



Environment, Housing and Infrastructure Scrutiny Panel

Quarterly Review Hearing

Witness: Minister for the Environment

Wednesday, 5th June 2024

Panel:

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair)

Deputy T.A. Coles of St. Helier South (Vice Chair)

Deputy D.J. Warr of St. Helier South

Deputy A.F. Curtis of St. Clement

Connétable D. Johnson of St. Mary

Witnesses:

Deputy S.G. Luce of Grouville and St. Martin, Minister for the Environment

Connétable M.K. Jackson of St. Brelade, Assistant Minister for the Environment

Mr. A. Scate, Chief Officer, Infrastructure and Environment Department

Ms. K. Whitehead, Group Director, Regulation, Infrastructure and Environment, Cabinet Office

Ms. L. Magris, Director of Housing, Environment and Placemaking, Cabinet Office

[11:03]

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair):

Welcome to this first quarterly hearing of the new Minister for the Environment. Today is 5th June, and I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live, and the recording and transcript will be published afterwards on the States Assembly website. All electronic devices, including mobile phones, should be switched to silent. Like that, fantastic, as demonstrated. I would ask that any member of the public, welcome, who have joined

us in the room to not interfere in the proceedings and as soon as the hearing is closed please do leave quietly. For the purpose of the recording and the transcript I would be grateful if everyone who speaks could ensure that you state your name and your role and to make sure that the microphones are close beside you. I know we have got some who are having to share the microphones today. So I would like to begin with some introductions. I suggest we start first, the panel, and then followed by the ministerial team. My name is Deputy Hilary Jeune, I am the Chair of the Environment, Housing and Infrastructure Panel.

Deputy T.A. Coles of St. Helier South (Vice-Chair):

Deputy Tom Coles, Vice-Chair.

Connétable D. Johnson of St. Mary:

David Johnson, Constable of St. Mary, member of the panel.

Deputy A. Curtis of St. Clement:

Deputy Alex Curtis, panel member.

Deputy D.J. Warr of St. Helier South:

Deputy David Warr, panel member.

Minister for the Environment:

Deputy Steve Luce, Minister for the Environment.

Assistant Minister for the Environment:

Constable Mike Jackson, Assistant Minister for the Environment.

Chief Officer, Infrastructure and Environment:

Andy Scate, Chief Officer for Infrastructure and Environment.

Director, Housing, Environment and Placemaking:

Louise Magris, Director for Housing, Environment and Placemaking. I apologise for my voice, I promise I am not contagious, I am just not very pleasant to listen to.

Group Director, Regulation, Infrastructure and Environment:

Kelly Whitehead, Group Director for Regulation.

Deputy H.L. Jeune:

Thank you very much. We have an hour and a half scheduled for this hearing and we have a lot of questions to get through so we will try to make it in in that time, but in order to make this flow as much as possible I would like if we could try to keep our answers short as well as our questions. We will try to keep them sure to the point as well. I have to apologise now if I have to interrupt to move the proceedings along so we can get through the questions. But if we do not then of course we will follow up with a letter, anything we do not cover here. So to start off, Minister, will you be presenting a ministerial plan and when will this be published.

Minister for the Environment:

A plan in regard of my priorities in the coming weeks?

Deputy H.L. Jeune:

Yes.

Minister for the Environment:

Well, I think there will be a publication, I am sure all Ministers within Government will want to have an actual written plan. But at the moment, certainly, I have indicated where my priorities are. You will probably be, I hope, aware of those. Carbon neutral is an important part of that but one of the things I have, one of the major changes I have indicated is that I want to prioritise work on water, which is a subject that always been close to my heart. I have always felt and known that in the next decade, 2 decades, water is going to be a serious issue for the Island if we do not address it now. I have felt in the past that maybe it has not had the priority that it might have been given and I am taking the opportunity to elevate that pretty much to the top of my list. Unfortunately, to the detriment of some other little bits and pieces but I think it is vital that we address water generally. I have had already had meetings with Jersey Water and I intend to bring a water strategy before the next election. But the thing I would stress, and I would like to think other Ministers are doing similarly, is that we only have 2 years before the next election, this Government, which is, as we know, in unknown territory only 2 years. Because of that and because I do not think there are a lot of major changes to make, this is very much business as usual, and many of the things that were put in place and initiatives that were started by the previous Government will be continued. The other thing I would like to say is just because things are not appearing in the Common Strategic Policy, that does not mean to say that they are not being done. I think the Government generally tried to say that we want to come out with a brief C.S.P. (Common Strategy Policy) if possible and maybe we have not stressed enough the fact that there is lots of other stuff going on as well. Because it is not in the C.S.P. does not mean that it is not happening. Certainly people within my department have said: "Oh we are a bit disappointed because it looks like we are not doing anything now" and I said: "No, no, no, no, we are carrying on business as usual." Every Minister has put forward a couple of ideas

for the C.S.P. and that certainly does not mean that all the normal stuff is not going on in the background.

Deputy H.L. Jeune:

Can I ask, Minister, because, as you know, prior to the C.S.P. debate, the panel noted that we were quite disappointed that there was not anything in the C.S.P. on the natural environment. Of course, your concerns around water would be one of them and your focus on the water strategy, why was that not put in the C.S.P. because that obviously is clearly an important priority?

Minister for the Environment:

We have a Chief Minister who was very clear about some of his priorities and he was also very clear that he wanted some of that put in the C.S.P. Maybe we could have spent a lot more time, detail, effort and officer time into developing a much larger C.S.P. with a much bigger debate, but I think the decision was taken that we would go for a slightly less number of topics. I agree, maybe I should have had water in there but that certainly does not mean that I have not indicated in every opportunity, inside and outside of Government, that it is something that I am going to be concentrating on.

Deputy H.L. Jeune:

Absolutely. That is why the panel was surprised that we did not see it.

Minister for the Environment:

I am grateful that we had the early opportunity to work together to come up with amendments. After some discussion and joint working, we came to an agreement that was acceptable on both sides of the Assembly, so that is good.

Deputy H.L. Jeune:

Thank you, and we are also grateful for that as well. Minister, you mentioned then that because water strategy will be one of your top priorities, and I assume within that natural environment package, you just mentioned that there are other things that will have to fall away. Could you mention a few of those things that would fall away?

Minister for the Environment:

I think that the one particularly that is falling away is that there was some work being done on boilers and the intention was that at the end of next year, beginning of 2026, we were going to have a ban on oil and gas boilers being replaced and we would be looking for electric boilers to be put in. There also was going to be some work on the ... I am trying to think of the acronym now but the energy certificates for units, which was coming forward. I have put those slightly more on the back burner.

I have prioritised the review of building bylaws. We are falling behind the U.K. (United Kingdom) and we are now out of sync, which sometimes puts us at a bit of a disadvantage so I have decided that we will do bylaws and we will review that. We will bring water up to the top. After discussion with the industry and with Skills Jersey and others, it was a difficult decision to take the replacement of oil fired boilers off the agenda, so to speak, and just put it on the back burner for now. But it is clear that the industry are not quite geared up to do that yet. I think we can address possibly it in a different way by looking potentially at using different types of fuel in these oil burners so, you know, oil with some sort of blend so that you are actually burning less carbon. There are other ways of attacking that. I was quite concerned that because we were not ready, we were going to potentially be in a position where people might be living in old, potentially listed but difficult to heat houses and we might be, as a government, saying: "Well, you cannot replace your oil fired boiler, you have to find an alternative." People might actually be getting cold and finding they are struggling to heat their water.

Deputy H.L. Jeune:

We have a few questions specifically on this later.

Minister for the Environment:

Okay, well maybe we will come back to that.

Deputy H.L. Jeune:

So we can come back to that because that is a good introduction for those questions later. I would like to turn to our hearings with the Minister for Housing and the Minister for Infrastructure. We have asked how Ministers are working across your remits to deliver affordable housing for Islanders, as that is one of the key priorities within the C.S.P. What do you see as your role in this and what steps have you taken since January to identify and overcome any barriers to provision.

Minister for the Environment:

Well, delivering affordable housing sounds very straightforward and normal, and with a fair wind it would be. We rezone sites within the Island Plan debate and ideally you go away and the developer very quickly comes forward with a plan which meets all the policy criteria, planning say yes, and they start building and people move it. We have realised since the Bridging Island Plan debate that actually the drainage infrastructure is becoming a real challenge. One of the reasons that it has become more difficult to bring these building sites ... to get them started, is the challenge of drainage - Andy may well have something to say here - but normally what would happen, and this is just one example, an application would come forward and it would not be approved until the drainage in the road was acceptable up to a certain standard and then you could start building. But in order to deal with the delays that this is going to cause, we have come to some agreements and we have decided

that what we can do is we can start drainage work happening here at the same time as the building work can start happening here and provided the 2 meet together at the same time at the end, provided the last house is ready to be plumbed in, provided the drains are ready at that stage, that work can happen at the same time. We are trying also to work very hard with the consultees because when you have a larger planning application for multiple houses, it is no surprise that there is a lot of input from people outside of the Planning Department and recently we have had instances where officers are under pressure all across the Government with time or what have you. Sometimes planning officers are having to wait for consultees to respond. We get the blame in planning because people feel it is not as fast a process as it might be but it is not always our fault and it may be because we are waiting for others. So we are having meetings with these consultees and saying to them: "Look, you are as much part of this planning process as anybody else and it is really important that you come forward with your responses so we can get to a decision." So that is another part, but we are working very hard. I do not know if either officer wants to say anything about the reforms or ... not reforms, just the changes that we are having in planning to try to speed things up.

Deputy H.L. Jeune:

I think we have specific questions on planning reform.

Minister for the Environment:

When it comes to affordable housing, our job is to get the decision out and we want to do that as quickly as we can. We are working really hard with consultees, especially with infrastructure, to make sure that drains are not an issue. I have to say, had State Members realised the challenge ...

[11:15]

Deputy H.L. Jeune:

Thank you, Minister, I think we need to just ... because we are going to ... later we have planning service reform questions specifically - those questions you are talking about - so that is great. But it is good to know about the drainage, the planning and the consultees as well.

Minister for the Environment:

One more point, S.P.G.s (Supplementary Planning Guidance). You will be aware the previous Minister issued S.P.G.s on the housing sites and I am meeting with developers who are saying to me initially they thought: "Oh, here we go" but actually now that is written down and everybody knows that they have to meet the criteria, they are finding that is really useful, because it is set out in black and white and they know if they can meet the criteria in the S.P.G. it is much easier for the planning officer and for them.

Deputy H.L. Jeune:

Thank you. Moving on, we are going to have questions on the carbon neutral roadmap and follow up on what you have just mentioned about boilers, for example. The report published on Monday by the C. and A.G. (Comptroller and Auditor General) on critical infrastructure resilience talks about energy. How will you be ensuring the swift implementation of the recommendations in that report? Specifically, what do you think the most vital areas of the recommendations are in relation to energy.

Minister for the Environment:

Well, it was an interesting report. I cannot claim to have read it completely from cover to cover, but I did read the highlights. The C. and A.G. is quite right to talk about energy, because we know as an Island that we have electricity, we have oil, petrol, diesel and gas. We know that in recent times gas has been a challenge for a number of reasons, which we will not necessarily go into, but these are private companies and maybe there should be more oversight. I do not know. But obviously we need to have a better handle on where the energy is coming from and how it is delivered. We can see very clearly that in the decades to come, we are moving quite quickly towards electricity as our main source of energy. We are trying to decarbonize the Island and we will come on to carbon neutral later. So it is clear that, you know, the use of petrol, diesel and gas, we are trying to move away from that and use energy from another source. That is going to be electricity. How we move to secure energy in the future is an interesting discussion. I am sure officers will have a report for me as and when we have had time to analyse it. Do you want to say a few words?

Deputy H.L. Jeune:

Just before that, specifically a few States sittings ago, you mentioned that it would be important to have an energy strategy and then of course C. and A.G. also mentioned that there needs to be a single point of contact related to energy, for example, a specific Minister for Energy. What are your thoughts on this?

Minister for the Environment:

Well, my thoughts initially when I read that paragraph was: "Oh, a Minister for Energy" and, of course the Minister for Energy currently is myself, even though it is not in my title. It is right and, in fact, I did mention to officers on Monday of this week that, you know, are we looking potentially at a Minister for Energy in a future government, and it may well be the case that it is necessary. I mean, energy like water is a vital - absolutely vital - part of island life.

Deputy H.L. Jeune:

Will you be putting an energy strategy forward as you said you would in an answer to a question?

Minister for the Environment:

Well, I think an overarching energy strategy, yes. It is not something which is on my radar. I imagine it would be quite a big piece of work. Louise?

Director, Housing, Environment and Placemaking:

I am very happy to come in on this point because I think there are 2 things that came out of the C. and A.G. report. It highlighted, as you rightly say, a kind of lack of joined-upness through Government on energy and that is something that I think we kind of knew was the case and we have known from when you were in position, I am sure you felt that strongly too. I think, as a result of the C. and A.G. recommendations we are looking very strongly at how we might be able to bulk up internal resource to meet the need to properly look at energy markets, because up until now it has been kind of a byproduct of the net zero journey and that is not the same thing as an actual energy team. That is something that we are actively looking at, at the moment. Then the other thing I think that came out the C. and A.G. report was the need to worry about infrastructure planning because that is underpinning our critical resilience. Of course, I am sure you will remember that there was a bid put forward in the Government Plan 2 cycles ago to do an infrastructure roadmap. Unfortunately that funding could not be found at that time to do that work, but it is a requirement for the next Island Plan. I think again the C. and A.G. report reminds us how important it is. So, again, we will be looking internally as to how we can find the resources to make that happen so it inform not only the Island Plan but our resilience. Then your point about an energy strategy overlays that very well. So you have the evidence pieces going in. I do not know that it is a quick fix but it is something that our attention will be strongly drawn to, helpfully highlighted by C. and A.G.

Deputy H.L. Jeune:

Thank you.

Minister for the Environment:

I do not know if Andy wants to add anything.

Deputy H.L. Jeune:

Very quickly.

Minister for the Environment:

We have had a number of ...

Chief Officer, Infrastructure and Environment:

Yes, if it helps, if the report opens up a conversation about critical national infrastructure as outside of this, it includes energy but also includes other C.N.I. (Critical National Infrastructure) if we can put it that way. So it does give some helpful recommendations for Government to act on. We will be

acting on that to take more of a role in co-ordinating that. I think the other point to stress is we have a Jersey Resilience Forum and a community risk register already. Again the recommendations with Justice and Home Affairs will be to broaden our work around those areas. We are very confident about delivering that, along with a new resilience law coming through Justice and Home Affairs. It will be a bit of a joint effort across I. and E.(Infrastructure and Environment), J.H.A. (Justice and Home Affairs) and the rest of Government.

Deputy H.L. Jeune:

Thank you very much. This nicely swings to the carbon neutral roadmap and to Deputy Coles, who will lead on this?

Deputy T.A. Coles:

Thank you. Minister, the panel is grateful that you accepted our amendment for the C.S.P. and introduced a new priority to take steps to implement the carbon neutral roadmap. Having accepted this amendment, please can you detail the changes you will make to your ministerial priorities to ensure that actions required by the roadmap are achieved?

Minister for the Environment:

Well, it is a big wide subject and certainly when it comes to delivering we have plans in place to do phase one and a lot of that is sort of in train. Some of the work obviously is around bikes, about electric vehicles, subsidising e-bikes, insulating houses and that sort of thing. But I think one of the priorities that I am going to have to think about in my term, as we get closer to 2026, is to thinking about the next phase, 2026-30 and 30 is an important year inasmuch as we see things like in the U.K. they have ban on electric ... sorry, internal combustion engine vehicles and things like that. The next moves are going to be important. Obviously the boiler ban we have spoken about, that will have to come in at some point because we cannot continue to heat our buildings. You will have seen this week we have had the latest numbers on 2022 greenhouse gas emissions. I found them, you know, actually quite encouraging. The fact that the trend is still falling, even though we have had these 2 blip years with COVID. Air transport is something we are certainly going to have to look at and address. We have mentioned private jets in the last couple of years, the Chairman will know all about that. I think that is something we are going to certainly have to look at. But I was challenged this week about, you know, how do we reduce our aviation carbon emissions? It is a bit like cars inasmuch as I think we are going to be looking to aircraft manufacturers and engine manufacturers particularly, to see how the industry generally is going to address carbon emissions, because as much as we might like it it is not Jersey that has forced car manufacturers to have a vast range of electric vehicles. It is going to be the same with aircraft. So we will be coming back with the certificates for buildings. It is important. We know transport and housing are the 2 areas that most of the carbon is resulting from so we will be looking to drive down carbon emissions from buildings.

E.P.C.s (Energy Performance Certificates) will be important. Then on transport, you know, continuing to electrify, hopefully continuing to get people to move to public transport. We are in the middle of a new bus contract procurement process. We would like to feel that the new contract winner will have their own ideas about carbon reduction, as we hope will be the people, whoever gets the new ferry contract, we are out for that as well. The Government themselves are doing quite well, we have seen some good figures as a business, if you like, where we think we are working really hard. We have seen some good numbers, I am trying to think, 47 per cent reduction in our fleet emissions or something.

Chief Officer, Infrastructure and Environment:

It has gone higher than that now. So 71 per cent decarbonisation of government fleet currently. We have certainly hit the 2030 target, but work continues on the remaining 29 per cent.

Deputy T.A. Coles:

Back on the E.P.C.s, I am interested into what engagement was done prior to the decision to indefinitely delay the legislation implementation for these certificates?

Minister for the Environment:

I cannot say there was a huge amount of consultation that went into delaying the certificates. I was faced with some decisions I had to make. I was, as I said before, very clear that I wanted to prioritise water. I only have a limited resource within my team. I only have a limited resource within the Law Drafting Department. It is not ... as much as I might like to do it, I cannot do it all. So when it came to water, if my decision had been made that I was going to go for it, I had to do something else. That meant putting E.P.C.s a bit more on the back burner. I did consult with certain people about the ban on the oil fired boilers and it was clear that we were not quite ready. I thought it was wrong, as I have already said, to implement something when the industry was not quite ready and there was a risk that people would just generally not appreciate it. I cannot do everything. Water was a priority and that is the reason I made the decisions I did.

Deputy T.A. Coles:

Will any work be done to improve the current E.P.C.s that are required as part of accessing the low carbon heating and home installation system grants?

Minister for the Environment:

Well, it is all in the big round and the building bylaw review is going to be important because you have to have a base to work from. We know that we are a little bit out of sync with the U.K. We cannot ever move too far away from the U.K. because if we have a requirement, you know, that says that the insulation we want is this size and the U.K. is this size, manufacturers are not going to go

manufacturing stuff specifically for Jersey. So it is important that we move where we can. We have commissioned the review, we have somebody doing that work for us. That will then set us a benchmark. E.P.C.s can then work to that because we could, ideally, be going ahead with E.P.C.s and have to change them quite quickly when the building by-law review is done. So we are going to start with the building by-law review, we are going to get that done. E.P.C.s will fall out on the back of that. Then my hope is, another few years down the line ... as I said, I have been talking to Skills Jersey and others about how we get the industry trained up, the plumbing industry, heating industry trained up so that we have got more people ready to convert. Also, that we have the energy in the road ready to take up, because that is the other one. We talked to J.E.C. (Jersey Electric Company) on a regular basis, but it is vital that if a whole housing estate which uses gas at the moment, or oil at the moment, decides to change, we have to have the electricity ready.

Deputy H.L. Jeune:

Just to confirm, currently one of the criteria of getting the grant for installation of electricity, the change away from ... the heating incentive, is to have an E.P.C. which obviously is U.K. based. That will continue, there will not be any reviews on that, it will stay as what is the current E.P.C.?

Minister for the Environment:

Yes.

Deputy H.L. Jeune:

Okay.

Minister for the Environment:

As I say, business as usual until something different happens.

Director, Housing, Environment and Placemaking:

I think the change has been making it mandatory and bringing in the primary legislation. So that is what the Minister has slowed down on in order to sequence it with a building bylaw review, but also recognising that the E.P.C. situation in the U.K. is not perfect and if we are going to be ... you know, we have to take their technology and transfer it to ours. If that is not as good as we would like it, we could lose time for that. That is the hole back there, but the E.P.C. and the energy efficiency of the building remains the first step in decarbonising the building and moving to a low carbon heating system and incentive, because, otherwise, if you do not do that, you are just losing energy and that is daft.

Deputy T.A. Coles:

Could I just touch on the element you mentioned about the underground in essence, which is the infrastructure for electricity. Specifically within your remit as Minister for the Environment, what are you working on with Jersey Electricity to overcome the challenges of the constraints of the electricity network? Do you see any part of your portfolio as responsible for that change?

Minister for the Environment:

Well, as I said a couple of minutes ago, I seem to be the Minister for Energy, even though it is not written as such. Let us be clear, I talk to Jersey Electricity on a regular basis. I have already had a couple of meetings with the C.E.O. (Chief Executive Officer) there and the Chairman talking about wind as it happens. But the conversation always spills out into how we are doing locally. I think they have a ... well, I know they have a programme of rolling out more power. My Vice-Chairman might want to just talk briefly about how difficult and how time-consuming it is to install additional power into areas of the Island. I do not know if you want to say how long it took at St. Aubin, Mike, but ...

[11:30]

Assistant Minister for the Environment:

Indeed, if I can just comment on that. The specifics with regard to putting additional electricity supply are dictated largely by infrastructure for the main roads and the parishes for the byroads. Then that has to be matched around other utilities requirements digging up the road and clearly residents do not like roads being dug up, so the focus is trying to do it with a minimum of disruption and get J.E.C. to forward plan, which I have to say they need to do work on, so that the other agencies can forward plan as well. But I think that is going in the right direction.

Deputy A. Curtis:

I will pass back to Deputy Coles in just a second but I guess the question for us as a panel is we are aware of the logistics of the electricity network. We know Jersey Electricity's position, but do you see anything within your Ministry, and not the Minister for Infrastructure's Ministry, that is part of your priority to enable a quicker rollout of the network, or do you see that as something that you have ultimately no ministerial power or policy over?

Minister for the Environment:

Well, one of my passing comments to the Jersey Electricity at the last meeting was that I see Jersey Electricity as a private company. I know the States have a significant shareholding but they still also have private shareholders. I see J.E.C. as a private company and so I am always at pains to try to persuade them. But if you talk about specific powers within my Ministry, I am not sure that I have any particular powers to instruct them to do that. I would imagine it would be more likely that it would

go through the Minister for Treasury and Resources as the representative shareholder who would then turn up and say ... but we are aware ... Mike and I have discussed the pinch points, Jersey Electricity know where they have challenges on the grid, they know where they are more likely to have challenges moving forward. As the Vice Chairman has said, it is not just electricity, which causes major mayhem on roads, it is going to be infrastructure. We mentioned drains. One of the biggest challenges with upgrading our drainage system is we are going to have some significant problems with our roads network when we upgrade certainly the first tower rising mains at Bellozane to the new treatment works. It is going to be big.

Director, Housing, Environment and Placemaking:

Perhaps I could add, I think one of the issues that we see and this is something we have learned with the carbon heating incentive is, as you know, the policy of Jersey Electricity is to charge the consumer for the costs to get from the road to their house. So often to the consumer that may be expensive depending on the length of cabling and whatnot that has to go in. That quite often translates to the customer as “there is not available electricity” or “it is going to cost me a lot of money”, and that is due, as I am sure you know, to the J.E.’s (Jersey Electricity) policy of not smoothing that across all customers, they charge the individual customer so, as the Minister says, that is not something ... because the J.E. are not regulated, we cannot direct the policy. But one thing you may be aware of is that the J.C.R.A. (Jersey Competition Regulatory Authority) are undertaking an electricity market review and I believe that they are looking at all of these issues. They may come up with some recommendations that would cause Government to rethink about the relationship with J.E., or not, I cannot prejudge it, but those are the sorts of issues that are there. Because if J.E. were to change that policy to allow personal access to the grid of a homeowner more easily, that provides a higher cost to the entire paying customer base which of course is all Islanders. Obviously that would be quite a significant change for them potentially, be against the principles of a just transition, so it is a quite difficult thing to get through but naturally does need to be looked at and we would be very keen to see what the J.C.R.A. are going to say. I believe they are publishing either this month or next so we are quite interested in what that comes up with.

Minister for the Environment:

I would not take a view on regulation one way or the other. The only thing I would say is that we know that if we decided to regulate the electricity industry that it would add money to the bill. Islanders would pay more because there is a lot of expense involved with regulation and the J.E.C. would be quite rightly looking to recoup some of that.

Group Director of Housing, Environment and Placemaking:

Yes, and I think they have always said to us they would prefer to act in a way that is in accordance with governance which is then being regulated and this may be an opportunity to find out how far that goes.

Deputy H.L. Jeune:

Thank you. Tom?

Deputy T.A. Coles:

With the changes for the fossil fuel boilers and installations work on this bylaws review, what do you believe the impact and delays are going to be for Jersey's Government for meeting its international obligations?

Minister for the Environment:

Well, you mean as regards carbon reduction?

Deputy T.A. Coles:

Yes.

Minister for the Environment:

As I said before, I have seen these numbers which have been produced very recently for 2022. It always infuriates me that we are 18 months behind when it comes to the data that comes out but I appreciate it is detailed and it needs to be independently verified. Anyway, it is what it is. The numbers have come out and I look at the general trends and think that we are still okay, I think we are still on course. But we must always remember, and I do stress this, that we are always going to go for the easiest way to reduce carbon and every year it becomes more challenging to continue with that same level of reduction. I think personally for the next few years we are going to be all right with our vehicles inasmuch as it is becoming increasingly easy to buy an electric vehicle of your choice. Most manufacturers now have a range of different sizes. Given that transport is one of our 2 big issues, I think if we continue to concentrate on transport in the next few years that we can continue to hit the targets we need but it will become increasingly difficult. There is no doubt the further we get down the road it is going to be expensive, people are going to have to decide if they want to run internal combustion engines. I am sure at some point they are going to have to pay even more money for the fuel to run them in order to try to fund the other initiatives within the carbon reduction policy.

Deputy T.A. Coles:

Talking of funding as well, do you know how much was spent on the implementation of HT1, the objective to support low carbon heating and home insulation?

Minister for the Environment:

I do not but I am going to look at Louise ...

Group Director of Housing, Environment and Placemaking:

I can lay my hands on it. Let me see if I can find it, it is in my notes I have. It is less, as I am scooting through to find the exact number which might take me a second, than we would have liked at this point; that has been a slower-burn policy. I think what we have really learnt from this is that the industry has to be ready to do those transitions for homeowners. There you go, thank you very much. £1.2 million has been approved as grant spend at the moment, so that is not bad. The electric vehicle incentive has had a much faster uptake and we will be through the budget of that probably by November/December. People are far more excited about an incentive to get a new vehicle than they are a new boiler and a new heating system mainly because buying a car is probably more exciting than changing your heating system and more straightforward.

Minister for the Environment:

I think the other thing, Louise, that we need to stress is that obviously electric vehicle prices have started to come down. I think one of the reasons that we have had success with the electric vehicles is the subsidy that we have been given has enabled consumers to think: "With the subsidy I am now almost at a point where it is going to be better for me to buy my electric vehicle" because with the subsidy and with, until recently, the car parking incentives it made it much better. The challenges we still have in heating homes is that, yes, you can get electric boilers, but in many cases in some of these large, old granite buildings and others it really still can be a bit of a challenge to find an electric boiler to churn out the amount of heat that you are used to from your oil-fired one.

Deputy T.A. Coles:

You have stated that heating and transport are priority areas in terms of carbon reductions and with the funding, how do you envisage this specific work and broader climate emergency financing being supported in the forthcoming Government Plan and with that the panel's understandings that the funding for the Climate Emergency Fund is sourced through vehicle emissions duties which has been frozen for the last 2 years?

Minister for the Environment:

Well we are still sourcing some money through emissions duties because we managed to get certain bits ...

Director of Housing, Environment and Placemaking:

We have still got the 9 pence, that is right.

Minister for the Environment:

Yes, we still have got the 9 pence. Because we are fortunate that we have a fund of money to work on carbon neutral which is already allocated and I do not believe is affected by previous or, sorry, forthcoming Government Plans.

Director of Housing, Environment and Placemaking:

You are absolutely right, there is a declining revenue stream as people move to electric vehicles that ironically the fund is helping people to do. The 9 pence per litre at the moment, which was meant to be an increasing amount and has remained static, that is still expected to come in unless there are amendments to the Government Plan. I think your question was going to the net zero financing strategy because naturally, as we always explained in the carbon neutral roadmap, the Climate Emergency Fund is but a drop in the ocean. The net zero financing strategy last year in the Government Plan, some principles were approved. I think in this year's Government Plan there will be less detail about the net zero financing strategy because there is a wish to remodel the next phase of policies. Rather than do a long-term financing strategy from now to 2050, it might make more sense for the Minister to focus on the delivery period, so for the next delivery period. This year's Government Plan will have to take that into account but it probably is not likely that the full net zero financing strategy will come with this year's Government Plan but that work is going on behind the scenes to remodel the next delivery period, which is 2026 onwards to 2030, and the policies that might apply based on what we have learnt from the first phase of policies that have been in the first delivery period, if that makes sense.

Minister for the Environment:

I can only reiterate what Louise has said but just because we are going for a short period of time between 2026 and 2030 potentially, it does not mean to say it is not going to be a large chunk of money, it does not mean to say it is not going to need funding. We certainly need to start looking at that because, again, as Louise said, net zero financing is going to be a mighty big number by the time we get to 2050 and we need to think about how we address that.

Deputy H.L. Jeune:

Thank you, Minister. Looking at time, moving on to Deputy Curtis and the building bylaws specific questions, I think.

Deputy A. Curtis:

Thank you. We would like to pick up on what you mentioned, Minister, which is a move to reviewing the building bylaws. Firstly, do you have an estimate as to when the building bylaw review will be completed?

Minister for the Environment:

I am going to hand over to Kelly because this is her department. I do know that we have engaged people to start work on it but I do not know about timescales.

Group Director, Regulation, Infrastructure and Environment:

At the moment we have initiated the project and the project board for the review of the building bylaws technical guidance and potentially any consequential changes to the bylaws which is a secondary order under the Planning and Building Law. We are scoping that project in terms of the timescales but it is not a fast review, so we are looking at a year or 18 months but that is due to the scope which has not been clarified as yet.

Deputy A. Curtis:

Thank you. It was mentioned earlier that this review is being commissioned, is that using departmental resources or external resources?

Group Director, Regulation, Infrastructure and Environment:

At this point the project board has been initiated with directors across the different supplying departments and we have a policy fast streamer from the U.K. which is a secondment for 6 months to project-manage the project. At this stage, because the scope is not defined, there has been no external suppliers, it is all within Government so far. If there was a need for external suppliers then we would have to look at potential funding options but at this point that has not been defined.

Deputy A. Curtis:

On scope, while it might be early days, do you have any areas of the bylaws, either the technical guidance part or the subordinate legislation, that you believe are likely to be in scope?

Group Director, Regulation, Infrastructure and Environment:

We are looking at scope for the entirety of the technical guidance, all parts. If there are consequential changes to the bylaws themselves then we will consider that, so the bylaws is a subordinate to the primary Planning and Building Law. We do not believe that there are any changes to the primary Planning and Building Law at this point in time, so it is more the review of the technical guidance which is to bring them up to speed with current best practice.

Deputy A. Curtis:

Would you have an example of a technical guidance document that is not up to speed with current guidance?

Group Director, Regulation, Infrastructure and Environment:

Some of our technical guidance was last updated in 2014 and some from as far back as 1997, so there are parts of technical guidance that are definitely in review of updating.

Deputy A. Curtis:

The Bridging Island Plan mentions 2 parts of the building bylaws that should be part of a review as part of the proposals, part 5 and I think part 12. Are those definitely in scope or are they still under negotiation?

Group Director, Regulation, Infrastructure and Environment:

They are definitely in scope. All parts of the technical guidance are in scope, so key drivers particularly around fire safety, also we have just spoken about carbon neutral. Those are 2 key areas but all parts of all guidance documents need to be updated, so we will be looking at all of them.

Deputy A. Curtis:

It was proposed that this review will precede any E.P.C. work because you would be looking at this as a tool to help with lower carbon. Do you feel that the current Bridging Island Plan policy ME1 which requires a 20 per cent reduction against existing bylaw or calculations is insufficient or is it the estimate that we need to go further with regards to insulation and low-carbon options?

Minister for the Environment:

Well, Kelly will talk more technical in detail than me but, as I said before, I think when you start talking about going further than other jurisdictions, you need to look carefully at the industry itself.

[11:45]

It would be challenging for us in certain areas to go above and beyond what the U.K. are doing, for example, or France because accessing the materials you specified might be a challenge inasmuch as manufacturers are not going to manufacture something specifically for Jersey. I will give you an example where we might decide we want to use a particular width of insulation and manufacturers will say: "Well, we produce this for Europe and the U.K., why would we rejig all our machines and produce something which is another 5 centimetres wider for Jersey? That is not going to happen", so I think we need to be realistic. I cannot remember, is the 20 per cent a guide or was that going to be a definite or do ...

Deputy A. Curtis:

That was a policy, not a proposal.

Minister for the Environment:

Okay, it is a policy, yes.

Group Director, Regulation, Infrastructure and Environment:

The policy is an interim policy which is pending the review of the building bylaws, so ME1 requires a 20 per cent improvement over the current standards but we would look to review that as part of the building bylaws as well, so it is a difference between the policy. My memory of the building bylaws, it is not the bylaws themselves, it is the technical guidance on how to achieve the policy, so that is what we will be looking at.

Minister for the Environment:

There are a number of ways of getting to the number that you need. I am sure, Deputy, you will be aware, but you put the calculations in, there are lots of numbers and you push the button and it gives you a number at the bottom of the page, and that is the one you have got to achieve. We can get to the reductions in different ways and the review will indicate how we might do that.

Deputy A. Curtis:

Very quickly, we do want to understand your ambitions on skills because that is a reason you have given, but one area of low carbon that we may expect or may not to be in scope is embodied carbon within building. A drive around Jersey will show plenty of steel being used, is it proposed to be in scope to review the current operation of the S.E.R. (Structural Engineers Registration) Scheme to see whether embodied carbon through steel or other materials is contributing to our targets?

Group Director, Regulation, Infrastructure and Environment:

The S.E.R. is not included in the current technical guidance review.

Deputy A. Curtis:

Or the subordinate legislation review, that might be part of it?

Group Director, Regulation, Infrastructure and Environment:

The subordinate legislation review is the technical guidance so it would not be necessarily as part of that but currently again I would refer to the earlier comment, we have not yet defined the exact scope. We can take that on board, I do not think it is anticipated at this point, but we will come back with the defined scope once the project has done that.

Deputy H.L. Jeune:

Thank you. I think we have a number of other issues on the carbon neutral roadmap but we will follow up in a letter as it is important and something that we have not touched on before in detail. I just turn now to Deputy Warr on the water strategy which is one area that you have mentioned already.

Deputy D.J. Warr:

Your commentary is already kind of pre-empting what we are saying here. What is the current understanding of the potential cost in urgency work to upgrade Jersey's desalination facility to meet demand?

Minister for the Environment:

I am not sure that there is an urgency to update the facility to meet demand but certainly Jersey Water are working on plans and have every intention of increasing by 50 per cent the size of the desalination plant at La Rosière. They see that as part of increasing the potential water supply on the Island but I think we need to be clear that it is not a short-term fix, it is a medium-term fix, but it would not solve the issue in the long term for the Island to deal with the requirements that we need. We need to be clear we do not have the storage of water on-Island ...

Deputy D.J. Warr:

Can I just stop you there for a second because that is my next question which was, what other methods of increasing water capacity and delivery are you exploring with Jersey Water? I will pre-empt that.

Minister for the Environment:

Well, there are I suppose basically 3 ways of increasing water capacity, and I do not use the word "storage" but say "capacity". We have mentioned desalination, obviously the increase of size of reservoirs or building a new reservoir would be another one, and the third one is the recycling of water that comes out of the sewage treatment works at Bellozanne. While that might not appear to be a very attractive, for some reason, option, it is certainly one that I think we are all going to look at very seriously in the future. Storage on-Island is a challenge. Physically we are a small Island, we do not have many sites, there are a few options available, and it might be that increasing the size of an existing reservoir is seen to be acceptable. My challenge to Jersey Water is, if we were to go for that option, which is increasing an existing reservoir or indeed finding a site for a new reservoir, that is probably a 15, 20, 25-year lead time. What I do not want to do, and I told the C.E.O. of Jersey Water only last week, in 10 or 15 years' time is find that we need an option which is going to take us 25 years to get to and we have only got 15 years left. I accept that population maybe is not moving on quite as well as it might do but Jersey Water is a good company, they have some really good results in, for example, leakage. They cannot gain an awful lot in leakage because they do not leak

very much water at the moment anyway. Some of the normal places that a water company might look to to reduce the amount of water they need available on a daily basis is not available to Jersey Water.

Deputy D.J. Warr:

Okay, so the next thing is the money and this is really the big question. What funding do you anticipate will be allocated to the development of a water strategy in the forthcoming Government Plan if clearly what you are suggesting here is ...

Minister for the Environment:

Well, I have allocated or been asked to allocate how much money it is going to cost. I presume it will all be done within budget. As I say, I have reprioritised work in order to have officers available and the resources, financial and otherwise, to do that work.

Director of Housing, Environment and Placemaking:

I can answer that, it will be consumed within internal policy work because that is what we do but obviously there will be a cost to implementing strategy but will come as part of the strategy, that is obvious, but that comes afterwards. We will be doing the policy work mostly internally. There will probably be a requirement to bring in some particular technical expertise from companies who do this for a living, so some tools around water management and water balancing and some technical advice in certain places but that will all be covered internally within existing policy budgets. Then of course what the strategy will do it will outline the funding requirements, perhaps even the governance of the water system, et cetera, et cetera, but that is the strategy itself. The work the Minister is kicking off now is the strategic work which will be done in-house.

Deputy H.L. Jeune:

I have a follow-up question because of course Jersey Water are about to start developing their 5-year strategy and so where do you see the overlaps, where do you see the difference between your water strategy ... and Jersey Water have a specific delivery, but where do you see where you can then leverage off their water strategy, for example?

Minister for the Environment:

Well I would like to think that we will both work very closely with each other, i.e., them with their piece of work and me with mine, but I think potentially a water strategy is going to be a bit more all-encompassing than the 5-year plan from Jersey Water. They have some, I am going to call them challenges, if you like, they realise that we need to have more water available in the future years, they realise the timescales involved in making sure we are ready for that when we need it. Somebody mentioned funding, and it must be clear that at the moment we have a water system

where water is available and the infrastructure is all there and a price point. If we are going to introduce something which costs an awful lot more to add that extra amount of water into the supply chain, somebody is going to have to pay for that. I think moving forward, like with everything else, I can only expect that water charges will have to go up to reflect whichever decision is taken to make sure that we have got enough water for 2030 onwards between 2035-2040. If they decide to build a new reservoir there is a cost involved. Desalination is a very expensive thing to do, a lot of infrastructure, and similarly if we go to recycled water that comes out of Bellozanne, that will have some costs with it as well.

Deputy D.J. Warr:

Thank you. Shall we move on to the marine spatial plan?

Deputy H.L. Jeune:

Yes, thank you. Yes, the next is the marine spatial plan. Connétable?

Connétable of St. Mary:

Perhaps we will do a postscript to the water strategy first. Given the overlap between your department's interests and Jersey Water, are discussions in place or likely to take place regarding a possible merger of the 2 entities so that everything is under one umbrella, as it were?

Minister for the Environment:

When you say "merger", do you mean a proper full-scale merger or ...

Connétable of St. Mary:

That or something similar.

Minister for the Environment:

Well maybe Andy might want to address that. Certainly there have been some discussions about it.

Chief Officer, Infrastructure and Environment Department:

We are always in dialogue with Jersey Water about how we both conduct our business. We both have different parts of the business, so we do our water, they do drinking water. It is something for us to consider moving forward but that would have to be done in partnership and there is a lot of bridges to cross or water to flow before we get there, I think.

Connétable of St. Mary:

I will leave it alone. Thank you. Yes, on to the marine spatial plan. I appreciate we have got a review underway, or shortly underway, so I will not go into too much detail, but my starting point is that it was the plan, maybe is the plan, to lodge the marine spatial plan shortly to the debate to be held in September. Has there been any change in that?

Minister for the Environment:

I would like to feel it will still be September. I was on the verge of publicising it properly but there was some last-minute economic information which I needed to understand better which is still being compiled. Rather than publishing the report and then add to it with this economic data as an addition, an appendix, an addendum or whatever, I decided that we would wait for that work to be done. It is going to be another 3 or 4 weeks but it is important information because I think people need to understand the economic effects of some of the changes we are going to make and I want those to be in the report as well, so that is pushing us back a little bit. I had hoped for September, it may be the first sitting in October now but, again, I want Scrutiny to have time to look at it. I want everybody to come forward with their ideas. Much of the plan is work to be done in the future so we have identified areas where we have not got the time or the money or the resource to put the policies specifically in place but we say they will need to be developed, because it is like the Island Plan for the marine space, if you like, it is important that we get it as right as we possibly can before we come to the States debate. I appreciate there may be amendments during the States debate, but we want as much input and everything to be as good as it can be before we go there.

Connétable of St. Mary:

Thank you. In that context of the panel requiring as much time as it can to conduct a review, am I right in thinking it is not going to be on 10th September, it might be delayed until October?

Minister for the Environment:

Yes, if the panel decide they need longer, that is fine.

Connétable of St. Mary:

That is helpful, thank you.

Minister for the Environment:

We have been a long time waiting for this, it has been a big piece of work, it is really important, and I am not going to bring it to the States Assembly a month earlier. If it is an extra month or 6 weeks in the big scheme of things, I am much, much happier to have proper input from Scrutiny.

Connétable of St. Mary:

Thank you. We are poised to move then.

Minister for the Environment:

Because I said this to officers the other day, it is all very well offering it to Scrutiny and saying: "There is a big chunk of time here over the summer holidays for you to ..." I said: "Let us not do that." Summer is okay, it is a time, but not everybody is here all the way through the summer, so we appreciate that.

Connétable of St. Mary:

Thanks for your co-operation, yes. On to my specific questions, you have announced in the last 2 weeks that the size of the marine protection area has been reduced from the 27 per cent total of Jersey waters that have been the aim of the document to 23.3, what impact will this reduction have on our ability to meet our international obligations to protect the full 30 per cent of the Island's waters?

Minister for the Environment:

Well, the 30 per cent is an interesting number inasmuch as some may claim it to be at 30 per cent but if you have not got the legislation to back it up behind you ... I am not going to say it is meaningless, but we are very fortunate in Jersey, the areas that we do protect, we protect it properly and we have got the legislation behind it. The reason that there is a small reduction, and of course the plan has not been published yet so I cannot say too much about it, is that I wanted to continue to work with the industry and with others who were involved. Rather than take an approach by saying: "Well here is the area we are going to protect now", there are certain bits which have been challenged and I have said: "Okay, in certain areas what we are going to do is we are going to do more work within the department before we decide to do that." There are some other areas where we have said: "Okay, we feel that we do need to maybe close this particular area to mobile gear" but rather than have a shock to the industry and just chop it off overnight, we are going to indicate to them that there is going to be a relatively small period of time that we are going to phase that in. So some bits have been withdrawn, we will look for more data, but we will be reintroducing them on a small timescale, and other areas have been maintained. Some of the boundaries you will know on the original plan were a curved area around the Island where I have asked for much more straight lines which makes it easier for navigation and things like that to know when you are inside or outside. I am looking forward to being able to publish the plan and explain properly the changes that we have made. At the moment it is still a little bit tricky because we published, we had the consultation, we have made some changes, and I am just waiting for the next 2 or 3 weeks and then we will publish and we can all have a good chat about it.

Connétable of St. Mary:

Thank you. You say “small reduction” but it is 20 per cent of the original so it is not that small and that is why we are concerned.

[12:00]

Anyway, perhaps we can move on. In respect of the reduction you have made, what was the rationale for this particular reduction and whether you or officers engaged with stakeholders outside the fishing industry in coming to this agreement?

Minister for the Environment:

There has been a huge amount of engagement from outside of the fishing industry. Certainly, if you have read the consultation you will know that we have had input from the French industry, from the French Government, we have had input from environmentalists, we have had input from all sorts of people over the whole piece. I was at pains to try to work with everybody and come up with some sort of a compromise. Yes, we have rolled back a bit from where we had initially started. Some parts of the industry felt that we were going to restrict their ability to work in some of the areas where they felt they were most productive. In some areas we agreed that maybe we did not have quite as much data on what is on the seabed and the type of rocks and formations that we had there and we agreed in those areas we would do more work. As I said, we had decided that we wanted to protect some areas but rather than have just a chop-off on the day, we would say: “Okay, there is a grandfather clause, you can carry on here but please note that in 3 or 4 years’ time that will stop”, so it was a sort of a consult. But we have had over 300 consultations and I would like to think we have listened to all of them.

Connétable of St. Mary:

This will become clear in our review. As for that we will be holding separate public hearings but, in the meantime, are there any other areas may you anticipate there might be major change?

Minister for the Environment:

Not at the moment. I think in some parts of the plan there is a lot more work to do. Some parts of the plan have just identified areas where we know we need to go into the future but, as I said, without a huge amount of resource and money available it is difficult to do everything at once. There were 2 particular areas where we have focused our attention and one, as you have mentioned, is the marine protected areas and the other one is we have spent a lot of time looking at how we protect the offshore reefs, particularly the Ecréhous and Les Minquiers, and there is more work to do there. We do recognise that they are a fantastic, wonderful resource and we need to be very careful that we work with everybody to make sure everybody is represented, that we do not restrict access to the reef but where we do allow it that it is not done to the detriment of the environment.

Connétable of St. Mary:

Thank you for that. We look forward to seeing the plan as and when. Thank you.

Minister for the Environment:

Thank you.

Deputy H.L. Jeune:

Thank you, Minister. We are going to turn now to a very different topic which is the Rented Dwelling Licence Scheme and the Code of Practice. Minister, you will be aware that there remains concerns, particularly among landlords, about the Rented Dwelling Licence Scheme and the clarity and purpose of the related Code of Practice. In the first instance, can you please tell the panel what further engagement has been taking place with the stakeholders on specific areas of concern?

Minister for the Environment:

I might ask Kelly to talk to this but before she does I would say that we still get regular contacts from individual landlords, Landlord Association and large providers. The thing I would really like to stress is the roadshows that we did and every time we meet people we try to say to them: "Look, we are here to help." We are not going out with a big stick to bash people, what we want to do is to work with everybody to come out with better rules and regulations, better codes. We have already indicated that the Code of Practice, which has been published, will be republished in September, maybe October, and that is because we have received representations from very many people but a lot from the Landlord Association. Where they have come up with good suggestions, we have been very happy to say: "Yes, that is really good and we will make that change." The Code of Practice itself has always been, and I cannot stress it enough, a living document, and where we find areas to improve it we will, and that is one of the benefits of having something online and being able to tweak it. We are trying not to publish too many paper versions but at least with an online document we can make the changes, we can announce that they have been changed and we can say why. I personally feel the interaction has gone really well. I am relieved almost, I would not say fearful, but as the date approached we knew we had some challenging meetings coming up. I think when we have had those meetings and we have discussed with landlords what we are asking them to do, I would like to feel they have been, in many cases, relieved as well. There are some laws which have been in since 2018 that people have had to follow. Anybody who has done that is in a good place before they start. Can we just talk about the numbers and how we are getting on?

Group Director, Regulation, Infrastructure and Environment:

Absolutely. Just to the point of consultation, the team are in weekly contact with the Jersey Landlord Association; we are receiving queries from tenants as well as landlords on a daily basis. We have

also scheduled parish hall surgeries and so we have confirmed dates and times of all the parish halls for one-to-one support. In terms of numbers, as the Minister has just mentioned, as of yesterday we have issued just over 3,000 licences and we are working in the next phase for the bulk upload facility. The team have engaged with all of the agents and companies and social landlord providers who have in excess of 50-plus rented dwellings and we are working with them on a way to bulk upload essentially the licences in one go and as well for opening B.A.C.S. (Bankers' Automated Clearing System) payments and other methods for payments, so that will be coming online as a next step.

Deputy D.J. Warr:

Sorry, just one thing on bulk upload, why 50? For 5 or 10 is it not simply a case of the same button doing ...

Group Director, Regulation, Infrastructure and Environment:

My apologies, that was just an example number, it is not a hard line.

Deputy D.J. Warr:

Right. Okay.

Deputy H.L. Jeune:

Thank you. So the engagements will continue, you have not got any set specific times in the sense that you have the parish halls but, for the Minister specifically, before the next Code of Conduct is kind of republished in September or October, would you be looking to meet again the different representatives?

Minister for the Environment:

Yes, absolutely. The October republishment, whatever it is and whenever it is, will not be the end of the story either. We have always said that the code is going to be a living document and I think it has to be because other technical guidance and rules and regulations will change which will mean that the code may not be 100 per cent right. So the code will evolve as the years pass and it may be that, I do not know how often we will update it, it will need to be updated at regular intervals. As we come up against challenges or suggestions which are good ones, we will make the changes.

Deputy H.L. Jeune:

Thank you.

Group Director, Regulation, Infrastructure and Environment:

As an example, it is also not just the Codes of Practice, so the landlords' tool kit which is online and the licences themselves, we have had comments and we have made changes to that already, and so we are actively making improvements when things come online.

Minister for the Environment:

One of the difficulties we do have though with the Code of Conduct and landlords' tool kit is that we have been asked on a number of occasions whether we would put examples in so people could look at an example and see how that example was used to address the different challenges within the code. We are not comfortable with that and the reason that we are not comfortable is that every single property is different, every single property is unique, and it is going to be very, very difficult to put examples, so we are trying to resist that where we can. I do not know if you want to say any more than that, Kelly, but it is important to note that every property is slightly different from every other one and the guidance is there to help and we feel that is the way to move forward.

Deputy H.L. Jeune:

Just moving on, of course, the panel wrote to you on 29th April requesting further information and we thank you very much for your reply. There are just some follow-up questions, it is very small, for example, Kelly, you mentioned about the tool kit which exists on the webpage, and we are just wondering if that will be available in paper format. Accessibility has definitely been something that the panel has heard concerns about and so is that, for example, one that could be in paper format? Maybe not the Code of Practice but the toolkit itself.

Minister for the Environment:

Well it can be.

Group Director, Regulation, Infrastructure and Environment:

Yes, as any government webpage is able to be printed, we would be able to print it to provide it to somebody. We would not have a published marketing document but we will be able to publish the webpage.

Minister for the Environment:

I appreciate we had a number of challenges about access to the internet and we are absolutely aware that some of our older landlords may not be particularly great on using the internet and that is one of the reasons that we have put all the visits to the parish halls in. Anybody who is struggling with, it may not be the internet, maybe a query or what have you, but it was clear that we needed to up our interaction with the general public which is why we have offered these drop-in sessions.

Deputy H.L. Jeune:

Yes, and that is exactly why the panel is probing on accessibility. Do you have a sense of numbers in that for the need for getting paper format, for having somebody helping to complete the necessary paperwork, et cetera? Do you know?

Group Director, Regulation, Infrastructure and Environment:

We also have the Housing Advisory Service at Customer and Local Services which has been helping individuals. From our team's perspective there has not been a lot of interest in terms of paper but I do not think we see the full picture until we are out in the parish halls, and so I think that is really where we are going to be able to identify that need.

Deputy H.L. Jeune:

Thank you and we will follow up on that. Another area in your letter, you said you had found a solution to refund those who are on the Rent Safe Scheme and that the landlords themselves have to request that. Can you provide an update on this and how will you be advertising this plan of reimbursement to landlords?

Minister for the Environment:

Kelly can provide the update but, yes, I think we found the solution. It was not quite the solution we would have liked because it is going to involve some time and officer resource but I did make the commitment that we would refund money. Certainly when we went to the Rent Safe we indicated that there would be a saving when we introduced this and I am keen to make sure that we are as good as our word. It is extremely unfortunate that the system we had in place and envisaged for repayment of money has not been available to us through some challenges outside of our own department but we are going to do that. How many? Have we got some numbers?

Group Director, Regulation, Infrastructure and Environment:

Out of the 3,000 licences issued we have had 8 requests for refunds.

Deputy H.L. Jeune:

Is it clear for that request? Do the landlords ... it is clear on the form that they can request it?

Minister for the Environment:

I would expect at some stage that we will see a lot more and it may well be that I need to talk to the team about how easy it is to request. It is one of those, is it not, whether we should be asking for a request or whether we should be doing it. It is more difficult to refund unless somebody does it specifically and provides us with the information. If we had had the original on a portal way of registering these licences, everything would have been very simple and straightforward, but it has not proved to be the case, unfortunately.

Deputy H.L. Jeune:

Thank you. Deputy Warr.

Deputy D.J. Warr:

Yes, just one bit of feedback which we got is in terms of consistency. What training is being provided to officers who are answering queries from landlords and tenants to ensure that they have the knowledge and expertise to provide consistent information? Some of the feedback has been that you can phone one person one day and you get one answer and then you phone somebody else another day and you get a slightly different answer, so what support is there?

Group Director, Regulation, Infrastructure and Environment:

We have not received that feedback so it will be very interesting for us to be able to understand specifically what the inconsistencies are. We have trained officers who are qualified environmental health officers and other professions for the housing team. In terms of the responses on the phone, we have a duty officer who is taking the queries and then usually the response is then checked by an officer and replied. Yes, I would be interested in receiving that feedback directly.

Deputy D.J. Warr:

Thank you. A final question, the panel have heard that managing agents are charging fees for filling in applications for the licensing scheme which sometimes exceed the cost of the licence itself. Is this an inflationary cost and do you have any plans to tackle it?

Minister for the Environment:

I am certainly not aware of that although I guess now you have raised it, it will not be a surprise if somebody is filling in a form on somebody else's behalf, and that takes time, and somebody has to pay for that. I guess the agents are going to re-charge it some time. I would like to think they are not charging over and above what they should be but I guess that is a small part. It is not a complicated form to fill in, as you probably well know. It is nothing much more than your name and address and the unique number for your property and, other than that, it is not something that takes hours to fill in. If you are used to doing it, it literally is a couple of minutes so in some ways it is a bit of a surprise.

Deputy D.J. Warr:

Just to follow up on that very quick point about the unique number, where do people access that number?

Group Director, Regulation, Infrastructure and Environment:

The mapping team and the housing team in regulation are able to help people find the unique reference number for their properties. In terms of the bulk uploads, our team have been contacting those agents of multiple properties and preparing them to find their unique property reference numbers before the bulk upload comes so they are prepared in order to be able to manage multiple properties at the same time.

Deputy D.J. Warr:

Thank you.

Minister for the Environment:

I would say if people are listening and watching or what have you and they want to get in touch with us, we are there to help.

[12:15]

If somebody feels they have not been contacted or, I cannot believe we have missed anybody, but if there is somehow that we have missed somebody, please get in touch with us, we need to speak to you.

Group Director, Regulation, Infrastructure and Environment:

Just a further point as well, we are working on a F.A.Q. (Frequently Asked Questions) and looking to develop the website further to provide answers to the questions that we are receiving.

Deputy H.L. Jeune:

Thank you for that, I know we will probably touch on this again in the future. So we are moving on to the Planning Service Reform. The panel yesterday afternoon, I think, received the planning services focus document that you have just published, so of course we have tried to digest it as quickly as possible ahead of this hearing. We will be requesting a separate briefing to go into this in more details but we do have a few questions for you, Minister. The first one is that in the report you state that the new I.T. (Information Technology) system RIDA is in your medium-term focus with the delivery date of the end of this year. The delivery of this system had been due to be completed by the end of the first quarter of 2024. Please can you explain to the panel why the system rollout has been delayed until the end of the year?

Minister for the Environment:

That is one for Kelly.

Group Director, Regulation, Infrastructure and Environment:

I think Project RIDA in terms of digital transformation across the regulation directorate has multiple parts. So, for instance, within Project RIDA the rollout of the Housing and Nuisance, Food and Public Health and also the Biosecurity Border Controls has been rolled out and our environment and consumer protection is now live. For that area, the rented dwelling licensing, for example, is also encompassed within the digital transformation project, so the project has delivered the system for environment and consumer protection. In terms of within development and land, which is the planning and building services, we are in U.A.T. (User Acceptance Testing) for the upgrade of the document management system. So within that scope RIDA has delivered and is delivering with a pending date in July to go live with the new document management system. The other half of the system is essentially the database that stores the data fields on planning applications and that is the area which we are needing to develop further and that is the portion that is targeted towards the end of the year.

Deputy A. Curtis:

We would really like to drill into this because the Planning Committee, the panel here are all well aware of the challenges that the department face. We just do not see that clarity as to what is causing the delay within the rollout of a replacement for that database. Could you provide some specifics as to the course of events that has led to a delay on this, while being obviously brief, because it is a serious concern that the public are seeing a stretched project that impacts the delivery of your function, yet we do not see the clarity, so could you provide that?

Minister for the Environment:

Well, no, you carry on. I was going to say if you feel that we need a more detailed answer we could come back to you after about that but I would say, before Kelly answers, we are making improvements. Our performance is improving, we are doing a lot of things better, and let us not say things are not improving and point at RIDA.

Group Director, Regulation, Infrastructure and Environment:

I think it is important that RIDA is delivering, so in terms of the document management system which is due to go live in July, that is a sufficient improvement of the collation of documents for, for example, the Planning Committee, for F.O.I.s (Freedom of Information) and things like that, so vast efficiencies in our back-of-house services in order to collate documents and to publish documents on the planning register. In terms of that part of the project we are seeing that delivery in very short order. In terms of the other part of the delivery which is the back-of-house database system, it is an incredibly complex architectural landscape, incredibly complex. We are working with Modernisation and Digital and their external suppliers and there have been struggles in order to provide the vision on an integration strategy because there are so many things that rely on this database, so many

areas of integration to other parts like the planning register, which is online, and the planning portal to submit applications, so it is an incredibly complex, technical area to cover.

Deputy A. Curtis:

Very briefly, is that vision for a single database that sounds like it was a challenge now complete? Is the vision understood?

Group Director, Regulation, Infrastructure and Environment:

Yes.

Deputy A. Curtis:

Will the replacement database provide D key single register for a property record that any department can integrate with once rolled out?

Group Director, Regulation, Infrastructure and Environment:

So the vision is clear, there is the target architecture that has been approved so we know the systems that we are moving into. In terms of a single property database, that is not part of the scope. So the scope is to provide a database of planning applications, of building applications and compliance records that may be linked together by a unique property reference number and therefore allows such as a property search to occur but it is not a property-centred database in one, it is application-centred data, if that makes sense.

Deputy A. Curtis:

It does makes sense.

Minister for the Environment:

The only thing I would add to delays, and this is a generic thing, I would suggest, is that when it comes to running out a system like this, we are better to wait 6 or 9 months and get it right than to launch it and find that we are in a bad place. We do not want to be rolling out systems which do not hold up.

Group Director, Regulation, Infrastructure and Environment:

I would absolutely echo that, Minister, in the sense that it is absolutely critical for the public that the services to planning and building remain online, so the planning register must remain active and online. I think that reads to the technical complexity about how to change the database in the back end without affecting the public-facing aspects.

Minister for the Environment:

It is a very big piece of work and it needs to be tested as to structure before we launch it properly.

Deputy H.L. Jeune:

Thank you, Minister. In the C.S.P. you identify the relaxation of planning controls as an area for reform, and this is in your report that you launched yesterday through your longer-term goal to explore changes in the planning system by 2026. What controls do you feel should be relaxed?

Minister for the Environment:

Well, I think I ... well, where do I start? When I was Minister back in 2014-2018 I looked at the General Development Order and introduced some things to allow ease for the public to do certain things planning-wise without permission and I indicated the same thing when I started again. There were a couple that immediately came to mind because we at St. Martin were trying to refurbish and rebuild and build new ... planning a play area. This is just an example but in the U.K. you can have play areas without permission if they meet certain criteria. In Jersey you cannot, you need to put an application in and there were some delays there. I said to staff: "Everybody within the department has some good ideas as to how we could save officer time and some applications that come into the department, do we really need to receive an application like that?" So I have asked for ideas, we have not had the final go-ahead of a meeting yet to decide what we are going to do but certainly I want to look again at the G.D.O. (General Development Order) and find some additions to permit a development just to make life easier for Islanders, really. We know that submitting a planning application is not everybody's cup of tea, it takes time and effort and money, and with a very small item sometimes you do wonder whether we should be asking Islanders to do that. I want officers to have more time to concentrate on more important applications, to be quite honest, so that is the reason that I have indicated another look at the G.D.O.

Deputy A. Curtis:

Minister, really quickly on that, every year the department processes between 1,500 and 2,000 applications. Will you be, as part of that review of the G.D.O., looking retrospectively at how many applications the department evaluate that would then fall under permitted development and would never have needed to come to a planning application to see the effect as to your ...

Minister for the Environment:

Well, certainly, I think that is one of the reasons that one goes to officers, the people on the front line, and says: "Come up with your own ideas as to where you think we could add to the G.D.O." because they are the ones that are receiving these applications. Sometimes when I was on Planning Committee we would get odd applications and we would think: "Why are we looking at this, it is a no-brainer?" But certainly when it comes to applications coming into the department, yes, what you are asking for is we will ask officers, they will know in the last 2 or 3 years the applications that they

have looked at and they have thought: “Yes, okay, I am going to have to do the work on this but, really, this should be allowed without the need for an application.”

Group Director, Regulation, Infrastructure and Environment:

Just to add to the point, Deputy, we would not be able to do a retrospective analysis on how many applications would not have come through if the G.D.O. had have been in place because we do not categorise our applications, it is just by descriptions. That would be an incredibly intensive manual reconciliation of the descriptions of every application in the past, so we would not be providing that information.

Deputy H.L. Jeune:

Thank you. Connétable, maybe some questions that ...

Connétable of St. Mary:

Yes, just going back to bylaws, if I may, which we addressed in relation to carbon neutral. We are keen to understand how the review work you are conducting will work within the context of the planning service reform which you are also undertaking. How do you intend to ensure that the bylaws and the planning processes are sort of streamlined so that they achieve the common objective?

Minister for the Environment:

Well, to my mind, they are a little bit separate but Kelly may ... the building bylaws review is work that is going on here, working with officers to find out how we can provide a better service for the public to something else over here. The review will take place and new bylaws will come out, officers in the bylaws team will then implement them in exactly the same way as they are implementing the rules at the moment. I do not see a great correlation between the 2.

Group Director, Regulation, Infrastructure and Environment:

They do run to different areas of the law, so as well in terms of planning, the policy principles are set by the Bridging Island Plan so the assessment of applications is against the policies of the Bridging Island Plan. In terms of the planning services review that is about the processing of planning applications, the service that the planning team provide, whereas building bylaws is a technical guidance review in terms of the requirements for the construction of dwellings.

Connétable of St. Mary:

We could perhaps take it further when we have our briefing on the reforms.

Minister for the Environment:

Just going back to the G.D.O., allowing people to build without permission does not mean to say they can just build whatever they like, I need to stress that. You can build an extension without permission but it does not mean to say you do not need bylaws, it is still going to have to have the installation built properly.

Connétable of St. Mary:

I am well aware the 2 are not necessarily harmonious. Yes, thank you for that. You mentioned one or 2 times about the value of the officers. In that connection, do you think the intended improvements will similarly improve on staff levels and, dare I say, morale within the Planning Department?

Minister for the Environment:

Well, we are a team and we all work together and I think if the team ... the difficulty with being a planning officer is it is quite easy for the general public to have a pop at planning generally.

Connétable of St. Mary:

That is why I asked the question.

Minister for the Environment:

I think the team quite often feel the pressure of that. In some cases it is not really fair, it is not well directed but we can all do better, I can do better, but what we are trying to do is to improve the system so that the service that we provide to the public is improved. We are stretched like all other departments with a shortage of people, we are stretched because we do not quite have as much money as we would like to spend on employing, but we are going to have a good look at things, and we are doing that and our performance is improving, and I am spending a bit of time in the department. We are listening and seeing where we can improve and we are getting on and doing that.

Connétable of St. Mary:

Yes, the panel is conscious that officers are in the firing line and I just wonder is the scope for having some sort of different organisation between you and ... there was one situation where there was a sort of an agreed resolution process, do you see the need to ...

Minister for the Environment:

Agreed resolution as in planning applications?

Connétable of St. Mary:

Yes, planning applications and complaints effectively. Do you see any scope for ...

Minister for the Environment:

There is a complaints procedure in place. If people are not happy with their particular decision, they can appeal the decision to an independent inspector, they can ask the Planning Committee to review a refusal that has taken a bit of ...

Connétable of St. Mary:

I am just trying to take the heat out of the planning officers' responsibilities, is there scope for introducing a new system?

Minister for the Environment:

Well, yes, but at the same time planning officers are employed to make decisions and they are given an Island Plan and policies within it in order to help them do that. I might be bold and say that the Bridging Island Plan has got more policies than we have ever seen before and I, to defend officers, would say the more policies they have, the more difficult it is to make a decision. I think we all know you can go into different parts of the Island Plan and find a policy which might help you in what you are trying to do and somebody will go to another part of the plan and find a policy which will not help you. It is not getting any easier for officers to come out and make decisions.

Connétable of St. Mary:

Going back to recruitment, are there any areas of expertise where you are lacking or do you see any problems in recruiting the right people?

Minister for the Environment:

We do have some vacancies at the moment, Kelly will tell us about those.

Group Director, Regulation, Infrastructure and Environment:

We have a vacancy, it is the planning manager role which is open off-Island, we have a vacancy an officer and a trainee planner, so there are only 3 vacancies.

[12:30]

I would just like to say in terms of the morale of the team that the planning officers have worked incredibly hard over quarter 2. In terms of performance it is up more than it has been in the last few years. We only have 30 applications-odd that are out of target. They are building exceptionally good relationships with the architects and the agents in whom they deal with on a regular basis, so I would also just like to say that the officers have done an incredible job in this last quarter to bring performance up.

Minister for the Environment:

We would welcome the opportunity to come back and talk to you about the reforms that we are ... and “reform” might be a bit of a strong word but what we are doing is putting different practices in place with the industry, with the applicants, and we are talking to everybody a lot more and seeing where the challenges are and how we could help. Because at the end of the day, as I have always said, you put an application in, it is our job to try and come out with a yes decision. It is a question of working with the applicant and manoeuvring your way around the policies so that we can say yes.

Deputy H.L. Jeune:

I just want to ask for a few more minutes of your time, Minister, but that of course comes back to the panel’s amendment into the C.S.P. about sustainable development planning, and that change in that whole idea of building, so of course definitely we would like to have a briefing with you to discuss this further. But I wanted to just finish on, because it is relevant for the moment, Grève de Lecq, and Deputy Coles has just a few more questions. It will take only a few minutes but I think it is important because it has been something that has been ...

Minister for the Environment:

Yes, absolutely. No, I agree.

Deputy T.A. Coles:

Yes, so really swiftly, can you update us with the cause of the water pollution incident at Grève de Lecq?

Minister for the Environment:

Yes. As we know, we started our regular weekly testing of bathing waters back in last month and immediately discovered that the seawater in Grève de Lecq was above where it should be, a long way above where it should be, which initiated an immediate investigation. In very broad terms it was discovered that a pipe between 2 pumping stations in the infrastructure system had some blockages, in certain circumstances that blockage was causing an overspill which was getting its way into the stream, the stream was finding its way on to the beach and the water was entering the sea. I do not know if you want to add anything to that, Kelly.

Group Director, Regulation, Infrastructure and Environment:

I can add to that. The regulation directorate will be investigating the cause of Grève de Lecq and we are looking at all different types of sources. While the immediate cause may have been identified, we will be looking at all other contributory factors as well as whether the event was foreseeable. That will contribute to our investigation and, as you know, live investigations cannot be further commented on.

Minister for the Environment:

What I would say is that the latest test of the stream has been very good, so we are confident at the moment we are back to where we should be but there is no complacency. We are aware that that valley is one that is used by sheep, goats, there are some chickens there as well, and we know the potential, especially for poultry, ducks and geese, to add to quite high levels.

Group Director, Regulation, Infrastructure and Environment:

Could I make a clarification on that? Just to say that there is the bathing and the seawater which is returned to good quality. So although the public advice has been lifted from the stream, there are still levels within the stream that does not equate to an excellent level but the bathing water itself is.

Deputy T.A. Coles:

Yes. Can I just ask, is your investigation going to ...

Minister for the Environment:

I thought the latest test had come back with a ... I will just check that, I have got something here that is going to tell me.

Deputy T.A. Coles:

While that is being checked, can we just get clarity whether or not the extent of the pollution and its impact on nearby properties will include their testing of the boreholes and other areas like that in the area?

Minister for the Environment:

Well, it will be if necessary. I do not know if you want to add anything to that, Andy.

Chief Officer, Infrastructure and Environment Department:

I know if you are private borehole owner the responsibility is on you to get your water tested, it is a private supply. Again, the messaging across all private owners of water supplies would be the same: please get your water tested regularly because that is just a requirement full stop on private water owners.

Minister for the Environment:

It might just need to be clarified but I have a note here within my pack which says yesterday's test ...

Group Director, Regulation, Infrastructure and Environment:

Is back to the expected.

Minister for the Environment:

... now as expected, advice to avoid the stream has now been removed. So I think we are back to where we were but that is not going to stop us investigating and looking for other potential sources and concluding what we should be doing there.

Connétable of St. Mary:

Ongoing monitoring presumably?

Minister for the Environment:

Yes.

Connétable of St. Mary:

Yes, thank you.

Deputy T.A. Coles:

What is your view on whether, through this case, it is suggested that the testing regime could be improved?

Minister for the Environment:

Well, I have said publicly that, as I just said, we started our weekly testing the beginning of May. We know since COVID we have a large and increased number of people who swim all the year round. That certainly was not done 10 years ago but we do have a large number of people, so bathing is something that is happening far more regularly than it was before. It may be, and I only say "may" because it would be a resource strain on finances, that we need to look at doing a little bit more testing. That may not be weekly or what have you but we will certainly look at it anyway.

Deputy T.A. Coles:

Would you support public access to test results?

Minister for the Environment:

Yes, absolutely, open and transparent. If we are not doing well enough people need to know we need to do better.

Group Director, Regulation, Infrastructure and Environment:

I would just add that the test results are public, they are on gov.je.

Deputy T.A. Coles:

Okay.

Connétable of St. Mary:

Certainly the local politicians who receive them, for which, thanks.

Minister for the Environment:

But there is a map on gov.je and you can see the various parts of the map. You click on the icon and it will tell you the latest result.

Group Director, Regulation, Infrastructure and Environment:

Then when we do have an investigation, certainly when we do additional sampling, those additional sampling results are below the table, it is still on the same gov.je page; the additional sampling is also published.

Deputy H.L. Jeune:

Thank you. Well thank you very much. I know that we are past the time, so thank you very much for allowing us to have those extra 10 minutes. Of course we still had a lot of questions, especially around conservation areas, Statutory Nuisance Law, and of course offshore wind as well to start on that.

Minister for the Environment:

There are 2 options: we are happy obviously to send you a hard copy of all the answers you want but obviously, please, if you feel that you want a briefing or a separate meeting on any one of those, or all of them, just ask.

Deputy H.L. Jeune:

Yes, absolutely, we will follow up. I thank your officers as well and thank you, Minister, Assistant Minister, for your time today. Thank you very much.

[12:37]