the move out of the Economic Development team from that section. What we have begun to discuss, I wrote to you recently setting out that we had been asked to look at, in fact all Ministers have been asked to look at, how we could cope with a 20 per cent reduction in that budgeted amount. That is something which Mr. Scate, as the chief officer, has set in train. I have made it plain that I expect to have ministerial involvement in those decisions and I am particularly concerned about the impact potentially on the very limited budgets we have in the environment and regulation team; regulation being virtually self-financing already and the environment team spending very little and seriously stretched and constrained. I would take some persuading to go along with budget reductions there. What opportunities lie, in terms of my perspective on G.H.E. (Growth, Housing and Environment), it is the body that is responsible for looking after the physical Island on which everything else in Jersey depends. I think we do need to make sure that we do not lose important investment - more investment is coming out of the crisis - and also I think there are areas where we could eliminate some costs and look at recoveries and fees and charges. I particularly say there, the potential impact of commercial waste processing. But that is not within my ministry. That I am relying on my colleagues but in turn that is a direction of travel. We have not got Andrew Scate here so Willie Peggie has been deputy, to step in. Do you want to hear from him, Chair?

**The Connétable of St. Brelade:**

Before we do, can I just ask where this proposed 20 per cent reduction direction, if I can call it that, is coming from? Is it coming from the Treasury or the Chief Minister's Department?

**The Minister for the Environment:**

I can give you my perspective and Mr. Peggie will give you more information in a moment. I have decided that I will disclose to you the request that had come from the director general as a result of corporate meetings within our civil service where they have been asked to examine the possibility of a 20 per cent reduction. So what I have said to you is my reaction to that and I put that in the letter, which I made public because I do have concerns about that. I wonder if you might invite Mr. Peggie, who can give you a more authoritative answer on the source of that.

**Director, Natural Environment:**

Good morning, apologies for my lateness. The Minister is right. This has been a top down introduction at 20 per cent across the board, which for our budget means £9 million across the piece. He is also correct though, while there is the wish to try to find that from existing budgets by reviewing projects, reviewing large scale infrastructure issues, reviewing what we are doing on a regular basis, there is also the thought process that we need to consider revenue raising potential. I think that is a direction of travel next. We have basic ideas as to how that might move forward. I think the Minister has hit the nail on the head certainly with one of them, which does not necessarily fit within our political mandate but certainly fits within the spirit of what we are looking to achieve, which is user pays across the board. That is payments for pollution essentially, so polluter pays principle. That is the direction of travel at the minute.

**The Connétable of St. Brelade:**

Do you see planning fees and such like being increased?

**The Minister for the Environment:**

Not from my point of view. We have not got into that level of detail. I think my concern about that at the moment is if I get complaints about the planning fees that they are already too high and, of course, that department now is virtually self-financing. So I think given the fact there are 2 things that have happened. First, that we are carrying a high level of vacancies and therefore costs are down. So what I think you would potentially do, if you did that, you would be putting the planning service into profit. I do not believe that would be appropriate. It may be possible under the new Public Finances Law but I would not support that.

**The Connétable of St. Brelade:**

I am going to invite any other members of the panel any questions on the Government Plan? Nothing from there in which case I will move on to the second ...

**Connétable J.E. Le Maistre of Grouville:**

I did just want to ask. Kevin said that they had increased charges on waste. That does not really come into the Environment Department's budget, does it ? Or has it crossed over?

**The Minister for the Environment:**

Perhaps I should come in there, Chairman sorry. I did try and explain that. As you know, we do not have an environment or a regulatory department. They sit within this G.H.E. budget, which is a much larger block of money. It is at that level where the director general has to manage. He has to manage effectively these budget decisions across 3 different Ministers; myself, the Minister for Infrastructure and the Minister for Children and Housing and that is obviously a difficult task. What I just shared with you is my perspective on the parts of that budget that sits within environment and

regulation but obviously I cannot ignore the bigger context of what opportunities there are for the G.H.E. budget as a whole in terms of major strategy. That is where the director general has focused his attention at the moment.

**The Connétable of Grouville:**

Thank you.

**The Minister for the Environment:**

I think you had another question, Chairman. I cannot hear you on the line at the moment.

**Deputy I. Gardiner of St. Helier:**

While the chairman will come in, it is Deputy Gardiner now. I am wondering how the negotiations about the 20 per cent cut will go between 3 Ministers within the same department? Are you sitting together and you have joined thinking or is the director general communicating with each one of you?

**The Minister for the Environment:**

It is a very good question, Deputy. I think that last year's Government Plan that process was not good because we had 4 different Ministers to deal with, including the Minister for Economic Development, Tourism, Sport and Culture. I think it was very difficult. This year I think we have got a better chance. We have got a different director general and he has pledged to do exactly what you have suggested; try and bring us together. But I think we are at the working-up detail stage. What I do not know yet is the deadlines that we are being set by the chief executive because this process is being driven by the chief executive's office and obviously all the work we are talking about would have to fit in their timetable. My concern is that time is very short. That is why the discussions that are going on about the time of the lodging period for the new fund are very important. The more that process is squeezed the more difficult it is going to do what you have suggested, which is find proper processes to resolve those issues between us.

**The Connétable of St. Brelade:**

With regard to the carbon neutral strategy and sustainable transport, although sustainable transport is not in your remit they are linked. What are your views on how they have been impacted by COVID-19?

**The Minister for the Environment:**

I have difficulty here, as you say, because I am not au fait with the detail on the Sustainable Transport Plan as I am on the carbon neutral work. There, what I have been overwhelmingly faced with since COVID, is that the executive civil service resources that have been available for this work have

effectively been very largely, if not wholly, diverted away from those projects into really essential COVID work; both working on policy, on very big areas of public health policy in a pandemic and that is a situation which is pertaining I did give an answer for carbon neutrality, which already is on the record in the States, where we would effectively, I believe, have to postpone that substantive work until the autumn. I understand on sustainable transport work I think you are going to have to put the detail to the Minister for Infrastructure because there are civil servants, I think, working on this and it is because there is no question that some of the sustainable transport work - there is money there - needs to be done in the timescale of the transition between COVID and business as normal consolidated to transport changes. So I do apologise, Chairman, I am not au fait with detail. I have been given a list of areas that are being looked at but I cannot tell you where the progress is or the timescale.

**The Connétable of St. Brelade:**

I am sure that will evolve as time goes on and when you start getting your staff back in the department. Have you had any indication when you might get your people back on to their - can I call it - proper jobs?

**The Minister for the Environment:**

No, I am afraid not. I think for example I can say now that Dr. Louise Magris, who is the leading professional - I do not know if Louise is online at the moment - she might speak for herself on this. Can I just pause and see if she is?

**Director, Environmental Policy:**

Hello, Minister and Chairman. I am on the line. I can help if you would like.

**The Connétable of St. Brelade:**

Yes, that would be helpful, Louise, thank you.

**Director, Environmental Policy:**

So elaborating on what the Minister has said, that is absolutely correct. The core policy team are currently involved in COVID responses, as you have heard. We are very much aware that the workstream around both carbon neutral and sustainable transport are as important, if not as urgent, as the COVID response. So we are currently at the moment still involved in the COVID response but officers are now beginning to be able to move back to their substantive roles. The Sustainable Transport Plan in particular, that the chair notes, is now being picked up in policy terms. G.H.E. are doing an amount of work in taking some opportunities around sustainable transport that have happened as a result of behaviour change during the pandemic. So an upsurge in cycling and walking and we are trying to capture those positive behaviour changes with the operational

department in G.H.E. But the policy development work that was outlined in the Sustainable Transport Plan, we are just getting officers back to start that rapid analysis work as well. So while there has been a pause I would like to reassure the panel that we are now beginning to revert back to picking that back up where we can, not just operationally but also the policy work as well.

**The Connétable of St. Brelade:**

Thank you, Louise. I might lead into question 3 in which you said in a response to a written question in the States on 12th May that funds for the Climate Emergency Fund of £2 million for 2020 might decrease due to a decrease in income from fuel duty. Can you expand on that further? It seems fairly obvious that that will be the situation.

**The Minister for the Environment:**

This is an issue which I had to take advice. My initial thoughts were that the £2 million sums were enshrined in the States decision in the Budget Plan and therefore would require a States decision to change that. But I do recognise the practicalities that the change in people's behaviour will have affected the revenue coming from fuel duty. So I have been corrected and perhaps I can ask Louise to outline that correction because I have had to accept that that situation that I have outlined is not the case and the budget is variable.

**Director, Environmental Policy:**

Happy to help, Minister. Yes, sadly there will be a downturn in income from fuel duty because of changed travel behaviours and of course we are advised that will be reflected in money going into the fund. So we expect that the first year's £5 million, that was of course the seed funding, will not be credited with an additional £2 million this year to bring us to £7 million by the end of the year. It will be slightly less, depending on what the fuel duty actuals look like.

[00:15]

What you will have seen in the answer 159 is that there has been an agreement by the Council of Ministers that the funding that is not spent in 2020 as a result of projects that have had to go on hold because of the pandemic issues and challenges will just be rolled forward into next year's budget. So I guess one could look at it as chiefly in the climate emergency work as being a little bit on ice where logistics and resources prevent us from making progress but will be picked up as soon as possible with the funding in place, albeit the £2 million will be less.

**The Connétable of St. Brelade:**

Likewise, I would imagine the reduction in parking charges will have an effect, given that there are not any parking charges at the moment, that department will be suffering significantly from reduced income. We did of course increase the parking charges to put into the carbon neutral strategy fund.

**Director, Environmental Policy:**

Sorry, if I could correct you there. It is not my understanding that car parking charges come into the Climate Emergency Fund. That is general revenue that goes into the department as a whole. But your principle is absolutely correct. There is a loss of income in there due to the suspension of parking charges throughout the response to the pandemic. So going back to the first question around the Government Plan and meeting more austere measures to cope with the reduction in income, that is a problem for the department because there is less income coming in as a result of parking charges being delayed and put on pause.

**The Connétable of St. Brelade:**

Just to take that a little bit deeper, Louise. It was suggested in the written answer the Minister gave on 12th May that the strategic context of the carbon neutral agenda will change as a result of COVID and will need to respond to this changed set of priorities which will recognise the importance of the climate emergency. Can you expand on that in any way?

**Director, Environmental Policy:**

Minister, would you like me to go ahead, or would you like to?

**The Minister for the Environment:**

I think when I made that answer, 12th May, we were in a very bad period of uncertainty and the key question I was troubled about is not that I thought that people's passion and determination on the climate change issue would change but nonetheless the details of how we do it and the economic situation. I think it is possible that some of the areas of environmental pressure that contribute to carbon neutrality are going to change in the new normal. I think it is taking a view of what the new normal might be. My personal aspiration, obviously it has to be as Minister for the Environment, is that we can consolidate the changes that have happened in behaviours and that we can prevent us bouncing back to the days of, if you like, free and indiscriminate use of private cars at very low cost, which has I think been really damaging to both our carbon emissions and pollution in the Island and the quality of life in urban areas and many things. So I am hoping that will not change. So I think at that stage I will pause, and that is the challenge. The uncertainty is probably the reason why it is still a tad too early to convene and try and agree how that new normal will look like. We need a little bit more time I think.

**The Connétable of St. Brelade:**

Likewise, you have indicated that it is not possible to run the originally envisaged Citizens' Assembly during the crisis. This is fundamental to the development of the long-term climate action so have you got an alternative plan at this stage or is it once again too early?

**The Minister for the Environment:**

In my head I kind of made an assumption that I thought things would get back relatively to normal in the summer and that therefore we could restart in September. I do not know whether that is the case but what we have been able to do, and I will invite Louise to give us a bit more detail in a moment. Louise has been working with the external team that we appointed to do this work in reshaping the project. I have invited Louise to discuss where there are opportunities to do things through virtual processes. I wonder if I can bring Louise in at that point please.

**Director, Environmental Policy:**

I think that is exactly right. So just to step back, there is absolutely no diminishment in the importance that the department be giving the participatory democracy process to build the long-term climate action plan. So it really is just a case of refocusing some of the strategic questions and perhaps people will feel, having faced one verbal emergency in terms of the pandemic, it may help people to focus on what these situations can look like and give them renewed focus on the economic emergency concern. So we hope to be able to frame that strategically very well when we go forward. But the convening question will remain quite similar, we think, for the Citizens' Assembly in whatever logistical format it takes. It is still about being carbon neutral. I think it is more about the way we might do that through the economic recovery process and how we can have a green rebuild to some degree. So there is lots of opportunity there, even though we are coming at this from a very serious place with the pandemic. The chair asked about the logistics, and that is a really good question. So as you know, initially we hoped to have a Citizens' Assembly that would involve a lot of face-to-face workshops. It would be convened as a jury. There would be a number of weekends where people would spend the whole day together, they would be facilitated, they would work in workshop formats, all of that sort of thing that you recall when we launched this as a proposal. I think now obviously we are moving into a new normal around physical distancing in gatherings and the ability to create discussion forums at that time. We are discussing with our advisers how they might be able to accommodate our wish for an open and transparent process where it might not be possible, for example, for facilitators to easily fly into the Island. It might not be possible easily for a large gathering. We talked about 100 people initially and that clearly would not fit with what we know about the virus transmission at the moment. One option for us is to look at an online process, and you may be aware that the U.K. (United Kingdom) Climate Emergency Citizens' Assembly began in real time. Then it finished in a virtual format. Our advisers have been involved in that. They are drawing off their experience and learning from that switch to sort of understand how productive and realistic a virtual approach is. We have all learnt during the pandemic that there are opportunities

to do things digitally, as we are today. We have a slight concern I think that we need to square off and discuss with the Minister, and possibly even the States Assembly, which is the value and depth of the discussions often are more fruitful in a face-to-face environment and in the margins of meetings. Where people break for coffee that stimulates discussion. We feel perhaps that the participants of the Citizens' Assembly process might not be as fruitful a process as we would like if it was done digitally.

**The Connétable of St. Brelade:**

I think you are absolutely right. I think we would all agree that face-to-face meetings are far more productive. There would seem little point in doing a Citizens' Assembly just for the sake of it to tick the box without it being 100 per cent effective. I am going to move us on, Minister, if I may, to the planning and regulations side of your department. In the light of the Comptroller and Auditor General's recent report on the use of enforcement powers, the G.H.E. Department was criticised for having informal, unpublicised and differing enforcement policies, especially in planning. What are you doing to address this and other recommendations made in the report?

**The Minister for the Environment:**

Understood, Chairman. I think we do have online, I hope, Peter Le Gresley. I do not know if Peter Le Gresley is online, is he? If he is not Mr Peggie may have to cover for him. But anyway I will make an introduction. I will be frank. I was really quite taken aback with the Comptroller and Auditor General's report when I received it. It was a legacy report that I understand had been done many months ago and publication in the middle of a pandemic to surprise me. What I was really disappointed about in that report, it made a whole series of very damaging complaints without recognising the context of planning enforcement work, that how difficult it is in any small community, and certainly in a small island where everybody knows everybody else, how you can achieve effective enforcement in planning transgressions. We have had quite a big history of this and of course we have complaint boards where on the one hand the officers have been criticised for being too severe and too draconian, if you like, and therefore the practice has switched, and now the officers are being criticised for being too soft. I am afraid pretty well every case that reaches me I am seeing that dilemma. Now the problem we have is one of resourcing. Once upon a time that team was stronger in number. Now it is only effectively, talking to Mr. Le Gresley who heads that team - he does not head that team only, it comes under his responsibility because he is also responsible for development control - he has 1½ people. As a result of which they have appointed a short-term contract person who has managed to reduce that caseload down I think very substantially from around 400 to around 250. But nonetheless these are very difficult and challenging cases. This is an area where we do very significantly need to have much greater resource on that task. That is something I have made very clear. I have asked the D.G. (director general) to get that under train. So my concern is that none of these things I have explained was,

in my view, adequately covered in the Comptroller and Auditor General's report that I have to say I view very much as a piece of a tick-boxing exercise of management speak where frankly there is a real issue here about how we can achieve that enforcement. But in the end there is a big policy choice. We can really upgrade and staff it and take a very strong line but would that be what the community wants.?? We have tried to run the enforcement team with the co-operation and help of people and do it by a voluntary way. I think there is a big parallel with the way that our law enforcers have had to deal with issues in this pandemic. The better way is to work with the community. So I think probably I have said enough and maybe if I can ask Mr. Peggie to deal with the staffing issues I am sure the panel will have questions about the policy issue.

**Director, Natural Environment:**

Just picking up on that issue, I had a conversation with Andy this morning and he sent me a summary of a response but picking up on that particular issue he is advising that the new target operating model for regulation does bolster resources in the compliance function and aims to bring together all land-related activity. So that will include not just planning and building control but also agricultural land law; that is the intention to agglomerate those matters. The regulation directorate has also got a new regulatory improvement function as part of the structure and this will focus on outputs of the review plus the recently conducted planning officers society review to improve the service area.

**The Connétable of St. Brelade:**

Am I right in thinking now that in the light of potential conflict from the director general, or within his remit, that that regulatory side has been passed down to you; is that the case now?

**Director, Natural Environment:**

As an interim measure, I have been in discussions with Andy Scate, yes. That is the idea for the moment but there is work to be done there to determine exactly how that is going to work. I think the improvement of suitably robust walls there to ensure that there is no conflict of interest need to be put in place. We have got that in place at a slightly less formal level but with the agreement of previous attorney generals. I think we need to bolster that and try and make it a little bit more formal to make sure that we've got full understanding from all parties, be they regulatory or from an applicant's perspective even, where the areas of responsibility lie to make sure that people properly understand that there is no conflict of interest in that respect, yes.

**The Connétable of St. Brelade:**

It is largely perceptual. I do not think there is any doubt about that and I am sure these controllers in the department are perfectly satisfactory but it does not tend to reflect well on the officers if there is a perceived conflict.

[00:30]

**Director, Natural Environment:**

I think you raise a good point. There are those out there, for want of a better phrase, who would perceive that there is a definite conflict of interest. I think with the professional protocols that are put in place between officers in the department, and indeed with our law officer colleagues, it is possible to work through it. The issue is in the clarification and making sure that essentially that is publicised to the extent that it should be.

**The Connétable of St. Brelade:**

Now some of your building control officers were deployed during the COVID-19 outbreak, are they back within the department now?

**The Minister for the Environment:**

No. Before Mr. Peggie comes in, I would like to stress that there is no question that the team, which is led by Mr. Peter Le Gresley, who heads both the development control team and at the moment, prior to the changes Mr. Peggie has described, the enforcement of function sits within him, have had a serious reduction in their staff numbers. My understanding is pretty well over half of that unit has been at one time or other diverted on to doing really essential contact tracing work, along with, as I understand it, the training standards team and if not all of the Environmental Health team. I have to tell you, I have been enormously impressed with that and I think it is really important that that was done and I believe continues to be done because I don't want to see, while it is still too early to be relaxed, to ease off on our contact tracing. We need that. That is done to serve the Island fantastically and, unlike other jurisdictions who have failed in that area, we have done well and we need to stick at it. But there is no question, the result has been that the numbers of staff available for business as usual work has significantly reduced and, as a result, the throughput. Mr. Le Gresley, unfortunately I would like him to have been here. It is my fault probably that I did not alert him but the planning function is probably running at less than 50 per cent at the moment on applications. The Planning Committee is meeting less frequently and doing it online. At the moment, the nature of the applications they have dealt with have been what you might call the more minor and uncontroversial matters and the big decisions, the controversial ones with lots of objectors, have not been dealt with through the virtual system. I think there is discussion going on with the chairman of the Planning Committee, Deputy Russell Labey, as to what is before them I also have to say that the planning appeals function is effectively on hold. That is because it is not possible to get planning inspectors to the Island. We are dealing with the stuff that is in the pipeline but other than that I am afraid others are on hold. So the planning system has suffered and with it the building control function. What I have said applies equally to them. a lot of construction sites stop work effectively so, if you like, for a period that helped us but as the construction sites open out that is potentially

more of a problem. we have given the building control officers the job of including in their site visits, comments and checking on the social distancing in accordance with the construction permits that are out there. I am afraid Building Control is an area that has been affected. At the moment I cannot give you an update and maybe Mr. Peggie will. I know there is a programme of recruitment and this is probably the time I need to bring in Mr. Peggie with his recruitment programme and the way they are trying to get out of the situation I described. But I want to be clear, I think that was the right thing to do. Absolutely the right thing to do.

**The Connétable of St. Brelade:**

Thank you, Minister. Just before, Willie, you come in, Connétable Le Maistre has a question.

**The Connétable of Grouville:**

Yes, I just wanted to ask the Minister really. I think he is saying that because of the pandemic the planning control officers have been stretched, to say the least. When will things get back to normal?

**The Minister for the Environment:**

I wish I could say when. , this is where I need to know as well, because I am under pressure. I am getting a lot of concerns being expressed to me about the importance for economic recovery but I am quite clear, I do not share the view that I have heard espoused that we should relax regulation and that we should try and build our way out of, if you like, the economic problem. But I think if I can invite please Mr. Peggie to come in here.

**Director, Natural Environment:**

Yes, I think it is important to note that at the peak of our participation we have had 33 members of staff involved in contact tracing across the piece, which is no mean feat. At the moment we are down to 22 and the Minister is right, we are involved now in working with getting them back into business as usual. That is not finalised yet. It is being discussed at the corporate level at the moment. In terms of timescales we are not entirely sure when that is going to be. The discussions are ongoing at D.G. level and, as you would rightly say, Minister, there has been a bit of a sterling effort there. The staff who have been involved are pretty tired. So a quick resolution to this would be very much welcomed. Because not only do we need to spread the responsibility back into Government but there is an ever-increasing level of business as usual that is coming back into play with the opening up of the various stages of COVID response. So we would very much welcome a quick resolution to this.

**The Minister for the Environment:**

I think it should be recognised, Chairman, that people have been working I believe weekends and evenings so it is not a question of 9.00 to 5.00. Sorry to interrupt there, Chairman.

**The Connétable of St. Brelade:**

I support exactly what you say and I have great admiration for those who are putting in enormous hours to support us in this. Are you conscious that there may be some building works that are continuing outside planning consent, and given the lack of monitoring levels are you aware of any of this going on at the moment?

**The Minister for the Environment:**

It is interesting. I think certainly when the lockdown came I was in receipt personally of a very large number of phone calls of people expressing concern about adjacent building sites still operating, not social distancing and so on. Initially we brought in the permitting system where at the moment I have heard nothing negative about that. What I was very interested in was the recent figures that were presented to States Members about the low proportion of construction industry workers that are back at work. I think probably that is the best indicator to go on. But the level of complaints reaching me about construction work on sites has now kind of faded away almost to normal. What I am getting complaints about is where you have got enforcement breaches. I am getting a lot of complaints about where there are alleged planning - I say "alleged" - transgressions and also work in anti-social hours and anti-social working practices of noise, extreme noise late into the evening, 9.00 at night working. I am getting complaints about those, which of course are public health nuisance issues because we normally have on the construction site hours of operation, which are not a planning condition but are a public health nuisance direction. That clearly is now not happening. It is now being breached and it is something I have asked the officers to do. I have had advice that I do need to reform and improve and sharpen up the public health nuisance laws, which I am proposing to do. But at the moment the team is, I am afraid, just far too stretched to be able to even think about that at the moment.

**Director, Natural Environment:**

If I could just perhaps update you on - going back to the inspections onsite that we have been undertaking through the COVID process - I am not sure whether you have had any sight of what has been going on there in terms of construction site visits. But up until 2nd June this year we have had 171 site inspections being carried out by our officers and the majority of which would appear to have been relatively impressively safe. We have rank-stated them and so we have had 6 reds, 15 ambers and 150 green status, which shows that the construction industry are very much paying attention to the requirements for special COVID requirements onsite.

**The Connétable of St. Brelade:**

That is pleasing to hear that.

**Deputy K.F. Morel of St. Lawrence:**

May I ask a question? It is just to go back to the Minister and I may have misunderstood but, Minister, are you saying that it is because of resources the department has not been able to undertake public health inquiries when they are made to the department? Sorry, not public health, Environmental Health inquiries.

**The Minister for the Environment:**

I think this is where I have not had a full report so I am not able to give you a balanced view. But what I can do is give you an answer by giving you an impression of the complaints that reach me, because my experience that when there are problems I tend to hear about them through emails. At the moment it is true to say that our public health expert team have substantially diverted away because of the public health emergency and COVID work, and therefore the work, for example, on housing regulation, which they would normally do - housing complaints which I believe are being affected - but nonetheless what we have had to do is where we get priority cases and where I get those complaints I ask the officers to deal with. I do not know, have we got Caroline Maffia on the call here? She is deputising for Alison de Bourcier who leads that team who is working flat out. She is contact tracing so she is not available. I do not think we have got an Environmental Health person on, have we?

**Director, Natural Environment:**

I think not, Minister, but I am just conscious that we have got a bare minimum of 2 members of their staff currently working on what would traditionally be considered Environmental Health matters because everybody else has been seconded on to contact tracing through COVID. The intention being hopefully, as I say, we have got Andy Scate-level discussions going on about trying to get everybody back into the swing of things, as it were, by end of June, mid-July but, as I say, that timescale has yet to be confirmed.

**The Minister for the Environment:**

Can I add that there is a big issue here? I think one of the lessons we have learned in COVID is that desperate importance of the link between environment and health. In my view, we have under-invested, we have not given sufficient weight to the teams of people, the expertise that we need to build up that capability and resource so that we are better placed in the future to deal with problems which affect the health of our community. I have asked Mr. Scate and I have asked Dr. Turnbull, our medical officer of health, and the chief executive to - I think I have asked the chief executive - convene meetings so we can see how we organise ourselves so beyond the pandemic we are better placed and better resourced to deal with this.

**The Connétable of St. Brelade:**

I am sure there will be much to do. Deputy Gardiner, you have a question.

**Deputy I. Gardiner:**

I would like to follow up as we do have a question about Environmental Health but I will deal with it now. Minister, recently I had personally a couple of complaints about smoke, dust, noise, which are all connected to the Environmental Health, the telephone somehow has not been picked up. What would you suggest in the meantime, when we realise that the team is redeployed and you have limited resources, how we should address these issues that are coming from the parishioners?

**The Minister for the Environment:**

I would like to deal with the issue of communication. Communications I do believe probably have been disrupted during the pandemic on these sort of matters. What I am still trying to understand now, I am getting between 4, 5, maybe 6, calls on such routine matters myself at home now, which is unusual, and they are very wide-ranging. Right across the whole field of all sorts of issues I am getting. So I have asked the ministerial support team to have a look at that because I think at the moment that is a symptom. On the substantive issue, I think the issue of noise regulation, in my opinion, has long been an area we need to do more. I think because there is a strong link I believe between noise, impact on people and their mental health. That is something where I think requires us to upgrade legislation, and that is a project on its own. On terms of air pollution of smoke, and that does annoy people and I will be frank, it annoys me.

[00:45]

That where on beautiful lovely sunny days with no wind, people light bonfires and everybody around has to breathe this stuff. For asthmatics and others with breathing difficulties it is a terrible problem. We do not have a law on this at the moment, there is no equivalent of the Clean Air Act type thing that was done in London and there are all sorts of issues about wood smoke and so on where we do not have any regulated frameworks. That is something that I would like to see done, but apologies to Deputy Gardiner, I am afraid I do not have the resource at the moment and, of course, the list of legislation that we are waiting for because the law officers are working and concentrating on COVID stuff. There is just such a long list that we are talking ... you know I just do not know when this stuff will get done.

**Deputy I. Gardiner:**

It would be good to follow up the communication part because, as you said, the communication between the residents and the Environmental Health Department was interrupted but the complaints are still there and the issues are still there so at least we can tell the public: "If you have a problem,

this is the way that you can communicate with us directly” because now it feels as if there is a breakage in the communication.

**The Minister for the Environment:**

Right, well my number is everywhere and this is why I get the calls; I suspect because I am the Minister. I do not mind doing that. I do my best when I get them but I have to refer them to officers and that is where we run into a resource issue.

**The Connétable of St. Brelade:**

Minister, I am going to take us on to the Island Plan. You have previously spoken about trying to get the Council of Ministers to dovetail the Island Plan timetable with the population or migration policy timetable. Given that the Island Plan publication may be delayed beyond September 2020, are you still keen for that to happen?

**The Minister for the Environment:**

We have had to have a very big rethink. I think, as you know, I had that discussion with the Council. In the run up to COVID I had taken that position publicly all along because we are dealing with a 10-year plan. Now, I believe I have been asked, as I said in my recent answer in the States, to produce a plan before the next elections. I am going to invite the officers to speak in a moment. The officers and I have been working up a detailed plan of how we might do that and that report is due to go to the Council of Ministers tomorrow, and I gave a public answer to Deputy Maçon at the last States to the effect that I will be having an interim debate in the States about that very thing. I can tell you that at the moment - I think I will disclose it - the proposal that I am taking to C.O.M. (Council of Ministers) is that we have what we call a bridging Island Plan and that is for a 3-year period. Therefore I think we will have to make assumptions and therefore that link potentially is detached. But I would like, before you follow that up, to ask Steve Skelton or Kevin Pilley to comment. Perhaps I should start with Steve, if I may please, Chair?

**Director, Strategy and Innovation:**

Thank you very much, Minister. I think as has been covered a number of times during the conversation so far, the pandemic has had a range of impacts on our work and that is both in the immediate sense of diverting the team on to other matters but it also creates a degree of uncertainty in the future context, which can create challenges for developing long-term policy. So out of the ministerial conversation, which has requested a plan before the end of this term of Government, we have been working to understand in a little bit more detail which elements of the planning regime are at a point where the policy can be set with more confidence and which elements are subject to greater uncertainty. That has led to this proposal that the Minister outlines for a bridging plan which can provide progress in those policy areas where we can have confidence and a more bespoke

interim policy regime in those areas, where we might expect the next few years to be different to the longer-term trajectory for the Island. That is primarily in areas of economic response to the pandemic. We know that the economy is very closely associated with levels of inward migration in Jersey, so they are 2 areas where it is likely that it will be difficult to build long-term policy on that shorter-term evidence base. As the Minister suggests, that has been worked up into a proposal that is due to be considered by Ministers.

**The Connétable of St. Brelade:**

That would seem sensible.

**The Connétable of Grouville:**

Steve, I know, was involved in the process of assessing sites for housing and obviously I know he has been involved in other things at the moment, has that process been going on in the background, because obviously we are short of housing at the moment and before 2022 we will need to have some sites rezoned?

**Director, Strategy and Innovation:**

I could probably give 2 answers to that and perhaps let Kevin speak to the second one. I think the first in general is to say we are very conscious of the housing situation in the Island and I think one of the reasons that the wider Council of Ministers are keen to progress the Island Plan is exactly to deal with some of the challenges that underlie that housing situation. That is both in respect of market housing and particularly some of the conversations we have had with the Connétables in different parts of the Island but also in respect of affordable and key worker housing, which has been an issue for a while now. We are certainly thinking about this bridging Island Plan as something that could expedite work in those areas. In terms of the question around the specific ongoing assessment of random sites, I would have to ask Kevin to pick that up.

**The Connétable of St. Saviour:**

May I ask a question, please, Chair? We note that there are quite a few sites on hold, sort of thing, for the hospital. If these sites are rejected could they go for housing instead?

**The Minister for the Environment:**

Perhaps I should just briefly come in because what my intention is, if the Council of Ministers approve this plan tomorrow, is to bring a discussion paper into the States for an in-committee debate as soon as I can. The issues that Members are raising are exactly as what we would expect, we have the issue of the hospital, we have the issue of housing sites and we have urban issues and so on. There are a number of issues which I think the work that we have done, I have done with the officers, clearly indicates ... would form part of a bridging plan. But what is in and what is out, I think we do

... first of all, I hope that the Council of Ministers tomorrow are able to allow me to go ahead with this and then the current discussion document that is in the States will be removed and a new one highlighting both the changes in the process for the plan and what is in and what is out, if you like, and that will be an in-committee debate. Rather than try and pre-empt that discussion, because I am absolutely clear there needs to be a very broad political debate on those questions with Members and, of course, after that I think the public as well. I am sorry if I interfered with your question there, Connétable of St. Saviour. Do you want me to bring in Steve Skelton now and answer the detail, or Kevin?

**The Connétable of St. Saviour:**

No, I think you have been fair with that, it is just that if these sites were big enough for a hospital and they are going to be rejected, we could put a whole lot of homes there and that is just something that I was thinking of.

**The Minister for the Environment:**

Yes, there is quite a long list of issues there that just cannot be left and there is no question about that. Key in my mind will be the decisions about what we do with all of these States-owned sites or big sites around the area. At the moment my feeling is the whole situation has been almost ... I do not know what you call it, logjammed, moribund or what. There are no decisions going on and I am very, very clear that I will not support piecemeal decision making, where we make a decision on one site without knowing what are the effects on another one and so on. That is the challenge in the plan that I want to have. I have made it quite plain to the chief executive and the Council of Ministers every time I can, we need that big property strategy. In my view, that is an essential component of the interim bridging Island Plan that we have spoken of. But that is only my view, Chair.

**The Connétable of St. Saviour:**

Thank you very much, and good luck tomorrow.

**The Connétable of Grouville:**

Chair, just part of my question was I just wanted to clarified whether the assessment of housing sites was carrying on in the background at the moment or whether that has ...

**The Minister for the Environment:**

Can I ask Kevin Pilley to please help, Chair?

**Director, Planning Policy:**

Yes, thank you, Chair. I am happy to answer that question. Yes, Constable, the work on the assessment of site that has come in through the call-for-sites process is ongoing, so we are

assessing those sites as a matter of course as we would do anyway. That work is being progressed in the background and that work would be released at the same time we published a draft plan.

**Deputy K.F. Morel:**

Minister, as the Environment Panel we received a presentation where it was quite clear that you and the department favoured an Island Plan process which finished after the elections. Why have you changed your mind on that?

**The Minister for the Environment:**

I suppose I have listened to advice, I have listened to the views of other people. Key to me is that the previous discussion we had was on a rather different principle. It was about how we can produce a 10-year plan in the current circumstances and I think that is why ... certainly I have asked for the advice from our external advisers who are a major international practice and that advice has helped me a lot in thinking, and this suggestion that we can have a plan for this bridging interim period, and that will then give the States the opportunity to then deal with the long term after then. I think the timing now works because not only have I had the advice of professional advisers on planning, land use planning, but I have also been able to see the reports of the Fiscal Panel, the financial work that has been done about the economic recovery which clearly shows that Jersey is going to go through this period of economic recovery which will last potentially for around 3 years. So therefore having a plan for this interim, I think, is a good plan. I was convinced of that. Initially I did not see that possibility but I also think now that it is a very good job, it is a very good opportunity for us to, if you like, hopefully clear the decks of those issues that have been hanging around for ages so that the new States in 2022 can legitimately then, when things have settled and the COVID pandemic is well behind us they can then set the course for the next decade for the Island. I think that will be on the new normal. I expect we will see different things, the way officers are used, about the migration requirements for the Island, what skills, what industries what ... you know, we will know by then the shape of tourism and so on, which at the moment we do not.

**Deputy K.F. Morel:**

Sorry, I did not mean to cut you off, I thought you had paused, sorry.

**The Minister for the Environment:**

Sorry, Deputy, carry on.

**Deputy K.F. Morel:**

Obviously if you do go ahead with any sort of plan, whether it is interim or whether it is a 10-year plan, there is going to be restricted time in which to do that. So will you be able to promise the same length of opportunity for the public consultation and will you not be cutting back on the opportunity

for the public to consult because regardless of how long the plan is, the buildings that could get built as a result of that are therefore our lifeline. So the public will want just as much opportunity to speak.

**The Minister for the Environment:**

An excellent question, Deputy. Of course up until now in all my comments in this hearing on this subject so far I have concentrated on the substance of the scope of the plan and so on but there is no question there are equally very, very big questions about the process that we would need to follow to do, if you like, a bridging plan in this timetable. There will have to be changes, which I think will have an impact on the opportunities there are for the public and for the States to contribute fully. Because the key that I wanted to have in my original vision of the Island Plan, having done this in other places, was to present the plan that had a really very, very high degree of public and political engagement. Now I think the processes have had to be modified. I want to hear the views of States Members on the document that we will put together in the in-committee debate and I think probably I should reserve my position as to whether or not I think we can do that or not. I do not know whether Mr. Skelton or Mr. Pilley ...

[01:00]

**Deputy K.F. Morel:**

Sorry, before we go to Mr. Skelton if I could just say, it sounds like this interim plan could be used as a way to force through controversial projects without the public being given appropriate say. How will you ensure that that is not the case?

**The Minister for the Environment:**

I think this is where politics, if you like, rules. I think whether my colleague Members like this or not, under the law the only person that can present a plan to the States for approval is the person, the Member, that holds the office of the Minister for the Environment. My judgment is that I would not be party to things being railroaded through. But in the end I am only one Member and I am accountable for what I do and present to the Assembly. I am going to be in the hands of all Members of the States on this.

**The Connétable of St. Brelade:**

Thank you, Minister, I look forward to the in-committee debate. We note that the Willie Miller open design consultation of St. Helier has now been completed. We were expecting a report early in 2020; are you able to share that with us at this stage?

**The Minister for the Environment:**

Can I pass it over to my colleagues, I am not sure if it is Kevin or Steve?

**Director, Planning Policy:**

I am happy to answer that, Chair. Yes, we are in the final stages of working with Willie Miller to finalise that report and to be able to release that, Chair. That work has been affected by the pandemic in terms of its progress but it is in train and it will be released shortly, as will a number of the original evidence-based reports that were commissioned as part of the original Island Plan review. So that includes things like the landscape and seascape character appraisal work as well. As those background reports are completed they will be released as part of the new Island Plan review programme.

**The Connétable of St. Brelade:**

Thank you. I am going to move now away from planning and on to the draft Wildlife Law. The draft Wildlife (Jersey) Law proposed, has COVID-19 actually given you pause for thought on some of the proposals put in this law, for example, protecting a wild animal or its den within the living area of a dwelling house. Does this mean that home owners would have to dwell alongside wildlife in their homes, in some cases with entire areas being reserved for the sole use of protected species? We wonder whether you are advising that in the light of the knowledge bats and other animals are known to be transmitters of disease, COVID-19 included?

**The Minister for the Environment:**

Can I just introduce this before I hand over? I think this is an area where this area has been led by my Assistant Minister, Deputy Guida, and I think it would be appropriate for him to start off with that and then bring in Mr. Peggie who is leading that project. Could I do that, please, Chair?

**The Connétable of St. Brelade:**

Indeed, thank you. Morning, Deputy Guida.

**Assistant Minister for the Environment (1):**

Good morning. Bats have not been found to carry COVID-19 at this stage, many other species of animals, mammals, the household cat for example, have been instead so we do not think there is any risk we should worry about between bats and human transmission. It is also not in any animal we are in physical contact with very often so compared with rats, mice, all sorts of species of birds, the transmission risk is extremely low. It is not an animal that is considered in Europe as a risk of transmission because we do not catch them and we do not eat them.

**The Connétable of St. Saviour:**

Very well put, thank you very much.

**The Connétable of St. Brelade:**

So have you consulted with any environmental health experts in the consultation of this law or do you intend to?

**The Minister for the Environment:**

Who wants to answer this, Gregory or William?

**Director, Natural Environment:**

I can answer that if you would like me to, Gregory, I am comfortable.

**Assistant Minister for the Environment (1):**

Yes, please go ahead, William, and I will complete if I think there is anything missing.

**Director, Natural Environment:**

Fine, thank you. There was no specific consultation with environmental health colleagues but rather there was reference to existing research that has been undertaken. I point us to Mollentze and Streicker 2020, which shows that bats are not shown to host any more human disease causing zoonotic viruses than any other groups of animals. I think there is quite a lot of doctrine out there that supports this. Indeed there is a range of advice for homeowners that we pointed to within our amended legislation, which is specifically around bats that can give some understanding of the ... I was going to say the risk, but the lack of risk around this area.

**The Connétable of St. Brelade:**

Have you considered widening your consultation to include architects, engineers, builders and homeowners on the implications to homeowners of proceeding with the draft law?

**Assistant Minister for the Environment (1):**

William, I am sorry, I would love to come in here, and you will correct me if I am wrong. I think there has been a misunderstanding because there is a change in wording between the 2000 law and the new draft. This change in wording is not a new policy, it is a typo in the original law. The only protection that we can give bats is to make sure that they can live in roofs and attics, that is where they live in Jersey. They also have roosts in trees at certain periods but they mostly live in roofs and attics so if we want to protect them at all that is how we protect them. We allow for removal of bats that are in the living area of a dwelling and that is what was meant in the 2000 law because of an error it just happened to not be there in the actual article. So the intent has not changed within 2000; we are protecting bats in their habitat which is roofs and attics.

**The Connétable of St. Brelade:**

Thank you, I am going to move to ...

**The Connétable of St. Saviour:**

Sorry, Chair, could I just ask a question about bats?

**The Connétable of St. Brelade:**

Please go ahead.

**The Connétable of St. Saviour:**

Because we have had this recent experience on the farm at home, why if you are doing something do we have to pay for people to sit night after night counting bats coming in and coming out when we know that they are there? Then we are made to build homes for them, which they do not want and they are going to move off or try and get to where they were originally. That is okay but it is the expense of having someone sitting night after night counting them; why is that in the law, please?

**Assistant Minister for the Environment (1):**

I can help with that. For the time being it is the only way we have found ... sorry, we need a formal survey conducted by professionals to know exactly what sort of roosts we have, how many bats use it and what sort of protection or mitigation we can apply. The current system is not the best that it could be. Ideally you would want the whole community to pay for the protection of bats and right now because it is homeowners who are trying to do up their homes who have to pay the whole cost at random, depending on whether they have a risk of having bats, whether bats have been seen. It is not very equitable. It would be better if we could have a fund for that sort of thing and do the surveys out of that so that everybody in the Island protects all of our wildlife.

**The Connétable of St. Brelade:**

Minister, rented dwellings. You are proceeding with the lodging for the debate in September 2020 of P.106, the Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations. You have told us that existing landlords that fail to licence their property within the grandfather rights period would have to pay £100 for their first licence and the property will be inspected. You propose a grandfather period of 6 months; what is your reasoning for that period, please?

**The Minister for the Environment:**

Well, I wanted to give a reasonable period so that if the States do approve the law that properties from the day that the law comes into effect, that all of the existing properties which are rented out would have a trouble-free process to allow them to register. Therefore because they would not require inspections, if you like, the licence would automatically be approved and that they would not ... and part of proposal is they would not be required to pay a fee for that licensing until the expiry

of their first 2-year licence. I discussed this with my Assistant Ministers and the officer teams and I considered that a 6-month period was probably better than the earlier date that was being spoken about of 3 months. There are a large number of properties and also I wanted to make sure that the systems that we have in place for doing that registration and licensing are capable of doing this efficiently and online. Therefore there should be a seamless transmission. That would then lead to a situation that after the expiry of that grandfather period then any property that was coming into the system new as a rented property would then have to go through the application and potentially be subject to inspection. I have to remind you they would not all be inspected but some would. They would be subject to inspection and therefore I think we thought the flow of work could work for the housing team in a way which is much more kind of stripped down and practical and less complications. That is what was in my proposal that I wrote to you about. Of course everything I have said is yet to be published openly in the States because at the moment I have asked for an amendment to facilitate that which involves changing the dates but that is still in the queue of law drafting. I do not know if any of my political colleagues want to comment on that but my understanding is that is supported by the Minister for Children and Housing as well.

**The Connétable of St. Brelade:**

There is a suggestion that there is a lack of linkage between maybe the Social Services Department because we already have the Control of Housing and Work (Jersey) Law 2012 whereby it is mandatory to notify a change of address. So that Minister, if that is legislation comes under her, will encompass the names and addresses of people within the Island. Is there a correlation between your department's needs and those in any way?

**The Minister for the Environment:**

Well, Chair, I think we have had this debate and discussion on several previous times. It was one of the elements brought into the previous debate, the one that stalled, as it were. All of the inquiries that I have made shows that that law, which is administered by the Chief Minister's Department, does not include the basis of a register. What the register that is proposed would be is a register of properties which are rented as homes. Everything that I have been told, informed, is that there is no equivalent there. I do not know if my colleagues want to comment or whether any of my officers are available, but I do not believe that is the case. Because if I thought there was a duplication, I would not be proceeding with this. There is no duplication. If I can add, in my opinion the fact that we are doing this - I am also proposing to do the bridged Island Plan for the 3-year period - makes it imperative that we have much greater clarity and certainty about the base that we are working from of stock of rented dwellings in the Island. We need that information.

**The Connétable of St. Brelade:**

That is understood. I am conscious of the time, Minister, and I am going to move on to the Jersey National Park and Coastal National Park or Marine Conservation Area. What is the progress with regard to the determination of the areas known as the Jersey National Park, the Coastal National Park and the Marine Conservation Area?

**The Minister for the Environment:**

Let us be straightforward, unfortunately these terms are often used as being the same thing. They are not. At the moment the Coastal National Park is a planning zone and it is also the name which is the planning zone in the Island Plan and it contains special planning policies. It is also the area that covers the responsibilities that the Minister for Economic Development, Tourism, Sport and Culture has done for promoting recreation and tourism within that area. At the moment those boundaries are coterminous, they are the same.

[01:15]

I have made it plain that in the Island Plan the planning zone will not have the same boundaries and when we do the bridging Island Plan, that work has been done, we are able to sort that out. In terms of the other, which I think you called the Marine ...

**The Connétable of St. Brelade:**

Marine Conservation Area.

**The Minister for the Environment:**

Yes, this is a concept that I believe is much supported by our Minister for Economic Development, Tourism, Sport and Culture. I think there is a lot of work to do in that. On Radio 4 the other day they were talking about the effects of these schemes, 40 per cent of maritime waters in the U.K. are within such zones but there is no question that those zones have to live side by side and happily with a sustainable fishing industry and therefore trying to deal with that without taking on board and working with your fishing industry to define that in great detail, would be a mistake. It is a huge amount of work and that is the direction of travel that I propose and will stick to. I would just flag up, anybody dealing with anything to do with fishing regulation at the current time with Brexit, the whole business with COVID, the French, we have to take that industry with us and I am determined that is going to be the case. So there is a strong role for conservation areas defined where the fishermen agree that the fishing effort will be managed or not take place and there is plenty of experiences elsewhere but that is not just a matter of drawing a line around the sea and saying: "Here is the Maritime Protection Zone", far from it. There is a big project there, Chair, so we could probably have a whole session on that.

**The Connétable of St. Brelade:**

What about structures in the sea for renewable energy? Have you involved the Minister for Infrastructure in that? Does that come under his remit?

**The Minister for the Environment:**

I think I will maybe have to ask Steve or Kevin because the issue of how far we are able to go in the infrastructure projects in the Island Plan is difficult. Can I ask Steve or Kevin?

**Director, Planning Policy:**

I am happy to deal with that, Minister. As part of the Island Plan review, as the Minister said, we will look to undertake a range of policy reviews and one of those is the review of the planning policies that we have that apply to the marine environment. The current Island Plan just has one catch all policy that applies to the whole of the marine environment at the moment. As part of this Island Plan review we are looking to develop that further so that we have a richer policy regime for activities in the marine environment and that will include hopefully things such as renewable energy, issues such as conservation of biodiversity and matters such as the shoreline management issues that the Island faces. So we are looking to develop, as I say, a richer policy regime as part of the Island Plan review and we have been talking to key stakeholders within Government as part of that process. Obviously that will be involving consultation with wider stakeholders as the plan progresses through its various stages

**The Connétable of St. Brelade:**

Minister, the Soil Health Strategy, can you give an update on the monitoring programme which I believe was being undertaken?

**The Minister for the Environment:**

Mr. Peggie or Deputy Guida, I think.

**Director, Natural Environment:**

I am very happy to give an update on that. This pertains to work that we have engaged with colleagues at Cranfield University, the soil science laboratories over there. We have essentially got 3 areas of work ongoing at the moment, 2 of which are related to the wider strategic soil quality and enhancement issues for the Island, they are linked to academic processes and potential PhDs. Up until the COVID crisis came into place we were having quite good discussions about what would be involved in that and the likely costs. Since COVID came into place both we, as you heard earlier on, and Cranfield University staff have had to focus on various different areas and so things have slowed up a bit in that respect. That does not mean that we are not looking at it. The one area that we are making quite urgent progress on is to do with a specific product, velum prime, which is a

trade name for a nematicide for potatoes. The problem being at the minute that it is a new product and it is deemed to be potentially too leachable for use in Jersey soil. So we are working with Cranfield and doing a lot of research across here ourselves to determine whether that is the case and whether long-term exposure to this nematicide is going to be something that is going to either benefit or disbenefit the potato industry. So that is the focus of work that our guys in the scientific labs are on at the moment. The wider strategic stuff we will get back to once COVID settles down a bit more is probably the summary position there.

**The Connétable of St. Brelade:**

Thank you. The preservation of trees, Minister. We have previously discussed the practice of some developers felling all trees on a site they have acquired prior to submitting a planning application for the development. Can you give an update on proposals to bring an amendment to the law to prevent this?

**The Minister for the Environment:**

I wish I could. I have signed a Ministerial Decision some months ago that this be added to the list of changes to the planning and building law we have in the pipeline. It is a matter of serious regret, and the officers know this, that that list has been outstanding now, as far as I am concerned for almost 2 years, and I am just so frustrated that I cannot see when it will be achieved ... I wish I could be more positive about it but our lack of law resources is just so restricting us at the moment. Deputy Guida and I are passionate this has to be done and I think not a week goes past without me getting complaints that it is quite clear now that when you have issues of wildlife on site that the practice of many developers, not all, there are some exceptions, but many developers just take the view to clear the site, destroy the vegetation, destroy any species on it and then knock the trees and they will not have any risk of having any wildlife assessments. They will not have conditions pertaining to wildlife and so on. That is something that I am determined to put right .

**The Connétable of St. Brelade:**

The Food Safety Law, Minister: can you update the panel of the progress on the draft Food Safety Law and will it be revised in the light of the COVID-19 outbreak.

**Scrutiny Officer:**

Can I just interrupt you? Sorry, it has suddenly just gone off from live, so we have suddenly gone back on to pre-live. I have just been having a look and it seems that there has been a fault with the server.

**The Connétable of St. Brelade:**

How much did we miss?

**Scrutiny Officer:**

About 20 seconds ago. I will see if I can sort this out and then I will let you know when we can go back on to live.

**The Connétable of St. Brelade:**

Right, so we will talk among ourselves for a moment. We have just about completed the programme, we are on the last item or 2. That was ...

**Scrutiny Officer:**

We are back on to live.

**The Connétable of St. Brelade:**

Thank you, Theo. Back to Food Safety Law, Minister, can you update the panel on the progress on the draft Food Safety Law and will it be revised in the light of the COVID outbreak?

**The Minister for the Environment:**

I am going to defer to Mr. Peggie again. We have a former director of Environmental Health working on this project and I can think of nobody better to do so. Mr. Peggie, please.

**Director, Natural Environment:**

I can think of nobody better to do so either, particularly bearing in mind he sent an email with a bit of an update position. If you do not mind I could go through it just to try and give a brief taste. Points to note are that the change to the title of the law to reflect that it covers more than just food hygiene and food safety and to ensure it continues to do. So there is an element of future proofing involved in there. The law is going to include O.C.R. (overarching control regulation) provisions applicable to food and this is to ensure those regulations needed in food in terms of O.C.R. are preserved, whatever happens to the separate O.C.R. provisions which have been brought in earlier. Now, this is essentially pre-empted defence in light of S.C.O.P.A.F.(?) requirements, which is a potential hurdle for Brexit-related progress. The debate of the law, when and if enacted, will allow the emergency orders that were brought in at the end of 2019 to be fully debated as promised by the Minister and to fall away in due course if the law progresses. Stewart advises that we are happy at the moment and ready to present to Scrutiny at any stage and indeed any comment by Scrutiny would be extremely helpful, as would an indication of how long they would envisage they would require for that process. Stewart is advising, again, extensive public consultation has been carried out with an increased likelihood of day one no deal Brexit on 1st January, or what is not now being called day one no deal but the Australian proposition. The sooner this legislation is debated the better prepared the Island will be to protect Islanders and its food businesses. So we should be

ready to lodge by September but it may come forward as COVID pressures ease. I think that is about all we need to say that, or all I can say on that matter at the moment, if that is okay.

**The Connétable of St. Brelade:**

Thank you very much indeed. One final question, Minister, on the fishing side of things, which you may be able to answer this. A bit of disquiet over the scientific research with regard to bass fishing and I wondered if you could give us an update on that, where we might be.

**The Minister for the Environment:**

I am not aware of that criticism. Is this criticism from any particular sector, so I am aware of it?

**Director, Natural Environment:**

Perhaps I can help there. I was in discussions with our head of Marine Resources just at the back end of last week who advised me that he had been in a very lengthy conversation with Defra apropos a query from the U.K. bass angling society, having been prompted by, I think, a local interested party across here. Questioning methodology over the work that we are doing in relation to bass. We discussed commercial regulations, netting trials, the bag limits that we have put in place and Defra were not aware of that work that we have been undertaking and they advised really that Jersey is much more conservative and ahead of the curve, as it were, than the U.K. and E.U. (European Union) controls and congratulated us on the actions that we and the Minister are taking. We agreed that we would share any data that comes off the back of that. We know that Defra are now going to go back to the U.K. Bass Anglers Society saying that the study of work that we are doing is proportionate and they have no challenges, no problems with what we are up to and that will then be relayed back to the person who had concerns from a more local perspective.

**The Minister for the Environment:**

I am grateful for that, Chair. I must admit this is a complaint that has just cropped up but for a deeper discussion I would want to bring in Greg Morel, our marine officer, on this because these things are very complex. What we are trying to do is to have sustainable fishery, there are lot of issues in different species but what we try to do is get that right. It is the basis of science of what we try and do. If we had more money on investment in marine research and we had more resources then we would be able to do more, but I think the team does pretty good.

**The Connétable of St. Brelade:**

Just as a final question, Minister, in terms of our fishing industry, clearly I appreciate you have supported it to the best to your ability, how are we advancing with our discussions with regard to Brexit and the machinations that may be going on in that direction?

**The Minister for the Environment:**

Well, a number of things, quickly summing up. As you know I got the sign-off last Friday, I am pleased to say, of the fishing support scheme, which took a little while but nonetheless we have now got an arrangement to support our fishermen and keep that fleet in the water for an interim period. That is really good news. I am hoping that will reduce the tensions that exist but there are very significant tensions, I am afraid. Work is going on to try and come up with some measures, conservation measures, particularly regarding the bream fishery or hatcheries for bream, and the officers are advancing that work in order to bring that forward. But in the meantime I have asked Senator Gorst and his team in External Relations to try and facilitate meetings, virtual meetings, whatever, with the French because I do not want the tensions of this horrendous face off that happens between the U.K. and the E.U. on fishing to effectively make life impossible. We cannot get caught in the middle of that. So I have asked Senator Gorst and Deputy Guida as well ... I am hopeful that we can do that. But in the meantime, tensions are there but I think the scheme we have introduced will ease those tensions.

**The Connétable of St. Saviour:**

Chair, may I ask a question, please? How are we doing with the Bay of Granville?

[01:30]

**The Minister for the Environment:**

For 2 years at least, as you know, certainly since I have been the Minister and I think before that, our fishermen have been seeking to get changes to the Bay of Granville agreement in negotiations with the French using the fisherman-to-fisherman methods of negotiation that the agreement provides for. So there has been no political negotiation, there are no political processes in the Bay of Granville. It is a matter of record that has not been successful but nonetheless officers are seeking to maintain that dialogue, we are maintaining it, and I am very hopeful that once we get this Brexit situation out of the way and we know what is going to happen we can come to a point where that agreement, albeit with the changes we want to see made are made. But we are not going to be able to get that to that point now. We are going to have to wait for the U.K. Brexit situation to be resolved.

**The Connétable of St. Saviour:**

Thank you very much.

**The Connétable of St. Brelade:**

Minister, we have taken up your full time, we have squeezed our questions in. I am sorry I have had to rush through to a degree. Thank you to you and your officers for presenting this morning and we look forward to speaking again in due course. Thank you very much.

**The Minister for the Environment:**

Thank you very much, Chair.

[01:31]