

Environment, Housing and Infrastructure Scrutiny Panel

Minister for the Environment

Quarterly Public Hearing - Wednesday 21st June 2023

Response to Residual Questions

Rented Dwellings

1. **Do you have any concerns that the proposed draft Regulations will place too much administrative burden on landlords that might make them consider selling their property and therefore reducing available property within the rental market?**

The administrative burden in terms of applying for a licence will be as light as possible with just a single online form to fill in. It will include automatic property lookups, payments online and an Excel document option for those landlords with large portfolios. The licence is then subject to renewal after two years. So, the “administrative burden” is a single online form once every two years. I find it implausible that this “burden” would trigger a landlord to sell. Indeed, I can’t help but note that the process of selling is significantly more of an “administrative burden”. If, however, the perceived burden is the anticipation of work that needs to be done to bring a dwelling up to minimum standards, then that is not a valid objection to the Regulations, because these minimum standards are already a requirement under the Law.

It may interest the Panel to know we have seen examples of landlords who have properties which don't meet these current legal requirements in respect of minimum standards and / or have prescribed hazards. In these circumstances, some landlords have chosen not to reinvest in their properties and put them on the market and subsequently new landlords have come forward to bring these into compliance.

Bridging Liquid Waste Strategy – Flooding and climate change

2. **Minister, we note in the Bridging Liquid Waste Strategy Proposal 34 taken from the Bridging Island Plan which states that you will work with the Minister for Infrastructure to “*further explore opportunities for the strategic management of inland flooding in the form of a Catchment Flood Management Plan (CFMP)*”.**
 - a. **Can you elaborate further on what solutions are being considered as part of the Catchment Flood Management Plan?**

Whilst a Catchment Flood Management Plan (CFMP) has yet to be developed, the [Jersey Strategic Flood Risk Assessment 2021](#) identified a range of strategic flood management options which could be used to help reduce the risk of inland flooding in Jersey. These included the development of flood storage areas; catchment and floodplain restoration; and the adoption of upstream natural catchment management methods. It should be noted that these options are

being considered as part of the solution in the catchment upstream of Grand Vaux, following Event Barn. In addition to these types of projects, the CFMP could also consider surface water separation, online and offline storage tanks and new surface water outfalls. As discussed in the Bridging Liquid Waste Strategy, keeping surface water out of the foul sewers frees up capacity and helps to keep sewage in the sewers during storm events.

b. Please can you specify the timeline for the publication of this plan?

The CFMP will be a combination of the Surface Water Management Plan (SWMP) being developed by the Minister for Infrastructure, the existing Jersey Shoreline Management Plan and the latest guidance and recommendations of the United Nations' Intergovernmental Panel on Climate Change. The CFMP will also have to be developed in conjunction with the proposed Marine Spatial Strategy as noted in the Bridging Island Plan (BIP) and Bridging Liquid Waste Strategy.

The SWMP will, for the first time, provide a set of flood risk maps for the Island and these will set the inland priorities for the CFMP while marine and coastal priorities will come from the other documents. The SWMP will be completed in 2023 and the BIP notes that the Marine Spatial Plan (Strategic Proposal 3) is to be developed before 2025 with the full CFMP developed in parallel.

Energy prices / energy efficiency

3. Assistant Minister, you mentioned in our last hearing that insulation schemes would be considered and might need to be adapted, can you update on this please?

Insulation and other energy efficiency improvements are a key part of the Low Carbon Heating incentive launched in May 2023 (see response to answer 4 below).

A valid Energy Performance Certificate (EPC) for the property is a prerequisite to apply for funding under this scheme.

Where the fossil fuel heating system is being replaced by a low carbon alternative, energy efficiency improvements identified on the EPC can be included within the grant-funded envelope. As a minimum, those applying for the grant funding are required to complete identified loft insulation improvements and easy wall insulation as part of the project, unless there is an acceptable reason why this work is not possible.

4. Reference was also made at the last Quarterly Hearing to the imminent launching of an Energy Incentive Scheme.

a. Please could you provide an update on the status of the launching of an Energy Incentive Scheme?

b. Can you outline what the Energy Incentive Scheme will consist of?

Our understanding is that the reference was to the Low Carbon Heating Incentive, the name of which was not confirmed at the time of the last Quarterly Hearing.

The Low Carbon Heating Incentive is one of the policies within the Carbon Neutral Roadmap (agreed by the States Assembly in April 2022).

The incentive was launched on 15th May 2023 and provides up to £5,000 of match funding, currently for domestic owner-occupiers to replace oil or gas boilers with low carbon heating systems. For those meeting the low-income eligibility criteria, £10,000 of funding is available without the need to match fund.

The current eligible low carbon technologies are: air sourced heat pumps, electric flow boilers and electric panel and storage radiators.

For those undergoing heating system changes, energy efficiency improvements can also be included within the funding envelope.

As per the answer to question 3 above, an Energy Performance Certificate is required of all properties applying for the incentive and energy efficiency improvements identified on the EPC can be included within the grant funding.

A Contractor Quality Scheme has been developed to ensure the provision of high-quality advice, heating system design and installation work from contractors. Only contractors that are members of the Contractor Quality Scheme can complete grant-funded work.

To clarify application figures provided by officers during the hearing, to date there have been 46 enquiries made to the Contractor Quality Scheme and 29 applications fully approved for the incentive funding. Five low carbon heating installations have been completed and the incentives paid.

In addition, policy officers continue to explore options around the provision of a wider reaching insulation and energy efficiency support offering.

Greenhouse gas emissions inventory

5. Jersey greenhouse gas emissions stats were published on the 25th April 2023. Transport remained the Island's largest emitting sector at 41%.

a. Could you detail what action you propose to take in 2023 and onwards to try and decrease the emissions from vehicles on the Island?

- We are introducing financial incentives to encourage the adoption of electric vehicles. This will also include home charging incentives to support low-cost charging for residents. Alongside this, we are working with Jersey Electricity to support development of the public charging infrastructure across the island to ensure convenient access to charging points for all Islanders. These incentives are going to run in parallel with the incentives to support Islanders to buy electric bikes, adapted bikes and cargo bikes in an effort to enable modal shift out of petrol and diesel cars and onto bikes for commuter journeys.

- We are committed to transitioning the government fleet to electric vehicles to lead by example. By replacing conventional vehicles with EVs, we can demonstrate the practicality and benefits of zero-emission transportation whilst collecting valuable data on how efficient EVs are across different types of vehicles to support better monitoring and evaluation.
- Regarding public transport, we are using Policy TR9 within the Carbon Neutral Roadmap to trial new and more frequent routes within the current summer timetable. This will help us to understand the areas where data and research tells us that where there is potential demand for use of the bus, people will switch their mode of transport. Through the current tender of the bus contract, we are using the outputs from the bus development plan workstreams to maximise the opportunity to decarbonise the future bus fleet from 2025 when the new contract is awarded. Currently, the double decker buses are decarbonised through the use of second-generation renewable diesel.
- We are working on Jersey's first Cycling and Walking Strategy which will draw conclusions on the active travel rapid plan and identify a strategic cycling network across the Island and a further four key walking zones, alongside a ten-year infrastructure action plan. There is currently a Government Plan 2024 bid in to fund this delivery. This strategy will promote modal shift and enable investment in the development of safe and accessible cycling and walking infrastructure throughout the island. By reallocating road space which prioritises cycling, improving pedestrian facilities, and ensuring proper connectivity, we can encourage residents to choose these sustainable options for shorter trips rather than private motor vehicles.
- As part of the Cycling and Walking Strategy and emerging Road Safety Strategy, we will be developing awareness campaigns to inform the public about the environmental and social impact of reducing private vehicle journeys and consequent emissions, whilst highlighting the benefits of more sustainable modes. By promoting eco-friendly practices and providing information on available incentives, we can encourage behavioural change and foster a culture of greener travel.
- We will continue to actively engage with local businesses, fleet operators, and delivery services to encourage the adoption of low-emission vehicles through our eco-active business network. Through this network we share best practice and facilitate partnerships, where lessons can be learnt and more positive decision making in the use of commercial electric vehicles is encouraged.

b. How is this information being factored into the Sustainable Transport Roadmap which is currently being drafted?

- The emerging Transport Strategy provides a more detailed update on all the actions which are in progress which support the decarbonisation of the Island's transport network. It provides policy direction, commitments and actions across six new themes and identifies the infrastructure projects which are being developed as well

as behavioural change programmes expected to be delivered within this term of government.

Common Population Policy Annual Report 2023

6. **Minister, on the 12th June 2023 the [Common Population Policy Annual Report 2023 R.100/2023](#) was published detailing the population policy for the Island.**

a. **What concerns do you have with regards to the expected population growth on the Island and the impact this will have on the environment and our water resources?**

This a complex issue, and with respect can I suggest that it is tabled for discussion at the next quarterly meeting, where we can explore the issues in more detail.

b. **What actions will be put in place to mitigate the strain an increased population on the Island would place on water resources, as well as the natural environment?**

Strategic Proposal 5 of the bridging Island Plan commits the Minister for the Environment, in discussion with other ministers including the Minister for Infrastructure and Minister for Economic Development, Tourism, Culture and Sport, to develop an infrastructure roadmap for Jersey. The roadmap will build on the [Infrastructure Capacity Study Report 2020](#) to inform short- and long-term strategic policymaking and help to understand the costs and consequences for the environment, economy and wider society of key future infrastructure choices.

Supporting the provision of infrastructure for the management of the island's water resources will form part of this work and is to be examined as part of the development of a Water Strategy for the island. The work on scoping the strategy has commenced and is a key Ministerial priority that will examine all current and future pressures on the resource (including population) and provide recommendations for future safeguards across areas such as water storage, use, conservation and recycling.

The impact of increasing population upon other aspects of the natural environment is managed through other policy tools, such as the Island Plan and a proposed biodiversity strategy.

Marine Spatial Plan

7. **Minister, we understand that work is underway on gathering information for the evidence base of the Marine Spatial Plan and [according to your timeline](#) from April to July 2023 the Marine Spatial Plan is being drafted and a draft map is being produced.**

a. **Are you on schedule with this timeline?**

The MSP remains on schedule according to the timetable. A direction of travel document will be released shortly which will outline the Plan's contents and scope. Writing work for the main Plan document has begun and early drafts of some of the sections are with Marine Resources. The information required for the map is being prepared for publication. As things currently stand, the MSP is expected to be delivered on time and within budget.

b. We note that there will be a second consultation process between September and October 2023. Could you indicate if you gained any learnings from the first consultation period that you will be applying to the second consultation period?

The first round of consultations occurred in March and was to ensure that the MSP will be capturing all the issues and evidence (especially those in association with identified areas) that are of concern to the five key stakeholder groups. The consultation produced over 400 written comments and suggestions which cover a wide range of subjects and themes. Some themes/subjects were raised multiple times, while others were more specialised or targeted. We also received new datasets, other evidence (such as reports) and online comments. The first consultation is viewed as a success and to have achieved its objective.

All submissions have been considered in relation to the MSP's aims and objectives and have been used to inform the MSP's scope and design. In this respect, the key outcome of the first consultations was an understanding of the range and depth of issues which most concern key marine stakeholders in preparation for the MSP's design.

The autumn consultations will be on the content of the draft MSP and will be a much longer and broader process. These consultations will be open to the public and are likely to take place over several weeks to ensure that all marine users have to opportunity to comment on the draft plan before it is finalised for publication.

8. Minister, in the Bridging Liquid Waste Strategy reference is made to the Marine Spatial Plan that you will be developing and that *"this work will inform the policies of the next iteration of the Island Plan and support coordinated policy development and decision-making on all aspects affecting the marine environment"*.

This is particularly with reference in the strategy to the potential impact that Liquid Waste can have on the marine environment.

a. Can you provide further detail as to how the Marine Spatial Plan will take into account the potential impact Liquid Waste can have on the marine environment and recommendations it will set out to protect Jersey's marine environment?

The MSP will cover water quality but as the Plan is in the process of being written, it is too early to say what recommendations may be included. However, as the MSP concerns management of processes that occur in coastal waters, and not on land, it seems likely that any recommendations will focus on monitoring systems in order to gauge the effectiveness of terrestrial management strategies and the potential effect on maritime ecosystems.

- b. What concerns, if any, do you have in relation to discharge of treated effluents and surface water discharges that are flowing into the sea?**

- c. Can you outline for us how the Marine Spatial Plan will feed into or align with the Bridging Liquid Waste Strategy?**

See answer (a) above.

Maritime laws consultation

- 9. Minister, we note that on the 1st of June 2023 the Government launched a public consultation offering Islanders their chance to have their say on proposed Maritime Law changes.**

- a. What in the way of discussions have you had with the Minister for Economic Development on this topic?**

The proposed Maritime Law changes and associated consultation are not managed by Marine Resources. This is because the consultation does not concern fishing or other regulations that fall within our remit. In this respect, we have not had any discussions with the Minister for Economic Development.

- b. One of the proposed alterations to maritime laws is the broadening of the definition of a 'vessel'. What impact, if any, do you see these law changes having on current fishing regulations?**

As Marine Resources understands it, the proposed amendments are primarily centred on enhancing safety and liability in connection with pleasure vessels which includes broadening the definition of a vessel to include smaller watercraft. As smaller watercraft are currently covered by Jersey's fishing regulations and the amendments do not concern the sea fisheries laws, it is not envisaged that there will be any impact in relation to current fishing regulations.

Areas of Special Protection at Les Minquiers

- 10. On the 1st February an order signed by yourself came into effect designating two areas of Les Minquiers as Areas of Special Protection under Jersey's Wildlife Law (2021).**

- a. Minister, as we approach summer, will you be ensuring that businesses operating boat trips or tours have access to guidance to ensure compliance with this Order?**

Consultation with businesses operating boat trips, as well as other recreation providers, started in September 2022 prior to the signing of the Order as part of the overall consultation.

The draft Order and the draft guidance explaining compliance with the Order was sent to all these parties inviting comment/feedback. A further email was sent in October 2022, as a reminder. As a result of this process, Natural Environment only received one point of clarification.

Further communications with the boat operators (including the above parties) took place with the Notice of Intention to Designate and then following the final designation. Guidance was attached to the final notice.

There was also a press release in January 2023 with reference to the guidance. This included a press release in France, with a French translation of the guidance being circulated.

The only feedback that Natural Environment received from businesses operating boat trips was a few acknowledgements of receipt.

Note: The law only requires consultation with 'owners or occupiers' of premises. However, consultation was extended to include the Société Jersiaise Ornithology Section, Ports of Jersey and commercial RIB operators and providers of recreation. The French authorities and French boat marinas were also notified of the Order.

b. Have any marine businesses raised concern around the rules now in place and/or lack of guidance?

No - as above. The only communication we received back during the consultation was regarding a point of clarity. As stated above, all operators were forwarded draft and final copies of the guidance well in advance.

c. How do you intend to monitor/measure the impact, both positive (for the environment) and negative (tourism/commercial) of these Areas of Special Protection?

The success of the ASP in relation to the breeding success of all migrant seabirds will be monitored by department officers and local bird experts.

At the end of the 2022 Ecrehous ASP season, Natural Environment officers wrote to the businesses operating boat trips thanking them for their cooperation and inviting feedback. Officers received no comments. This process will be repeated this year for both Les Ecrehous and the Minquiers as part of ongoing collaboration and monitoring.

The impact on tourism is likely to be small, being that one of the areas designated (Les Maisons) is not often frequented (it being a rocky outcrop) and the designated area on the main island is inhabited by breeding terns that can be aggressive if approached. The fact that terns are being safeguarded and able to breed and that any tourists can view the colony from a safe distance, would I believe, add to the special nature of this Ramsar Site and tourism potential.

Water Quality / Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) contamination

11. Minister, can you update us on any progress made by the Natural Environment team in carrying out a study of surface and ground water in St Ouen's Bay and the Pont Marquet area of St. Brelade?

The Officer Technical Group continue to meet monthly. This comprises officers from Natural Environment (LRM), Health and Jersey Water.

Report on phase 1 of the hydrogeological survey has been completed. The work collated and assessed all available PFAS water quality data from both the above catchments, including data from the sampling sites, equipment and potential linkages.

As expected, the report identified the need for a detailed programme of monitoring of 60 sites that will commence across both catchments in early July 2023. These sites include groundwater (boreholes/wells) and surface water.

Alongside the actual sampling, detailed measurements of the borehole/well/stream and equipment will also be taken to determine sampling aquifer/depths and any sampling issues etc. The new sampling sites include new boreholes on the SSI in St Ouen's Bay to determine future risk to the Jersey Water well-field. These boreholes require planning permission which is currently being sought.

The monitoring will be undertaken quarterly over the next 12 months and will inform a model that will provide a better understanding of the size, movement, linkages and risk posed by the two plumes in St Ouen's Bay and Pont Marquet. It will also assess any potential mitigation of PFAS that might be possible.

A PFAS web page has been developed. This brings all information (environmental and health related) in one place.

Planning and Building (Amendment No.8) (Jersey) Law 202- Orders

12. We recently received a private briefing with regards to Planning and Building Orders regarding the protection of trees in Jersey.

a. Can you provide an update on the consultation you are having with industry on these orders and what feedback has been received to date?

The consultation was active for 8 weeks and 492 responses were received. In addition, meetings were held with tree surgeons, landscape gardeners and non-government organisations.

Responses to the consultation have been analysed and, as a consequence, minor amendments are being made to the policy and to the draft Orders. These changes are intended to allow most (although not all) routine tree work in domestic gardens without recourse to the notification or planning regimes and to introduce the option of 'woodland management plans' for those landowners with significant areas or numbers of trees.

13. We were surprised to learn that the Jersey Tree Map is not yet available in the public domain, can you advise when the map will be published and the reason(s) for it not yet being published?

The Jersey Tree map was developed from LIDAR (Light Detection and Ranging) survey data and high-resolution specialist aerial photography to develop a baseline data set of trees in the Island. Whilst broadly accurate, there are inevitable 'uncertainties' around such mapping (such as the misidentification of some objects, such as pylons and maize plants, as trees) and officers are keen that these are better understood before the map is released into the public domain.