



# Environment, Housing and Infrastructure Scrutiny

## Panel

### Quarterly Hearing

### Witness: The Minister for the Environment

Tuesday, 9th March 2021

**Panel:**

Connétable M.K. Jackson of St. Brelade (Chair)  
Connétable J.E. Le Maistre of Grouville (Vice-Chair)  
Connétable S.A. Le Sueur-Rennard of St. Saviour  
Deputy I. Gardiner of St. Helier  
Deputy S.G. Luce of St. Martin  
Deputy G.J. Truscott of St. Brelade

**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. W. Peggie, Director, Natural Environment/Acting Group Director, Regulation  
Dr. T. du Feu, Head of Water Resources, Environmental Protection  
Dr. L. Magris, Head of Sustainability and Foresight  
Mr. K. Pilley, Head of Place and Spatial Planning  
Mr. G. Morel, Head of Marine Resources and Management

[11:32]

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

Good morning, Minister, and welcome to the Environment, Housing and Infrastructure Scrutiny Panel quarterly meeting with you, the Minister for the Environment. I will then just introduce my panel to start with. Myself, Constable Mike Jackson, chair, Constable John Le Maistre, deputy chair,

Connétable Sadie Rennard, Deputy Stephen Luce, Deputy Inna Gardiner and Deputy Graham Truscott and your team are ...

**The Minister for the Environment:**

Thank you, Chair. Myself, Deputy John Young, Minister for the Environment, Deputy Gregory Guida, my Assistant Minister. The officers that we have to support us today; Mr. Willie Peggie, who is the Director of Environment and Acting Director of Regulation, Dr. Tim du Feu, Dr. Louise Magris, Kevin Pilley on the Island Plan and Greg Morel on our Marine Resources. If I can bring those people in as and when we come to questions, if I may, Chair.

**The Connétable of St. Brelade:**

Thank you very much. Starting off with P.171, the new vessel licensing regime, Minister, could you please update us on the progress regarding the new regime for licensing of vessels in Jersey waters?

**The Minister for the Environment:**

Okay. I am going to just give you the outline position and hand you on to Gregory. I think the point I need to make is that obviously the marine resources team have worked out a scheme of licensing which deals with all the various complications, which Gregory and myself have reviewed in an initial meeting and are content with. But I think there are a couple of things that will need to be done. Firstly, some of that will need to be amended in the regulations that we took just before Christmas to put some of that detail in it. Secondly, there is the issue of a need to, I would say, at least inform or consult with authorities via the E.U. (European Union) and at the moment I do not have directions how that is to be done. We could spend the whole session on it and Gregory will give you the outline, I am sure. It is up to you to how much in detail you want to go to now. Perhaps I can hand to Gregory, please.

**Assistant Minister for the Environment:**

Yes, good morning. The basic principle here is that we are trying to follow the way that the T.E.C.A. (Trade and Economic Co-operation Agreement) asked us to consider the history of fishermen. We are going to give licences to French fishermen who have a history of having fished in Jersey waters for the last 3 years. We are also going to define this history much better in terms of the métier that they have been practising and the area that they have been practising them in. The licence is going to have several levels and you will have to have demonstrated an activity at all those levels. For example, you have been in Jersey in the last 3 years for more than 11 days, so you are granted a licence. You can show that you have been diving for scallops, so you might be granted a licence with specific material of diving for scallops, you may also have been dredging for clams, that will be added but then it will also be limited by the areas in which you have done it. Basically the whole

concept is again to keep it within the history of such vessels, vessels that have been having a legitimate activity in Jersey waters in the 3 years considered by the Trade and Economic Co-operation Agreement will be allowed to continue that activity. But getting a licence is not an open licence to come and do whatever you want in Jersey water; you are allowed to continue what you are doing.

**The Connétable of St. Brelade:**

Who are you consulting in relationship to the new regime? Have you got external input?

**Assistant Minister for the Environment:**

I think at this stage we are making sure that it is compatible with the law, that it is something that we can do. We are checking with the British whether they are going to do something similar and then I suppose the next bit will be consultation with the French. But we believe this is very, very much in the spirit of the Trade and Economic Co-operation Agreement that you want to continue historic activity and not create a completely new system.

**The Connétable of St. Brelade:**

What about the engagement with our own fishing industry? Can you outline the industry's views in relation to the licensing scheme and its progress and whether you have taken on board any of their concerns or input in that regard?

**Assistant Minister for the Environment:**

This is very much policy in development, so it is difficult, although it is a policy in very, very quick development and something that will be needed within a couple of months. The local fishermen are already limited by the licences and what we are doing here is making sure that the French fishermen will have the same sort of limitation.

**The Connétable of St. Brelade:**

Your communication with the French or E.U. fishing fleets, how is that being done at the moment?

**Assistant Minister for the Environment:**

For that I will defer to Greg Morel, if you want to hear from him. But, again, I think that at this stage we are more interested in whether our plans are legal or not and whether they follow the spirit of the Trade and Economic Co-operation Agreement.

**The Connétable of St. Brelade:**

Yes, thank you. Yes, I would be interested to understand how communications are going with the French, particularly in Normandy at the moment, if Greg is able to tell us.

**Head of Marine Resources and Management:**

Yes, thank you, Chair. Good morning, panel. Good morning, Ministers. As the Assistant Minister has rightly just pointed out, Chair, we are really focusing on ensuring that we comply with the rules, as set out under the T.E.C.A. at the moment. Quite complicated, as the panel will be aware, in that the vessels from the E.U. need to qualify under the track record period as established but also, as the Minister has referred to, we have this nature and extent clause as well. We have received information from the E.U. in respect of approximately 30 vessels, the ones that tend to have their V.M.S. (vessel monitoring system) in place so far. But it does lack information with respect to the nature and extent and we are looking to ask and seek further detail on that so we can move forward, as the Minister has described, not just with métier but also with location and area. We are still waiting for information on the smaller vessels because, as everyone knows, we have quite a lot of small vessels that fish around our waters as well and perhaps those are the ones that are more concerned in Normandy and that those are the local boats that we see and we deal with and our fishermen know quite well. At this stage, I think you are referring to the sort of further development of the scheme whereby we will be looking to bring forward the harmonisation of conditions attached to these licences and that is when we will certainly be engaging with our local fleet in much more detail and with our colleagues in France. But at the moment I think we are still at the stage of really trying to make sure that we fully comply with the complicated arrangements that are set out in the T.E.C.A. and waiting for that information from the E.U. in order to do so.

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

The current position is that French boats can fish up until the end of March without a licence; it gives them time to apply for a licence. How many have applied for a licence and got one? How many are fishing at the moment that have not applied for a licence?

**Assistant Minister for the Environment:**

I can help with this. Remember that it is not exactly fishing without a licence, it is fishing with a Bay of Granville Agreement licence, so a French licence. We are just extending the licences that those boats had from last year into this year. Again, though it is very important, it is not a free for all.

**The Connétable of Grouville:**

But are there still people fishing on that system that had not applied for a new Jersey licence, if you like?

**Assistant Minister for the Environment:**

It is quite probable but it is very interesting as well that at this stage ... there were 2 levels; the first one is that when asked to provide a list of vessels, the French just took the same list that they had

in the B.G.A. (Bay of Granville Agreement). They seem to have added a few that were not even in it and sent us this list of more than 350 vessels. We then insisted that it had to be vessels that could demonstrate an activity in our waters. As a show of good faith, we used publicly available data or data that we already have to make a short list and say: "Out of all those boats we know that 59 are fine, we still need the data to come from you, from France into the E.U., into the U.K. (United Kingdom), back to us, so the data needs to take the normal route." But we offered saying: "At least we know about those 59." Interestingly, the second list that the French sent through that circuit was less boats, they sent data for, I think, about 29, which made them realise that, first, it was not very easy to get proof that the boats had been in the area in the last few years and that there were many less boats that regularly fished in our waters than they said there were; that must have been quite a surprise for the French, for the French authorities.

**The Connétable of St. Brelade:**

Are you able to give consideration to the size of fishing vessels that would be tolerated in Jersey waters going forward? Are you in a position to tell us that at this stage?

**Assistant Minister for the Environment:**

Let us put it that way, the very big win of the Trade and Economic Co-Operation Agreement is that we are now managing our own waters. The 2 key elements of this is that the management has to be made on a scientific basis, which we are very, very capable of doing and are starting earnestly to do. The other one is that it has to be non-discriminatory. But if, for example, we decided to limit vessels to a certain size for a proven reason because larger vessels are damaging to our environment, that would probably be acceptable. It is something that is open to us in the future if we can prove that larger vessels are damaging to the environment.

**The Connétable of St. Brelade:**

Thank you. In regard to our Scrutiny report S.R.5, Minister, we made some recommendations, one of which was that you should, as a matter of urgency, seek to address the inadequate resourcing for the inspection of shellfish exports and issuing of health certificates. This should seek to be resolved as speedily as possible. Have you or will you be accepting this recommendation and, if so, please can you update us on what progress you have made?

**The Minister for the Environment:**

Yes. I think, generally, we go along with the recommendations. There are a couple of points that we need to take issue with or resolve because, for example, your recommendation suggests that we link the licences to require E.U. vessels to land a proportion of their catch in Jersey, I think has got quite significant implications. Those sorts of things you have suggested, I think, while they merit to consider, I cannot give a commitment yet. But on the money one, no question. What I have been

able to do is to sign off 2 sets of funding requests, which arose from Brexit. These were to release monies which were prescribed in the Government Plan but not allocated to our team.

[11:45]

They were retained, they depended on the outcome of Brexit; now of course we know. On the fishing side that bid was £656,000 over 4 years and that does include extra staff and money for disruption. My understanding - and if I can hand on to Mr. Peggie in a minute, he will be able to tell me where we are with the release - is those have been signed off and they have gone forward under our procedures to have those funds released to us, which will enable recruitment. Possibly it is also tied up where there are one or 2 bids, the others, which I will not dwell on, which is about goods and borders work which does include vet and border control, which does cross over with the marine science, a bid of £4.22 million over 4 years, of which £1.5 million is in 2021. But could I ask for Mr. Peggie, please, to come in and just clarify where we with those 2 bids coming forward and how we are going to tackle the staffing included in them?

**The Connétable of St. Brelade:**

Yes, please do.

**Director, Natural Environment/Acting Group Director, Regulation:**

Yes, good morning. Yes, the bid process, as the Minister has described, is absolutely right. We have put 2 separate bids into Treasury. The Minister signed them off, thank you, the back end of last week I think. We are waiting now for them to go through Treasury and to go in front of the chief executive and the Minister for Treasury and Resources in 2 weeks' time, so I think that is 19th March that we should have the outcome of that. We have got a broad panoply of requests throughout that and some of it is indeed for staff, some for veterinary staff, some for fisheries officers, some for staff that are going to be dealing with all of the areas that are affected by Brexit. I just checked with our chief vet this morning, who advises that there has not been a delay in any export health certification but, that said, we do recognise that all of the changes that are being implemented upon us by the direction of changes from Brexit does mean that things are going to be busier and so we do need more resource. We have recognised that, we have put bids in for it and we will await the outcome as of the 19th of this month.

**The Connétable of St. Brelade:**

How do you see the status of the whelk and scallop import paperwork into France that is, which seems to be causing issues at the moment?

**The Minister for the Environment:**

I think, Chair, if I may ask Greg Morel to this. The situation on this has changed, changed quite rapidly and the latest information I had is that the grading of our waters to category B by the E.U. has created a situation where there does seem to be some contradictory effect between Jersey boats and on French boats. Initially, of course, our boats, interestingly enough before that happened, after 1st January, were able to do direct landing of their products into France but now that issue is raised. What I have asked the officers to do, and Greg will explain further in a minute, how we are seeking to follow up that because the question arises is whether the French vessels are, of course, subject to the same rules for grade B waters. Could I ask Mr. Morel, please, to pick that up?

**The Connétable of St. Brelade:**

Indeed, thank you.

**Head of Marine Resources and Management:**

Yes, thank you, Minister. Yes, I can. Yes, this issue has come about relatively recently, although we did know that it may have been a problem. The E.U. has had legislation in place for a number of years which prevents the direct landing of certain species, which includes what is known as live bivalve molluscs but, strangely, even though they are not also our whelks as well, which most on the call will know are gastric pod molluscs, not bivalve molluscs. But we believe that France was told by the E.U. that it needs to bring these regulations in and it does indeed prevent a number of our vessels, the whelk fishermen who have historically landed into Carteret and a number of the scallop boats who have landed into Granville generally, preventing them from doing that. The only way that these particular products can access the European market when you are a third country is either coming from what is known as class A waters or are depurated prior to the issue of a health certificate and then they are then imported into the territory, the E.U. territory, through the B.I.P.s (border inspection posts). It is a very different regime from that which we have experienced currently when we were a member. But it is symptomatic of being a third country, rather than anything to do with the T.E.C.A. The T.E.C.A. does not cover this particular matter, it is part of the E.U. rules.

**The Connétable of St. Brelade:**

How can we develop it so that we do get back to the status quo that prevailed before?

**Head of Marine Resources and Management:**

Yes, certainly when it comes to exporting these products, Chair, we have already, at the Minister's instruction, moved forward a regime that would allow us to properly classify our waters. The French are not able to do that at this moment in time, so we believe they have simply chosen to read across that, which is already in place for the aquaculture areas, even though that we know that scallops and whelks are caught from very different waters, often much further offshore. That has already

been instigated to establish that classification and, of course, there are possibilities of depurating those products. The difference for the industry at the moment is that they would then still be required to be exported rather than direct-landed, which, again, is a very different process to that which they have done at the moment. As the Minister has alluded to, we do have this question if there is no classification in our waters at this moment, whether the export by French vessels is appropriate but that is something we are looking at at this moment in time. They are not breaking Jersey rules in any way as such but it is a question mark for France to try to establish.

**Deputy S.G. Luce of St. Martin:**

I wonder if I could just ask, obviously the classification of these waters offshore has come as a bit of a surprise to everybody but on the basis if we accept that we are going to have to get these waters classified, have we done any work in that regard and worked out how we would acquire a classification for these waters?

**Head of Marine Resources and Management:**

I am happy to answer that one, Minister. In short, Deputy, it has obviously not gone in yet. In short, we have started to look at that. As you rightly say, there has been no requirement in the past for us to do this work, certainly for wild-caught species obviously. You will know, from long experience, Deputy, that the aquaculture areas have had this in for a long time and so really colleagues from Environmental Health, who are leading on this, are putting it together already. I know they have already spoken to the laboratories in the U.K. as to what a salting programme might look like and how it might work and that is work that is ongoing at the moment. We think that expediting that, that could be done in a period of months, rather than taking a couple of years, as it has been in the past. But it is work that is being done at this moment in time, although of course I have to say that the outcome of those testing regimes is not known until that work is done, so we still may have to overcome whatever issues that might arise from that regime.

**The Connétable of St. Brelade:**

With regard to the B.I.P. in Granville, what is the status of that at this stage?

**The Minister for the Environment:**

I have no more information on that, Chair. I can ask my colleagues whether they have. Obviously the request was originally made by Senator Gorst, as the Minister for External Relations and Financial Services. Obviously the kind of technicalities of those discussions with the French political authorities at the moment fall within his role and not mine. He is very aware of this. He did obtain those commitments, as you have rightfully said, Chair, that they would seek to get the classification of Granville as a B.I.P., which would make life a lot easier for some types of our fishermen. It would

not solve the problem we have just discussed but would solve others. Can I ask Mr. Morel or Mr. Peggie whether they have any update on that, any news from France because I do not have it?

**Head of Marine Resources and Management:**

Unfortunately, Minister, it is for our future times because I do not think that is how we understand it. But certainly the Port of Granville, the Chambres de Commerce around the area and certain local politicians have been pushing this as hard as they can and it is going through the system of central French Government and then the process is that they need to go through in terms of getting them fully approved from the E.U. We do understand at this moment in time that the station in Granville will predominantly be, therefore, oyster and mussels, rather than the full gambit of species that we do land. But I do know that Ministers, together with the Minister for External Relations and Financial Services, have pushed France to include those other species, obviously crab and lobster as well. We understand that that is being done. The dates are difficult to know. We have had a number of dates suggested but the inspection post for aquaculture products could be done in relatively soon order, maybe a couple of months but we do not have a date for the other species at the moment. But I do know that it is an ongoing piece of work and we press as hard as we feel is appropriate and possible to ensure that. But certainly on a local level, I think it is very much an open door and they are very keen for this business to continue and to flourish.

**The Connétable of St. Brelade:**

It seems that there was intervention in French governmental circles last week by Sénatrice Béatrice Gosselin asking about the E.U. scoring an own goal by reclassification of Jersey's waters where Normandy boats make much of their livelihood. She stated: "Normandy cannot be sacrificed, as the damage done to ports like Granville and Carteret are set to be terminal, is established trade from Jersey shift to Saint-Malo damaging the Normandy economy?" Are you aware of that comment, Minister?

**The Minister for the Environment:**

Yes, I was informed about that and obviously I think it is evidence, not that we need it, that obviously things have changed very, very radically, both for us and our French neighbours from 1st January as a result of the Brexit finally coming about, that we are now a third country. I think we are both finding, through experiences, of what the effect of that is and it is affecting different communities in different ways. I think we were already aware that there are differences of opinion between the Normandy community and the Breton community in the way they run a number of their arrangements on fishing and others and of course these are now strongly coming to light. The information we have or everything I had is that of course that our neighbours in Normandy are just as keen to solve these problems as we are but delivering that. But there are tensions, as I have said before, the tensions are increasing and that reference in the press that you have spoken of is further evidence. Of course

for me, in my mind, I would be frank, we have a situation here where we are operating through an arrangement agreed between the U.K. and the E.U. and neither, ourselves in Jersey or our neighbours in France, are direct parties to these agreements. Therefore, we are both dependent upon the arrangements that have been put in place. I think it does remain to be seen how successful that is. I think you are right, Chair, that if we were and do our best to build the relationships with our French neighbours no matter what the difficulties are, to try and make this situation work, it will not possibly be able to work better than what was in arrangement before Brexit. But, nonetheless, this is a matter that we have had to go with and we will do our best to make it work. There are these tensions and I think if you are talking about direct diplomatic communications from Jersey, please, I think you are going to have to ask the Minister for External Relations and Financial Services how we can ourselves break through some of these communication issues to resolve those things.

**The Connétable of St. Brelade:**

The present status of landing in ports such as Granville and Saint-Malo, do you know the present status today?

**The Minister for the Environment:**

No. I am going to have to refer, please, to Mr. Morel. But we have heard the situation has changed over the weeks, initially there were problems and they remain to solve but I think I am clear that the reports that I had, they were much about issues to do with the port of Saint-Malo, rather than the T.E.C.A. or being a third country. It is about the change in the practical arrangements and the effects on those industries. Could I ask Mr. Morel for a further update, please?

**Head of Marine Resources and Management:**

In terms of getting products into those ports, Chair, the exports to Saint-Malo have been going ahead. Obviously there has been increased, as we all know, paperwork and logistics and, as the Minister has alluded to, there has been some issues specifically in Saint-Malo, particularly with the port in terms of access and docking and costs but those are being worked through. But it is not easy, it is complicated. With respect to landing into Granville and also to Carteret, which is important certainly for our north coast and east fleet smaller vessels, they have been able to.

[12:00]

Notwithstanding the previous conversation about the landing of whelks and scallops but certainly crab and lobster fishermen have been able to navigate, not just the waters but also the complicated bureaucratic process but they have been able to do so. But, again, it is a lot more complicated than it has been in the past but those landings have been possible for those species that are currently allowed.

**The Minister for the Environment:**

Yes. If I could just add, Chair, I think obviously one cannot dismiss the fact that the level of tensions that are happening in this situation will affect the practicality of our fishing boats landing. At times there have been reports of tensions, which have inhibited, my information, some of our fishermen from landing, who had concerns. But I think at the moment the picture I got is that there is beginning to be a recognition that both ourselves, our fishermen, and our neighbours in Normandy are both feeling the effects of an agreement, which neither of us was the architect of, if you like, and that we are having to make work. I think we have to do everything we can to try and manage those tensions as low as possible. I think I would certainly put to our colleagues in the fishing industry that they should bear that in mind with their public comments. We will get full control of our waters from 30th April and, as my Assistant Minister said so ably, that is the main prize for Jersey that under that agreement we will be able to manage our waters and make those decisions as a jurisdiction on our own.

**The Connétable of St. Brelade:**

Do you consider that date as firm?

**The Minister for the Environment:**

Absolutely, of course I do, it is what has been agreed. There were 2 dates, one is the 90-days clause which was put in the T.E.C.A. It relates to the Crown Dependencies only, that the Crown Dependencies have this 90-day option, both parties, ourselves and the E.U. Jersey is quite clear; we do not intend to invoke that clause at the moment. The other date is the amnesty, which we allowed for for consents reasons to allow us time to deal with all these sorts of issues that are surfacing and we are making progress, by 30th April. But I am very clear and so is my Assistant Minister and so is our entire team, that we will be making sure that we comply with the T.E.C.A. from 1st May because we are putting ourselves in the position to be able to do that in all our preparations we are making. We have the licensing scheme that my Assistant Minister, Gregory, outlined well and we have got a lot more detail. If you would like a private hearing about that because it is policy under development, I would be happy to arrange to happen later. But those things are really important. As far as I am concerned, there is no ambiguity about this, there will be compliance by 1st May.

**The Connétable of St. Brelade:**

Thank you, that is very helpful.

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

If we have got control of our waters, can you tell me where our fishermen will be selling their catches?

**The Minister for the Environment:**

When I say “control of our waters”, Connétable, I mean the ability to be able to licence, to do what Gregory, my Assistant Minister, outlined, to be able to limit those licences to métiers and to certain locations or certain types of catch during certain times of the year and so on. That is what I meant to manage those waters, which means that we can manage the waters; where are the areas are most sensitive? We will be able to make those decisions to make sure we conserve our fish stocks, so that is to clarify. In terms of where fishermen land, I think fishermen will land where they are able to under the rules. I think this is where our dialogue with the fishermen comes in, is I think we do need to provide our fishermen with more support in terms of landings in Jersey and what support we give them to help that to be more effective and also increase our local market as well, and I think that is happening everywhere else. I hope that helps. If I could ask perhaps Gregory or Greg to see if they can answer perhaps rather better the Connétable’s question. I think Gregory would like to get in.

**Assistant Minister for the Environment:**

It is a very basic principle that we tend to forget, we have been selling catch to France because the French want it. They were never forced to buy it, they were never forced to take whatever Jersey fishermen brought; that means that there is a market for it and that there is a demand for it. The paperwork, the bureaucracy has increased, not because the French wanted it to increase, just because we have become a third country to Europe. There is a very strong chance that the same market forces that wanted our products then still want them now and are going to make things easier as time goes by. I do not see the European markets as closed to us, our products are just as much in demand as they were before Brexit.

**The Connétable of St. Saviour:**

But at this moment in time most of our fishermen are having huge problems putting their catches into France, are they not? Yet the French are fishing in our waters, in exactly the same waters and their fish are acceptable but ours are not. I know Ashley Pinel is working very hard on things here and it just seems to be so wrong that our fishermen cannot and they are having problems. Will they have to wait until April before they have a backing from this Government?

**Assistant Minister for the Environment:**

I am sorry I have to repeat this but there is no negotiation going between us and the French. Brexit happened, the U.K. is not part of the E.U. anymore, it is now a third country, like America, like Canada. No, it is a third country, we are completely outside of Europe. All the rules that Europe designed to protect the markets, both financially and in terms of health, have become applicable to us. Apart from reversing Brexit, apart from coming back from Brexit, there is absolutely nothing we

can do about it. The last thing that we can do, and this is very important, we cannot force the French to break the law. If European law says that any fish landed from a third country needs to fill up some paperwork, we cannot tell the French: "E.U. laws tells you to do that but because we are good friends you will just ignore it and break the law." We cannot ask them that, this is not possible. My view of the future, and we are talking medium term, we are not talking about next month, is that everybody is going to be sensible. If there is a demand for a British product in Europe, Europe will say: "We are going to try and make this easier and change the rules and adapt them" but this is medium term; this is going to take some time. This is not something that we can go to Saint-Malo and shake them and say: "You will break your rules for us", we cannot do that.

**The Minister for the Environment:**

Just if I can add, Connétable, please, both Connétales, the issue obviously, that Gregory has described, is entirely about the third country position. But of course separate to that is the question of access to waters. Access to waters, whether we think it was right or not, that is too late to have that debate. The information provided is that France has had access to our waters right back until Napoleonic days under various agreements and those agreements, most recently the Granville Bay Agreement, and under the new agreement that access is maintained, which is why. Even if the T.E.C.A. was to fall tomorrow, if these things fail, we still have the Bay of Granville Agreement and there will be an international agreement in place which Jersey has signed up to, which permits access to French boats. I ask, please, Members put from their mind the idea that all these problems ... these problems arise from the Brexit, they do not arise ... it was not our choice that fishing and access were joined in the Brexit deal; that is what the U.K. and E.U. did. We have to try our best to make it work. Sorry, it is tough and there are no negotiations because there is no process for negotiations. But Gregory is right, there will be in time, and that is why I say the solution is we have to build and work and improve our relations with our neighbours; increasing tensions will not help.

**The Connétable of St. Saviour:**

Thank you very much.

**The Connétable of St. Brelade:**

Going back to where we are at the moment, have we got the Norman le Brock back so that we can monitor fishing in our local waters?

**The Minister for the Environment:**

I think Greg has got some good news there. Greg, if you could come in.

**Head of Marine Resources and Management:**

Yes, Minister. The answer is not quite, Chair, but she will be back very, very soon. She is going through the last shake-down from her extensive refit. Unfortunately, things have been delayed by the COVID situation, which is disappointing but I am afraid it is what has happened, so that has slowed the process down slightly. But certainly within the next few weeks we expect her back on station. The crew will obviously go through some extensive work with her making sure she is shaken down with the new kit on board and then she will be obviously back in full service. We have not been completely stuck over the last few months, most Members will probably know we have quite a competent rig set up as well that can operate independently, called the Ecrehous(?) and she has been working quite extensively throughout the winter while the Norman has been away. But, no, we are extremely pleased she will be back on station soon, very excited to get her back and, fingers crossed, might even get a trip on her, Chair. Maybe perhaps we could extend the courtesy to the panel as well at some point.

**The Connétable of St. Brelade:**

What about enforcement officers, how is your staffing there? You mentioned earlier, Minister, you had had a different resource for that, have we got officers employed now?

**The Minister for the Environment:**

I do not think we have got the officers in place but what we have done is we have released the funding. I do not know if we are allowed under the rules to anticipate that funding and go ahead and recruit. Can I have an update, Willie or Greg, on that?

**Director, Natural Environment/Acting Group Director, Regulation:**

You can. I think it is a good question whether we are allowed to anticipate it. I think the official response to that is no because we cannot guarantee that we are going to get it until we have got the money in the bank. However, bearing in mind that we have to get recruitment processes up and running, I have certainly discussed with Greg that we do need to do that because you do not just snap your fingers and get a good quality applicant for that sort of post. It is something that I know we are looking at and we know we need to get them in as soon as possible, so the wheels are turning I think is how we would best describe that. I do not know whether Greg wants to expand on that.

**Head of Marine Resources and Management:**

I do not think so, Willie. I think we are very lucky in our world and in Jersey that we have quite a few people that are in contact with us fairly regularly about opportunities that might arise. We are a people of the sea, I suppose, for a better description. We are hopeful that we could move those processes forward quite quickly to get appropriate people on board and on the team. The only thing I would say, Chair, if I may and also if I may, Minister, is I think over the winter I ought to be put on

record the work done by the marine resources team. They have not only had the administrative and the negotiation burden of Brexit to work their way through but they have also maintained as best they can with all the COVID problems and everything else a pretty extensive compliance regime as best we have been able to do. They have been out there working all the way through the winter, although we have not been able to board quite as many boats because of the restrictions but that work is ongoing and carries on and I think that is testament to their commitment to get out there and do the very best job they can as well.

**The Minister for the Environment:**

I am grateful, Chair, for Greg but I think it does need to be on the record and said publicly. We have got a fantastic team in place but of course the challenges now are enormous. If I may make a political point, I have made it quite plain that I think some of our processes now for resource management are now overcomplicated and cumbersome and slow. I am not just facing this problem here; I am facing it just about everywhere. I very much look forward to meeting our new chief executive interim because I am going to be asking him to say I think that some of these procedures need to be more stripped down to ensure that we can get ... because this situation with Brexit and fishing is time-critical and I do not want to be having the same conversation next quarter in saying we have not got these resources in place.

[12:15]

**The Connétable of St. Brelade:**

I think we would all agree with you, Minister. Moving on to the manifesto published by the J.F.A. (Jersey Fishermen's Association), the 6-step fishers' manifesto is what they called it, to set out how it believes a sustainable future for the local industry can be achieved. It called for various points, such as: "Protecting the Island's sovereignty by granting exclusive fishing rights to Jersey boats within an area of at least 3 nautical miles around the Island and its reefs." That last word around its reefs is really important and: "To support sustainable fishing practices to help restore marine ecosystems and support fish stocks, to establish a fair permit system, only providing fishing permits to boats which have a track record of fishing in our waters and to respect local regulations regarding boat and engine size, to safeguard local livelihoods by considering the contribution the industry makes to the local economy and the Island's culture, to measure the impact on fish stocks and the local marine environment." Are you aware, Minister of this manifesto? What are your views on it?

**The Minister for the Environment:**

I think it is a pretty good manifesto and I kind of tick every box. But I do have an issue with the sovereignty issue because I think, yes, obviously our sovereignty is a vital matter but bringing in this question of the boundaries of the 3-mile nautical limit from the offshore reefs raises major legal

complications. I have seen and I know this has been a subject of correspondence between the Jersey Fishermen's Association, their legal representative and the Attorney General. Chair, I think you have probably seen a copy of that confidential letter of advice as well, which one could not put in the public domain, that sets out the full legal situation regarding the determination of our borders and to international law. I certainly at the present time could not give an endorsement to that point. I think that is a situation that will have to have some attention in terms of what it is but I think it is within the context of that legal advice.

**The Connétable of St. Brelade:**

Do you think, Minister, that that is an area for the Minister for External Relations and Financial Services to be focusing on?

**The Minister for the Environment:**

Absolutely, I would. We do a lot better, I think, in terms of integrating our responses across Government now, though we have still got these communication gaps, as I have explained, particularly when it comes to funding and resources. My word, it is purgatory trying to break through some of these complex systems. But, nonetheless, yes, very much I think there is greater co-operation and this is an area now where certainly I would be looking to the Minister for External Relations and Financial Services to advise on that. It is international and it is legal, highly legal.

**The Connétable of St. Brelade:**

Going back to the manifesto, would you be open to conversations and collaboration with Islanders and the industry and how can you seek to facilitate these conversations and the collaboration to answer the various bullet points?

**The Minister for the Environment:**

I think they are a mixture because obviously there is always with a debate, whether fishing is an economic issue or an environmental issue. The truth is it is both. There is quite a strong emphasis here on the economic aspects of fisheries, safeguarding local livelihoods, employment, trade and so on and making them viable. I am going to have to work with the Economic Development team. At the moment, of course, it is an open secret that with COVID they are very much focusing on dealing with the immediate economic crisis and ensuring that our industries are able to continue and be sustained, albeit in a situation where some of our industries are in a pretty badly disrupted state, to put it mildly. There is a resource issue but I will certainly do my best to work with the Minister for Economic Development, Tourism, Sport and Culture, as I am on fishing. At the moment I am concentrating on trying to enable resources for the short term, the immediate term, so that our fishermen are still there in several months' time and that is where I am having some frustrations at being able to unlock those resources, so that is why I make that point again. But, nonetheless, as

soon as we can we will try and establish that dialogue. But, as my Assistant Minister said, this is going to take time and I would hope in a years' time many of these problems will be behind us and we will be in a much better place. My job at the moment is to make sure that the fleet and our fishermen are still in place by then.

**The Connétable of St. Brelade:**

The head of the National Trust, Minister, has called for dredging to be banned inside the 3-mile line, what are your views in that regard?

**The Minister for the Environment:**

Whatever we do in any area of sea has got to be scientifically based and that means evidence, it means evidence of what is there, evidence of the species level, we are looking on account of the effort and the catch and so on in those areas and that will help us define where are the areas of sea that we need to take greater care of and make sure we have sustainable fisheries in the future? What we are currently doing at the moment is they have new proposals in the Island Plan, which may seem nothing to do with it but I think that there are; planning law will enable us to do certain things. But the rest will have to be through fisheries management and this will have to be done in a non-discriminatory way based on science. This is why, separate to the money that I have been speaking about earlier, we were able to get substantial money through the Government Plan to invest in marine science. I am pleased to say that work is going ahead because that is really fundamental to lay the groundwork for conservation measures and following, if you like, the agenda set by the National Trust. But I think the National Trust know that I do not think it is realistic nor we should think in terms of blanket bans. We are talking about having areas where the stocks are managed in certain ways and identifying those and putting in place the rules to do that, which apply, equally, to French boats and Jersey boats. Could I invite Mr. Peggie to tell us a little bit about the marine science work that is going on?

**The Connétable of St. Brelade:**

Yes, I would be pleased to hear that.

**Director, Natural Environment/Acting Group Director, Regulation:**

Thanks very much. Yes, we have got a programme that is in existence at the moment which has been undertaken by, admittedly, Greg's team to implement scientific research across our waters looking at lots of different parts of the species. We have got a long list, which we may have sent on to your previous Scrutiny Panel and discussed it at greater length. That said, that was under the last Government Plan and we have extended it into the new Government Plan. We have included it in a bid that sits within the climate emergency framework, which is administered by our S.P.P.P. (Strategic Policy, Performance and Population) colleagues and that allows further scientific research

to underpin exactly what the Minister has just discussed. I am always conscious that this department has been not particularly well-funded historically in terms of an aspirant department, if you like. I am conscious that there is an awful lot of work that needs to be done if we are to provide evidence towards policy-making and legislation-making in the future, and that is what we need to be doing as an operational department. We need to be focusing on the science. In order to deliver that science, we need to have the right numbers of people, we need to have the right assets and so the Government Plan is and has been the funding approach that has been necessary. I am very grateful to the officers around me who have been able to advise me what the requirements are in their specific areas, including Greg's area for marine science, to take that forward. Greg, do you want to expand on what that science is? That is rather throwing you under a bus.

**Head of Marine Resources and Management:**

No, that is fine. There is quite a long list there that the panel has, as Willie has just referred to. In fact, one thing that has been interesting, and it ties in with the last question related to the fishermen's manifesto and working together, although we do not always agree with all of the fishermen. We do maintain quite a close working relationship and officers have been on board one of the commercial scallopers last week, engaged in some of the stock assessment work that we are rolling out on the back of some of the resources that we have had as part of the climate fund that Willie has managed to get for us. It is happening and going ahead at the moment. There are a number of other workstreams involved in that and, again, I would be very happy to go into detail, perhaps when we have a little more time or on another occasion. But I think perhaps just with reference to the dredging point, I think the Minister has explained it particularly well. Obviously everything we do in the marine environment has an impact of some kind but there are habitats that are much more able to withstand that sort of disturbance than others. It is about taking a balanced and sensible scientific and as evidence-based approach when we come to looking at those habitats as to what sort of behaviours and fishing activities we would put together. I think this, again, ties into perhaps what the Assistant Minister was referring to before, which is where we are looking to put in place not just métier controls but also area controls that allows fishermen to exploit sustainably the stocks that we have in our waters but it is done in a way that is as a sustainable but also in a way that the marine environment is appropriately used. We do not do things in areas where we should not, particularly some of these nearer inshore areas whereby the hydrodynamics of the environment are much less.

**The Connétable of St. Brelade:**

Indeed, that will be more important of course as time goes on and we start putting conditions on any vessels applying for a licence. I am going to move on to bass-netting and research in a similar vein. A freedom of information request highlighted the concern in relation to bass-netting in Jersey's waters and the research being undertaken. Could you update us on the work that is being undertaken regarding the testing of different netting mesh sizes?

**The Minister for the Environment:**

Can I ask Gregory to deal with that, please, my Assistant Minister?

**The Connétable of St. Brelade:**

It is really 2019 and 2020 and the reasons for repeating the tests on 3 of the mesh sizes that had already been tested in 2019 and 2020, is this not a duplication of the work or was there an underlying reason for this?

**Assistant Minister for the Environment:**

We know that fishing was disturbed quite significantly at the beginning of 2019 by COVID and for this study to be complete we need a full year of assessment. So, 2 things happened, the first one is that the numbers seem to have recovered, so the bass fishing was rather successful in 2020, which seems to show that numbers have recovered. Sorry, at the beginning of 2020, because of the problem with COVID at the beginning of 2020 we were not able to get the full season of fishing and we want to extend it into 2021 to have all the figures that we need. I would like to mention this because we went very, very quickly over dredging but this is a similar issue. We did a little bit of this in the past and we are now working on scientific research much, much more. I would like to take advantage of this to thank Scrutiny for their help in getting us to budget, that we needed to do that really. It is always difficult to be criticised. We found all of your criticisms useful but of course the most useful one was the criticism of the lack of resources, the fact that that did help us get quite a bit of that. A large amount is going to marine resources so that we take our fisheries in hand, we understand how water works and we manage our own waters and that, of course, affects dredging and affects the bass fisheries.

**The Connétable of St. Brelade:**

The criticism was that since the scheme was introduced in 2019 officers have not accompanied bass permit-holders to monitor their netting use and they have only kept the catch on landing by making comparisons with the submitted reporting documentation. In your view maybe, Assistant Minister, can this be considered as appropriate monitoring and management of this process would only provide the data regarding the bass if landed on that day?

**Assistant Minister for the Environment:**

We have to remember the COVID restrictions during the whole of 2020, so there are some very silly things that just prevented people from mixing up on a small boat. It is sad and it is annoying but we could not get every little shred of data that we could out of this but, unfortunately, the situation was very difficult to manage.

**The Connétable of St. Brelade:**

But you consider that going forward we will have a better handle on it.

**Assistant Minister for the Environment:**

Absolutely.

**The Connétable of St. Brelade:**

Just to finish off on that bass issue, if levels are not improving or are declining, what consideration will be given to a ban on netting and to widen hook and line fishing methods instead?

[12:30]

**Assistant Minister for the Environment:**

Absolutely. First of all, again, the figures that I have seen seem to show that bass are recovering. I welcome if Greg Morel wants to contradict me but the figures that I have seen seem to show that they are recovering and that is the whole point of the experiment. It is to decide whether the pressure is too high and whether we need to do something about it. Management means that we are really ready to manage our own waters to ensure their sustainability.

**The Connétable of St. Brelade:**

That is good, thank you. I am going to give fishing a rest for a moment, Minister, and move on to water quality management. At our previous quarterly meeting we broadly discussed the work being undertaken in relation to Jersey's water management and P.F.A.S. (perfluoroalkyl substances). Could you give us a brief update as to the current position regarding work in this area?

**The Minister for the Environment:**

It is continuing at pace. We are delivering the commitments that we made. The funding available is £150,000 in 2021 and in 2022 again for a hydrogeological survey of St. Ouen's Bay and Pont Marquet. The work is being scoped out at the moment and obviously we have to provide that specification of what we want done and we are doing our best to ensure that that work could commence later this year. Phase 1 involved sampling, phase 2 will include modelling work to determine the extent and movement of the plumes and the options for remediation. Ports are continuing the investigation of P.F.A.S. at the airport and liaising with the I.H.E. (Infrastructure, Housing and Environment) officers. The technical support officers of course are carrying on to meet every month and only recently on a separate matter I had a meeting with the Minister for Health and Social Services and the officers of Health as well, to update them on the approach we were taking. So, I think again this is a project that is going to take some time but we are investing and we will make sure there is a full flow of information as we learn more. That concerns the P.F.O.S.

(Perfluorooctane Sulfonate)/P.F.A.S.; of course there are other issues in terms of work going on on water quality which I will try and summarise if you wish, Chair.

**The Connétable of St. Brelade:**

Yes, that will be helpful, thank you, Minister.

**The Minister for the Environment:**

Well, what we are seeking to do, obviously because, as you know, my Assistant Minister, Deputy Guida, chairs the Cleaner Water Group, and we have recently had a dialogue with the agricultural industry over the situation with the use of agricultural chemicals. We brought to the table of course the new water codes which we got through, we issued, as a result of changes agreed with the group last year. Now resources have been used to allocate to improve the monitoring of raw stream water, we are paying for that now, we are funding that monitoring work that the Jersey Water are doing for us. That is really, really important that we make sure we get as better a handle as possible over the materials that do get into our raw water because so much of it of course comes from surface run-off of groundwater. So that work is ongoing, Dr. Tim de Feu is leading that work. I wonder, Chair, if I might ask Dr. de Feu to just add to what I have said. Would you mind?

**The Connétable of St. Brelade:**

Yes, I would be grateful if you did, thank you.

**Head of Water Resources, Environmental Protection:**

Thank you, Minister, and good morning, Chair, and members of the panel. Yes, the Minister is right, the P.F.O.S. work is progressing, we need to do that urgently, and that has 3 main areas. We need to ensure that people on private water supplies are supplied by public water in the area, hence we need the hydrological survey. We need to ensure that Jersey Water supplies are not negatively impacted from the St. Ouen's well fields, well of St. Ouen's plume and the Pont Marquet catchment further downstream where it is also a public water supply. We are also working closely with Ports because the previous work identified 3 areas of P.F.O.S., if you like. The first one is at a general background level within the Island, the second is a historic St. Ouen's Bay plume that we know about and the third area is perhaps linked to the airport and historic use of fire-fighting foams, which are leading into the Pont Marquet catchment. So we are working closely with Ports to identify those areas, hoping that we can identify perhaps hotspots within the airport perimeter which we can then remediate in phase 2, thus alleviating the problem of Pont Marquet catchment. The other work of the section, yes, the Action for Cleaner Water Group, as the Minister alluded to, continues. We are very pleased to have the co-operation of all the farming community and landowners and indeed Jersey Water who we work closely together with. Nitrate levels continue their reduction year on year, which is terrific news, and really that is down to a lot of effort by the farming community. They

are busy out there planting at the moment, given the dry weather, using placement fertilisers and much more accurate G.P.S. (global positioning system) recorded methods of pesticide applications, so that work is continuing. There is still work to be done on that because, although we have reached a threshold where the average quality of surface waters and groundwaters are below the wholesomeness limit of 50 milligrams per litre, there does remain occasional spikes. Of course, we are concerned about groundwater and private boreholes of 3,500 we have around the Island and the quality of their drinking water which sometimes, well it does exceed that 50 milligrams per litre, so more work to be done on that.

**The Minister for the Environment:**

Can I add, Chair, that I know that Jersey Water submitted a proposal for fiscal stimulus to be able to add more properties who do not enjoy mains water to the network. I am very, very hopeful that that principle will be adopted and supported by my fellow Ministers because I think the issue of the 3,500 boreholes where, I do not know how many of those at the moment are used for drinking water - I am sure my colleagues do on the call - but nonetheless we do, in my view, need a programme of extending mains water to as many communities as we can. That is an issue that the Minister for Health and Social Services and I and a recent Minister instructed the officers to do a paper on this and to have this discussed at the Council of Ministers. Because I think it is really, really important that we do not continue a situation where people have concerns about the quality of water that they are drinking from boreholes, whereas mains water, of course, everybody is making a great job to making sure that is the highest quality water.

**The Connétable of Grouville:**

I am just really pleased to hear Dr. du Feu comment on the good work the agricultural community have been doing but it is very much a teamwork, and I must praise his team as well and the Waterworks Company and it really is 3 groups working together. I think the results over the last 10 or so years have surprised everybody, and it is good to hear nitrates have fallen. I am assuming they are falling in boreholes and wells also, the 50-milligram limit is very much erring on the side of safety; it used to be 100 milligrams when I was farming, or 100 milli-whatever it is. Are the levels coming down in boreholes as well or do you not really know whether that is the case or not?

**Head of Water Resources, Environmental Protection:**

Yes, if I can answer that, thank you, Constable. Yes, the level in groundwater, which is basically boreholes and wells, mirrors the surface water reduction. The difficulty we have with private water supplies, if you like, and of course Jersey Water can blend and treat for nitrates, private borehole owners cannot. What we are also finding in private water supplies, and it is 3,200 households we have got relying on those, is that we do get spikes, we do get areas of high nitrates. They can be anything up to 150 milligrams per litre in a scenario where all these international limits are coming

down, getting tighter, so that is a concern. Now, probably not linked to agricultural activities, we have got septic tanks as well to consider, we have got households, we have got landscape gardeners. So really the work with the Action for Cleaner Water Group, the question is what other major initiatives can we put forward, such as placement fertilisers and G.P.S. use? I think now we are looking to move into the septic tank area and the landscape gardeners' area and look at these areas and try and identify why the certain households who have got different spikes, clusters of high nitrates in their boreholes and wells.

**The Minister for the Environment:**

Thank you. Of course that links to the main drains issue, if I can add. From my days at Planning I am aware that septic tanks and soakaways do not have a long life. Generally my recollection, but I rely on the technical experts to be accurate, but my understanding is it is about 30 years and so when they do start to underperform then they do end up polluting groundwater and that adds to the case for main drains installations, which I am sure many of my political colleagues will want to see extended.

**The Connétable of St. Brelade:**

Well that is for your colleague Minister.

**The Minister for the Environment:**

Yes, it is.

**The Connétable of St. Brelade:**

Indeed, we thought: "Press him on that." I am going to move now to the draft Wildlife Law, Minister. Subsequent to our report on the law, you responded favourably to the panel's recommendations, one, that we recommended an internal review should be undertaken to ensure the Natural Environment team is functioning with a sufficient level of expertise. In a letter to the panel, you agreed that a review would be undertaken. Are you in a position to outline how you anticipate this review to occur and when it will commence?

**The Minister for the Environment:**

Can I ask my Assistant Minister, please, to deal with this one?

**Assistant Minister for the Environment:**

Yes, and I will immediately pass the ball. I am extremely interested in an internal review of the Natural Environment team but this of course has been delegated and I would like to ask Mr. Peggie to tell us how this will happen.

**Director, Natural Environment/Acting Group Director, Regulation:**

Thank you. I think it is interesting insofar as the recommendation recommends that the work is done with the input of our colleagues and staff as well and I think that is really important. We have got changing legislation in the Wildlife Law and what I was unclear about, I suppose, in respect of that recommendation was whether it is specifically what used to be called the Natural Environment team but now sits within Tim du Feu's team and they are the land resources team but whether it is a wider Natural Environment Department review. Either way, we are able to do that to try and establish what level of expertise we are requiring in there to deliver the Wildlife Law. I think what is important to address from our perspective is that this is a very different piece of legislation to that which was in place before. It impacts not only on officers that deal directly with it who are implementing the legislation, so the officers of the land resource management team, but it also has big implications on those teams around us, the development control team. Planning, for example, will have obligations placed upon them which they need to be aware of, for a start, and they need to be able to be tooled up with or tooled up in order to deliver. So, yes, I think it is a review internally, it is going to be delivered by the end of the year, and we have agreed that that is the case, and it will have to be not just a review of our own expertise but of the expertise which sits around us because of the fact that this legislation really is quite a landmark bit of legislation and is different to what was there before. I hope that answers your questions, Chair.

**The Connétable of St. Brelade:**

Indeed, it does.

**The Minister for the Environment:**

Can I just say that I would ask the panel, please bear in mind Mr. Peggie spoke earlier, there is no question in my mind, there has been huge historic underfunding of this team and people have been required to run with virtually no budgets. Now we are trying to take the situation around, we are making good progress, but ask the panel, it is going to take a little bit longer. It is not an area where we can get instant results but I undertake I will keep on pushing, and hopefully by the end of this year we will be able to report more positively.

**The Connétable of St. Brelade:**

Well that was my next question. If the current resourcing is found to be insufficient to deliver the Wildlife Law appropriately, would additional funding be required?

**Director, Natural Environment/Acting Group Director, Regulation:**

Minister, if you do not mind my jumping in. This legislation is being delivered in the same year as our undertakings to deliver a new target operating model, a new structure for the department.

[12:45]

So it has been anticipated within that structural proposal that we will have a redistribution of expertise in order to deliver the requirements of that legislation. That said, we are also living in a world where Government Plan funding has been requested in order to help in the delivery of that and of course the Government Plan funding process is a cyclical process. Like many areas across our portfolio, we are in a bit of a brand-new world, in this instance because of a new piece of legislation, in many other instances, particularly because of Brexit, we are kind of feeling our way in this new world. So, we would go so far as to say that the resources that we have on the ground at the moment need to be supplemented and we are getting that in place through Government Plan funding processes. We also recognise that, as time goes on, things will come out of the woodwork which will suggest that we need further supplementation of that resource, and that means that we will be able to recognise it and fund it through a Government Plan process. So, we are in a bit of an evolving situation here, is where I would say we are going.

**The Connétable of St. Brelade:**

Speaking of learning, could you briefly explain how you intend to sufficiently educate the community regarding Jersey wildlife and protection requirements and how you intend to communicate to Islanders its responsibilities under the new law and, in fact, whether work in that regard has commenced? I think you may recall, Minister, during the debates we spoke of educating at school level the requirements of the law.

**The Minister for the Environment:**

I think we do have an outreach programme but at the moment of course they are focusing on other areas. I think, if I could perhaps invite my Assistant Minister, there is no question there is a journey to be had here. This is such a sea change of framework that we are working in and I think there is no question that people want this achieved but there is a big communications job, as you absolutely say. Certainly working with our Communications Unit to try and get those elements of that more widely understood so we can turn what is a, if you like, strategic and a concept into an actual hard and fast delivery, I think is the challenge. I hate to dip out but, Gregory or William, will you give your thoughts on this? Gregory, I think is going to answer.

**Assistant Minister for the Environment:**

I will add a couple of things. The next 6 months are going to see all the work done on the guidance and that is done almost exclusively through consultation or they will liaise with our staff directly but there will be a continued dialogue with all the participants, all the stakeholders, all the people that have a direct influence on the natural environment as is now protected by the law. In terms of education, I think we have much less of a problem at the earlier levels because the best

environmentalists in the Island, are 14 year-olds. They have been taught, they have a completely different attitude to nature and I do not think they need much more telling, even though we do that as well, and we do have an outreach function which we use regularly. I just gave a green flag to a local school, which I think is the third one in the Island, which you give to them when they have done some important environmental work and especially in terms of carbon and global warming. So it is very, very interesting to see school children again being so engaged, so on that side I think we are doing well. On the side of the adult and, more importantly, the ones who have an impact on nature, they are parts of the consultation on the guidance and that will be finished before the law comes back from the private consult.

**Director, Natural Environment/Acting Group Director, Regulation:**

Might I also just very quickly add, sorry, Chair, I appreciate, and you will be more than aware of, the work of the citizens' assembly and the Climate Conversation work. I know that Scrutiny will have an overarching ability to sit in on the Climate Conversation and the questions that will be generated from those. We are recognising through the work and the conversations that are around the citizens' assembly, or I am certainly going to be discussing, the fact that the climate emergency links well in with our biodiversity crisis. So the climate crisis links with the biodiversity crisis. I think there is going to be wider conversations around that as time goes on as well to approach the adult level, as you say, rather than perhaps the more youthful level. So, I think that is yet another opportunity for discussions about the plight of our biodiversity and one of the main remedial factors or the mitigation factors being the legislation that we have just brought in to try and improve that.

**The Connétable of St. Brelade:**

Picking up on the carbon neutral strategy, during our previous quarterly hearings, you updated us on the progress that had been made regarding progressing with the public engagement on the carbon neutral strategy in advance of the anticipated citizens' assembly who informed us that delays had occurred as a result of COVID-19; however, had anticipated that members of the public would have an opportunity to share their views on carbon neutrality by mid-February. So, has this public engagement now concluded and, if so, could you briefly outline the outcomes of the engagement process?

**The Minister for the Environment:**

Well I will try and give you a high-level view and then hand over, if I may, to Dr. Louise Magris who is handling the project. But you have seen probably for the last 6 weeks the Climate Conversation, which is really about trying to get the broad subject into people's minds and, of course, they are the team harvesting the outcomes of that, but the focus of course at the end of this week will be the actual citizens' assembly. Of course my understanding, I think, I have been invited to attend but only to listen and answer questions, not to do any lead because that would be inappropriate, in the

session on Saturday, so obviously I think this work is really moving ahead now. If I could ask Louise to pick up the detail for you, please, Chair.

**Head of Sustainability and Foresight:**

Thank you, Minister, and good morning, Chair, and members of the panel. Thinking to the explore phase, which I think is what the question is about, the community aspect, reminding ourselves exactly what the Minister said there. Six weeks of intense activity, you have seen all sorts of things from statues wearing scarves to online discussion which has been about getting people to remember about the climate emergency, because time has passed since its declaration, and begin a lively discussion. That was focused on our website, [climateconversation.je](http://climateconversation.je), and particularly the dialogue platform which is a sort of structured way to discuss ideas and thoughts around climate emergency in this context in carbon neutrality. We have been really, really pleased with the engagement that we have had from people on dialogue across all social media. We have seen a very mature level of discussion, some aspects piqued people's interests more than others. Transport is always a winner, everyone had great views and ideas on transport, but also strategic discussion as well. The important point about all of that is the explore phase is harvested, as the Minister said, wrapped up into thematic outputs and will be presented to the citizens' assembly as they consider these particular thematic areas as they go through their deliberations in the next 8 weeks as well. So, the citizens' assembly, the 45 people in the room who have been randomly selected, will hear what the community have said and then the outputs of both of those processes get taken forward into the policy development process to give us ultimately a carbon neutral road map for the States of Jersey to consider. So that is sort of an overview, I do not know if you would like me to talk anymore specifically or if you have any specific questions.

**The Connétable of St. Brelade:**

Just a little point, really, do you see any potential challenges regarding the process and could you outline what they might be and how they might be resolved? This is completely new to us.

**Head of Sustainability and Foresight:**

Do you mean for the citizens' assembly or the whole process itself?

**The Connétable of St. Brelade:**

The citizens' assembly, really.

**Head of Sustainability and Foresight:**

Sure, thank you. You are absolutely right. So, first of all, it is new to us but the process that we are running, so using an explore phase of citizens' assembly process and then policy development, is new to everybody. So this is something that Jersey is doing that is a little bit different to the sorts of

assemblies that have been done elsewhere. So, ensuring that we stick to time and still work with valid, transparent and open information with the right level of input from our expert panel and content designers is always a challenge, and that is going to be the challenge for us. There is a lot to get through and I think probably the main challenge for the assembly is for them to be able to take on board the amount of information that we put before them or we, the process, puts before them. There is an awful lot to take on board to understand and it will be a really tough job for them, if I am really honest. You know, there is a lot to sit and listen to. It will be online, it will be interactive with great facilitation and lots of breaks and lots of opportunities to think creatively but it is a big process and it is a big ask. I have every confidence that the good citizens who join us will do their absolute best and come out with some great recommendations but the challenge is around the volume of information and the recommendations. Shall I stop? Because I can take questions coming through chat.

**The Connétable of Grouville:**

Louise, how do you make sure that the advisory panel and the citizens' panel are completely independent and do not get overly influenced by officers of the department?

**Head of Sustainability and Foresight:**

So policy-making is obviously a profession and an independent process in itself so policy officers work with facts and data and provide those to Ministers and into the process. You are absolutely right, though, the importance is the independence of the process of the citizens' assembly which of course is being run by the Greffe, not by policy officers, and they are led by an independent chair who has been elected through a recruitment process. The facilitation and the design of the whole process has of course been independently commissioned and has been carried out by an independent experienced coalition. The advisory panel is similarly independent so I think you have probably sat in on some of the meetings and you have seen the independence of the panel led by Professor Liz Bentley with 5 other independent people who sit on the panel. They are strong challenges of the content and the design of the process to ensure that it is not being led in a certain direction. Of course I think it is important to remember that the Citizens' Assembly is couched within the requirements of the proposition as well, so there are some very clear edges to it, which I think is really helpful. So I think the balance is getting the content, making sure it is independent and that the process allows citizens to reach any recommendations that they wish through the medium of valid scientific independent information that is provided to them in an accessible way.

**The Connétable of Grouville:**

Thank you. The question was not a criticism but there is a perception from the outside that these panels are set up and then they are advised to the nth degree by the department and the officers and therefore the outcome is pre-described, if you like. I think it is important and, as you say, I did

attend the first meeting of the advisory panel, and it seemed to me that they were indeed very independent. I just hope that the whole process is like that and I hope I will be able to report back that that is what I found. But certainly so far I do not have a criticism but I know members of the general public are concerned about this type of panel and how they work. Thank you.

**Head of Sustainability and Foresight:**

Thank you, I understand that.

**The Connétable of St. Brelade:**

The assembly was selected by the sortition process, I gather. Do you believe it represents a microcosm of Jersey in a balance of views?

**Head of Sustainability and Foresight:**

Minister, would you like to take that or shall I?

**The Minister for the Environment:**

Again, I am going to ask Louise to do the detail but just to say I was delighted to hear the Connétable with that opinion because I have stressed absolutely, this is an apolitical process, the politics comes much later. This is absolute independence and I have gone out of my way to make sure I am not stirring it in any way, which I would not do anyway, and I know all my colleagues do the same and I have got absolute faith from the off the process is a really good one. So, independence is all here otherwise there is no point in doing this.

**Assistant Minister for the Environment:**

Yes, I think I can summarise that in something that might be a little bit surprising. We hope to be surprised by the panel, we hope that they will come up with things that we did not expect and if we were leading that in any way, it would not happen.

[13:00]

We hope that they will come up with solutions that we have not thought about, we hope that they will come up with a determination that maybe we do not have in the Assembly. Again, if we were leading them, this would not happen.

**The Minister for the Environment:**

You asked Louise for detail and I interrupted. Could she come in?

**Head of Sustainability and Foresight:**

Thank you. So the question about, did we feel that this sortition process had given us the microcosm of the community?

**The Connétable of St. Brelade:**

That is right.

**Head of Sustainability and Foresight:**

Yes, it is a really good question because, as you know, I think the panel were given a private briefing on the sortition process. As you heard, it is an incredibly scientific process but what it does rely on is enough people putting themselves forward to be randomly selected from and ensuring that that group of people who are available for random selection are representative of the different parts of the community that the questions and the stratification was based on. What I am really happy to report is that we had just over 450 responses to the 9,000 invitations that went out and they filled each of the buckets of categories very satisfactorily. So what that meant was, there was no need ... we were not looking for people of a certain demographic representation to be randomly selected. The point was we had a great selection process - and when I say "we", what I mean is the independent advisers had a great selection - and so therefore the 45 do represent the Island, as we hoped that they would. So I can confirm that that has been a great success and both us and the assisted dying processes have had the highest positive response rate that the Sortition Foundation have ever dealt with, so that is really exciting. I think that tells us that the people of Jersey want to give their time and energy to participating in democracy, so we are really, really pleased about that.

**The Connétable of St. Brelade:**

As you say, we look forward to the results. Moving, Minister, on to home energy audits, as part of Jersey's Climate Conversation on how Jersey could tackle climate change, subsidies for home energy audits have been made available to Islanders. Could you update the panel regarding the uptake of this initiative to date from homeowners, please?

**The Minister for the Environment:**

Yes, I think, as obviously you remember, Chair, I did have a question in the States Assembly recently which I answered as a written question. Obviously this scheme is still ongoing and the numbers that I have been given in my brief are that we carried out 395 audits so far but I would ask Louise, please, to pick up further detail from that, if I may, please. I would like to hear how successfully it is going because I have not had a chance to have an update myself.

**Head of Sustainability and Foresight:**

Thank you, Minister. Yes, so the subsidised audit scheme has been running since the beginning of January 2019, which in itself was a bit of a strange year. But 395 audits have been carried out and

the subsidy, the sliding subsidy depending on the cost of the audit itself, there has been an average of £220 subsidy per property, so that is a generous contribution towards the cost of the audit. Of course what the homeowner gets is an output which gives them an energy performance certificate and it gives them the opportunity to see what measures would most improve the energy efficiency of their property, so the type of things that they could do, money it would save and the carbon it would save. So, the 20 local assessment trainers were trained up by a programme that was delivered by the Building Research Establishment and they work locally now to deliver these audits, and, like I say, it has been going very, very, well. We are pleased with the uptake and this is an ongoing scheme. We see that it will grow. What it does is it gives us the basis for future policy levers, none of which are decided of course, but could involve things like mandatory energy performance certificates at the point of sale or rental or something like that. So the development behind the energy audit has given us the software to be able to calculate energy performance certificates that reach building standards.

**The Minister for the Environment:**

Like I said, Chair, I have also asked the team, and I am not sure where it is, to put in a bid to the Fiscal Stimulus Fund because I am conscious of the fact that in previous years there was another scheme with a rather different emphasis where we gave grants for works. We did that for, I think, 1,900, or thereabouts, homes for people of low incomes. Of course that scheme was wound up and I think there is now a need and there is mutual benefit all round, both for the householders and public, of having a scheme which will allow, if you like, kind of middle-income situations to help people with that. It remains to be seen where we are with that bid and whether or not we will be successful but I think that is something that I would put forward on the agenda very much.

**The Connétable of St. Brelade:**

Drifting towards sustainable transport initiatives, it was highlighted during the last quarterly hearing that the Sustainable Transport Policy had included numerous rapid policy actions and it was anticipated that those would be developed within the coming months with the intention of integrating those actions within the longer-term carbon neutral road map. Regarding those more rapid policy actions, could you update us on what those are as well as any progress that has been made to date in terms of the development?

**The Minister for the Environment:**

Well of course, Chair, you know that under our current ministerial structure, sustainable transport does not sit within my ministerial responsibilities and I rely very much on my colleague, Deputy Lewis, the Minister for Infrastructure, to take this forward. But of course the officer work, we have here Louise, who is on that team if not leading it, and I know that these things ... I think what your question is about what I think was put forward as strong, stark initiatives, something of that nature

they called them. Of course, the other thing I would like to flag up is in parallel with that. I know my Assistant Minister, Deputy Guida, is leading an environmental taxes group to look at the tools by which we move forward on sustainable transport because I do not think the issue of sustainable taxes cannot be addressed without including transport-related issues. Deputy Guida has shared with us, the work is really looking good, but nonetheless start with the first ... and of course the other thing is the Island Plan as well has picked up on a number of these themes in the sustainable transport initiatives and they will be in the draft Island Plan at kind of a very high level. So I think what I am trying to do, as the Minister for the Environment, is to pick up the bits that I think can tie in across my responsibilities and ensure we deliver but, on the Strong Start initiatives, obviously this is very much the focus of the Minister for Infrastructure's work. So, Louise, could I ask you to come in at that point and just pick up what has been done there?

**Head of Sustainability and Foresight:**

Thank you, Minister. So I think the question was specifically about the rapid analysis plans, which was the pieces of policy development which run alongside the further policy work that needs to happen to deliver the sustainable transport work outcomes beyond the Strong Start initiatives, which were a suite of smaller projects that began the work. So the rapid analysis plans that are underway at the moment are the mobility as a service, the active travel and parking review, so those are just about to be commissioned. We have just finished working with potential consultants to finalise scopes and then the next piece of rapid analysis work will be the bus development plan as well. All of that work will be commissioned and worked at at pace because, you are absolutely right, the outputs of that work will lead to the delivery of further sustainable transport initiatives but also feed very strongly into the carbon neutral road map as well. So that work is actively being undertaken at the moment and we can very happily give you a more specific update at the next meeting perhaps because we should be beginning to see some results then.

**The Connétable of St. Brelade:**

Thank you. We noted, Minister, the overlap obviously between yourself and the Minister for Infrastructure in relation to this, have any discussions been taken jointly regarding this area of development and how it might be advanced through potential collaborations?

**The Minister for the Environment:**

Well not, I have to say, to be frank, at ministerial level. I certainly have a huge programme of work to do and I certainly have more than enough to do across such a wide range of policy agendas. Getting involved in the detail, I think, I prefer to rely very much on the officers of the S.P.3 team and, to pay full credit here, since the joining up of policy work by Louise, Mr. Steve Skelton, Kevin Pilley, we have also had a new strengthening on the transport side, a new professional to come on board on the transport planning side. I am very content with what I am seeing happen on that at the

moment. But of course where there is, I think, a need for greater integration, which is about, if you like, at the very sort of top policy level which is political, I personally think this is something that within our structure of government needs to be reviewed. So I think that where we have got overcomplicated political structures on covering important policy areas, in the next Assembly and the next Government, we should try and relook at that structure. Do not get me wrong, operational infrastructure should be separate from policy setting but I think it is important we have greater clarity in that about policy setting and the objectives that we are trying to set in the longer run.

**The Connétable of St. Brelade:**

Yes, I think that is agreed. Minister, I am going to just ask a couple of questions on the bridging Island Plan, if I may. Could you just update us on the progress in relation to it, to the bridging Island Plan?

**The Minister for the Environment:**

Well I think is where, the panel will not be surprised to hear, I probably spend more of my time than anything and have done for the last 6 months. Fortunately, what is happening, I have the privilege of being able to have weekly briefings from the team of the various pieces of evidence-gaining work. Of course, you have probably seen we have been able to publish a whole stream of pieces of work. We published the work on the review of the coastal and national park boundary, we have published the work on the integrated countryside and landscape study. We published works on heritage buildings, and so those have been published. There are other works which have not been published yet because I think, if you like, they are both more sensitive and they lead into site-specific planning decisions which are well up to speed, for example, mineral strategy, waste management and water. That is an area, I think, Chair, you probably had private briefings, I hope, because I did ask the panel to be given briefings on all these pieces of work in place because there is a huge amount of gain.

**The Connétable of St. Brelade:**

Yes, indeed.

**The Minister for the Environment:**

I have also been seeing of course for the last few weeks, and maybe the last 2 months, draft policies; draft policies which I am able to review and then arrange with my Ministers to have discussions with ministerial colleagues where that crosses over. We are now working on a revised target date of being able to have a discussion on the high-level principles of the whole draft plan with the Council of Ministers on 30th to 31st March with a view to now its revised publication date is - I think, I cannot remember - week 3 in April. That is the plan and it is becoming very tight. The other thing of course I have had to do as well is to approve the new Ministerial Order that sets down the revisions, if you remember, for the way in which the law change we made; I am very, very pleased that the States

agreed the regulations with your support. Thank you for that, Chair, that order is now, if not in place, I have certainly signed it off, and it will be published very, very shortly. So, there is so much there, Chair, and I think people are going to be surprised. I think maybe some Members thought that the interim plan would just be a cut down. Well, it is not. It is a fully comprehensive plan and of course there will be, and I think it is an open secret, I have said so, there will be proposed housing sites in there. At the moment those will not be published or revealed until the draft plan is published and it is important that is the case. But I do believe the draft plan will address or make very, very significant progress on all these fronts, including meeting States housing and looking after our environment and the special parts of our countryside, particularly our coasts, improving the protections where we have of our very special places.

[13:15]

**The Connétable of St. Brelade:**

It is a difficult compromise.

**The Deputy of St. Martin:**

Thank you, Chair, and I am pleased to hear the Minister talk about the draft Island Plan but would he agree with me that one of the main reasons for having to do this shorter plan and not rollover and wait until the next Government comes in for another full plan was to identify those housing sites that he has just talked about? Will he agree with me that it is not just about social housing but it is about first-time buyer homes, it is about shared equity, it is about retirement homes, it is about nursing homes and that every part of Jersey society needs some sort of new housing and that those sites need to be identified just as much as all the others?

**The Minister for the Environment:**

I do agree. I think I would ask the Deputy to ... obviously what I do not want to do is to disclose too much detail of the lines they are working on but there is no question, they should not be just seen as social housing. What I am wanting the new plan to do is to match rather better the supply with the housing mix and the housing needs and that is that a lot of effort has been put into that. I am delighted to say that the Council of Ministers today - I think, hopefully they approved it, I had to leave before - approved the Housing Policy Group report for publication. Of course, these themes that the Deputy has highlighted there very much comes through there. Of course, it is my objective the draft plan does need to ensure that it delivers, if you like, what is in that document, albeit that we do not have the luxury of being able to wait for a States debate on that. We will have to pick those recommendations up within the draft plan. I certainly personally feel, as an older person myself, that the issue of housing for more elderly senior citizens, as it were, probably is the best way of putting it, deserves special consideration and it is one of the challenges that I have asked the team

to do. Nursing homes is more difficult, I have to say. Nursing provision of course, care homes and so on, are provided very much as private sector businesses at the moment. I think that is something that potentially will require some further discussion with the Minister for Health and Social Services in terms of what comes out of the new care model. But I am sure, the plan must address those spectrum of needs. If it does not adequately, I am sure there will be amendments forthcoming and if they are well put they will be supported.

**The Connétable of Grouville:**

I noted the Minister said that the sites for housing will be published at the same time as the draft Island Plan is made public, when is the target date for that to happen?

**The Minister for the Environment:**

I do not know if Kevin Pilley is able to give me the exact date. I do not want to commit to a date unless we are totally confident on it. Could I ask the chair that Kevin Pilley speaks?

**The Connétable of St. Brelade:**

Yes.

**Head of Place and Spatial Planning:**

Thank you, Chair. Yes, Minister, at the moment the date that we are working to is 19th April.

**The Minister for the Environment:**

Could I just add, the intention is, as I promised earlier, the draft plan will obviously include a section in there where the sites are identified, the details about them and so on. But there will also be a response to the call for sites list published which will be a list of all the sites, those that were submitted to the call for sites process, and the rationale for those that have gone into the draft plan and the rationale for those that have not. That will also be published at the same time.

**The Connétable of St. Brelade:**

Thank you. Do you think that consideration has been given to how the public consultation and examination in public processes could be sufficiently undertaken because of COVID restrictions or the fact that perhaps the restrictions are diminishing, will that help you carry out those consultations?

**The Minister for the Environment:**

Well I very much hope so. What I have asked the team to do is to draw upon every piece of skill we have learnt in terms of our communication using virtual and electronic processes and I think we have made great strides in that. One of the things that I have asked them to do, please, Chair, you will be pleased at this, is some way in which we can engage with Parish communities. Because in the

past there would normally have been, particularly housing site proposals, would almost certainly be subject to Parish Assemblies, people would come and present their views. I am sure Connétables would either get mandated, or at least they might not want to be mandated, but there might be votes on them to say to support some things or not to support others. I think what I want to do is to try and find ways that we can get as close to ... if we are not allowed to do that by the time - I must admit, does look likely if we are publishing on 19th April - the re-entry plan until things get back to normal on 14th June, I seem to remember, so there is a bit of a gap there. I do feel we can overcome that because it is a longer period of public consultation. Previously it was only 8 weeks and now it is going to be 12. Of course, also the public get, and States Members will get, a second bite of the cherry because we have the planning inquiries also included on those amendments. What I am probably more worried about is we just do not know what the COVID situation is in the autumn and, fingers crossed, I really hope that we do not have anything untoward happen COVID-wise after the summer holidays. Therefore, I have asked the team, with the inspectors, to work up, if you like, contingency ... they will have both plans to run things, the inquiries in virtual and those in hybrid and those in fully-open public sessions. We are equipped for that.

**The Connétable of St. Brelade:**

That is good. Well, Minister, and your team, that concludes our questions. I do not know if there are any more from the rest of the panel; I cannot see any. Failing which ... oh, yes, we just got one from ...

**The Connétable of St. Saviour:**

Sorry to be a pain, I was watching the clock, my clock is slightly slower than yours. Minister, I was just going to say, you and your team have put in an awful lot of work into this, do you not feel that if we had had an immigration policy as well, this would have made your life slightly easier? Because you have put in so much work and it could all be out the window because of no immigration policy.

**The Minister for the Environment:**

Thank you, Connétable. Yes, we have had to address what is, not what we would like. I have been a strong personal advocate of a migration policy for a long time and it was part of my political manifesto. But nonetheless I have had to accept, as a democrat, we had not come to that point as an Assembly and COVID sent us, if you like, off the rails in trying to reach a policy consensus; therefore, we have had to adopt assumptions. The assumption in the draft plan will be meeting a target of ... or is based on the population increasing 800 a year, which is 100 from the natural growth in the population plus migration into the Island, which is, I think, a half of the level which it has been at certain key times in the last 10, 15 years. Now that is an assumption. Members obviously will have to ... well where we are we are going to find out, there is going to be an in-committee debate, I think, in a couple of weeks' time. Maybe we will get some clues on the in-committee debate which

will help us know what the likely reception to the plan will be when it is lodged. But the plan, we cannot undo it now, will be based on 800 and Members will have the choice, of course, as to what they go with, what they do not go with, if they do like the housing sites, if they do not like them, they will be able to do that. The community will be able to have its say and Members can put amendments to put things in, take things out, and so it is not a question of the waste, it was not a perfect scenario, but the overwhelming need was to update that plan. There were so many things in it, the old plan now, it is so out of date, we had to do this.

**The Connétable of St. Saviour:**

Thank you very much, John.

**The Connétable of St. Brelade:**

Thank you very much, you and your team, for your full answers, Minister, much appreciated and we look forward to the next quarterly meeting in due course and I thank you for your attendance.

**The Minister for the Environment:**

Thank you very much, Chair, thank you.

[13:25]