

STATES OF JERSEY

Environment Panel

THURSDAY, 22nd JANUARY 2009

Panel:

Deputy P.J. Rondel of St. John (Chairman)
Connétable J.M. Refault of St. Peter
Deputy D.J.A. Wimberley of St. Mary

Witnesses:

Senator F.E. Cohen (The Minister for Planning and Environment)
Deputy A.E. Pryke of Trinity (Assistant Minister for Planning and Environment)
Mr. A. Scate (Chief Executive Officer)
Mr. C. Newton (Director of Environment)
Mr. P. Thorne (Director of Planning)
Ms. R. Johnson (Business Support Manager)

Present:

Mr. M. Haden (Scrutiny Officer)
Mr. M. Orbell (Scrutiny Officer)

Deputy P.J. Rondel of St. John (Chairman):

Welcome everyone. Can I introduce my panel who I think you probably know: the Deputy Chair, Deputy Wimberley of St. Mary's, the Constable of St. Peter's, John Refault, our 2 Scrutiny Officers, Mike Haden and Malcolm Orbell, and we have obviously our stenographer, etcetera, in the corner. Could you introduce all your officers please?

Senator F.E. Cohen (The Minister for Planning and Environment):

Yes, I will start at this end: Peter Thorne who is Director of Planning, Ruth Johnson, who is in charge of everything, Anne Pryke who is Assistant Minister, Chris Newton who is Director of Environment and Andrew Scate who is Chief Officer, Planning and Environment.

The Deputy of St. John:

Could you please give us an outline of your challenges in your portfolio please in relation ...

Senator F.E. Cohen:

Well, we obviously have 2 areas, the Planning Department and the Environment Department. From a political level, Anne and I have single areas of responsibility and that was largely as a result of a clear States wish that the environment has its own

spokesperson and, therefore, Anne has special responsibility for the environment albeit that at the end of the day the buck stops with me. So, effectively Anne has total control over the Environment Department as of the last quarter of last year and we share the Planning Department because of the nature of decision making, and remember that under the ministerial system there are a variety of different ways planning decisions can be made. All powers are invested in the Minister but to make the system work you clearly have to delegate authority and the planning decision delegation is to officers who make the majority of the decisions, the Planning Applications Panel which you know all about, and the Assistant Minister in her own right. So planning decisions can be made by officers, by the Assistant Minister in her own right, by the Planning Applications Panel or by me as Minister. We meet on Monday morning usually and we go through the list and we determine which is the best route for each particular application. We have a number of different controls. As I think you know, one of my main interests or perhaps my main interest is to promote better quality of architecture within the Island and to produce an improved built environment. We have just recently employed a department architect so we have now integrated the department architect into that decision making process as well. As far as responsibilities, well, clearly the Planning Department is responsible for planning decisions and for ensuring that buildings are built to an appropriate standard through the Building Control Department, because we are clearly split into Development Control and Building Control and the Environment Department deals with a whole variety of areas in relation to setting proper controls for the environment and ensuring that the legislation is properly regulated.

The Deputy of St. John:

Any questions? Therefore, could I ask the Chief Officer and Directors to outline the department's focus for 2009-10 and the work of the department?

Mr. A. Scate (Chief Executive Officer):

Firstly, I just wanted to possibly expand on our little introduction for new members which we gave a, you know, presentation on what the department does. I just want to outline some of the ... where we are based because we did not get into that but we have 4 main locations: South Hill for Planning and Building Services, the Howard Davis Farm for the environment function. The environment function is also split into the Met team which is based at the airport and the fisheries team which has an office also down at La Collette. So we have 4 operational locations with the 2 big ones being South Hill and Howard Davis Farm which leads me on to one of the big challenges we have for this year just operationally, which is where we function from and how we function as an integrated department. So accommodation is one of the issues we have on our list to sort out in terms of how we operate and we are currently going through a number of options looking at what the options frankly are through our property portfolio. Clearly, we are going to play a part in rationalising property as per every other States department. But I just thought it was useful to outline where we are currently located, that the move certainly will be to try and get as many of our functions into one location as is possible. It certainly helps the management team to work as a department.

Deputy D.J.A. Wimberley of St. Mary:

Could I just ask quickly where is the fourth location, I missed it; before La Collette?

Mr. A. Scate:

The airport. The Met Service is above the arrivals hall currently, although when the new tower is built clearly that will move. They are the really big issues. There are a number of big ticket work issues if you like, things that we are going to produce which I will let Chris and Peter come on to for their respective areas, but one of the key challenges for the department over the next year and ongoing, you know this is going to be a journey, is modernisation of how we provide services and how we operate as a department, and the process as we operate certainly will be coming under review, and the performance will also be challenged. You know, we need to increase performance in certain areas and sharpen up processes. So that work has already commenced and the Planning Service is getting the first, if you like, microscope on it and we have an action plan already underway on that. The other main focus for me, if you like, operationally apart from the day job of what we produce is the control frameworks we operate within: health and safety, business performance and performance management, customer and staff charters, being more open about what our customers want and how we deliver that, health and safety, P.R. (public relations) and I.T. (information technology) plans. We need to certainly modernise our I.T. provision and how we use I.T. to deliver services to provide a better function for our customers. So they are the main areas: business continuity and what happens if we have certain things happen on the Island emergency planning-wise which this department picks up, certainly centring around animal health, flu pandemic. If it is affecting humans it is not us, but if it affects animals it is us and we have to have big contingency plans in place to deal with that frankly. So the business continuity and how we operate risk management is another one of our, if you like, set of internal controls which we need to improve this year in the department. So there is a big focus from me in terms of modernisation, where we operate, how we operate and it is the how we do things rather than the what. What we do is laid down very strongly in law. We have a lot of statutory functions both on environmental controls as well as planning controls and building controls, so a lot of what we do frankly is not going to change. How we deliver that though can change so that is a real big focus certainly for me in terms of how we operate and we modernise.

The Deputy of St. John:

If I can come in at that point, so you would be responsible for animal incineration on a permanent basis where historically it would have come under T.T.S (Transport and Technical Services)?

Mr. A. Scate:

Clearly, there is ... it depends on the scale, you know. Clearly, we will be responsible for leading response on animal health issues so if there was avian flu clearly the department would need to lead with our States Vet Service in the lead. Clearly, we would need to work very closely with T.T.S. and how we manage the disposal end of that sort of process, but clearly we need to manage also the control side of that and who can move where and maybe can pick up more of the detail, but it is a very close working relationship with T.T.S. clearly because we do not have the number of operatives in that area that we would like. We have a States Vet Service of 2 staff however the pyramid of environment would include a number of other staff who would be moved on to that task and clearly T.T.S. would then have to pick up a lot of the operational bits and things that come on to the back of animal health plans and movement, vehicle movement, cleansing and all manner of things, so it very much is

a pyramid structure that a number of States departments would then get involved in the action plan, but planning for that action is our job in the first instance.

Connétable J.M. Refault of St. Peter:

Andrew, can I just ask you one as well? You were talking about moving the department forward; you were looking at how you do things. What are your 2 principal challenges in moving forward on the hows?

Mr. A. Scate:

I think our 2 main challenges I would say are customer service and how to respond to customers and build customers into our service loop, if you like. What do customers want, how do we deliver and how do we meet that customer service loop if you like. We are very good at delivering services. We deliver services, we do what we say. I do not feel our customers are very ... they are not an integral part of that at the moment as much as we would like, so I think it is still too much an arms length relationship in certain areas. I think the other main challenge we have which we need to move forward on is I.T. and the ability to offer new systems to help deliver our services in a different way. A good example would be online sort of transactional capability, taking payments online, viewing planning applications online, viewing all of our data online and viewing our constraints online. Our geographic information system has the huge ability to combine a number of our ... we are a generator of huge amounts of information which we can share more effectively if we have an effective I.T. system. So they are 2 big issues which in their own right will then drive the big issue of culture and sort of change management which, you know, it will follow into that but those are what I would say the 2 biggies for us are.

The Deputy of St. Mary:

On the specifics I suppose about customers, what steps do you take at present to get feedback?

Mr. A. Scate:

We are increasingly, thankfully, taking more steps than we have in the past. You know a good example would be just before Christmas we surveyed all of our planning customers and had over 400 responses back. That was a new survey which has not been run to that extent in the past. So I will be honest, I think we have a number of informal ... you know, we chat to our customers certainly but do we have formal surveys on a regular basis? No, but we are starting to and the planning survey is one of those.

The Deputy of St. Mary:

I was thinking more in terms of a feedback form on the spot as the transaction is being completed.

Mr. A. Scate:

Yes, we have some feedback stuff at receptions. We have 2 main receptions and clearly there is the ability for people to fill out a card. What the problem with that is that you often only get the negatives, you know, it is very easy to complain if you do not feel you have had a good service but we do not get the compliments when ... you know, we take the assent from 95 per cent of the population who do not contact us as they are happy with us but, you know, I say it a bit tongue in cheek because that is

generally how customer services work. Unless you are told otherwise, you know, you take that assumption but I think we need to certainly do more in the survey work and work closer with some of our key customer groups, customer focus groups and that sort of thing. Another good example I think we have got running is a meeting with the Association of Jersey Architects. We meet them regularly as a key customer group and to talk about things, but clearly there are a number of other avenues we could go. I am in favour of formalising some of these because we clearly cannot as an officer team meet every single interest and customer group out there because that is all we would be doing, but what we can do is set up some key focus groups once a quarter, key surveys at a regular time so we can formalise some of that, so that is the best use of our time.

The Deputy of St. John:

Can I come back into what you said earlier about emergency planning? I have a little bit of knowledge of emergency planning on Island-wide issues which historically were diabolical. Within your area how well are you supported, how well is it documented and who is the information available to?

Mr. A. Scate:

I think we have good levels of support across States employees and other departments. The problem I think we face is the formal documentation of those processes and action plans and under the what ifs scenario, if this happened these are all the action plans that come into place. All the staff in the department know what role they would play in those action plans. We certainly have not got to that stage yet. The Environment Department and the States vet especially have got procedures in there. I think certainly there is a great acceptance in the environment side because that is clearly where it emanates from. What we do not have across the department is how we respond as a department to certain degrees of problem. Clearly, as the problem goes on or gets bigger we would need to include more of the department and potentially more States departments, so I certainly do not feel we have enough of that documented, ready to go, plan that everyone knows about and will roll out seamlessly if something big hit. We do have some mechanisms already in place but that is clearly why, you know, we have identified that for this year as a big piece of work. The other big problem I think is not so much the willingness or knowing what to do, it is what facilities we have here on the Island to deal with some of the possible outbreaks or the implication of those outbreaks so, you know ...

The Deputy of St. John:

So you have not had any role play scenarios? I am just thinking back to the foot and mouth in the U.K. (United Kingdom) several years ago. It was a bit of a fiasco.

Mr. A. Scate:

There has been some role play scenarios within the department and Ruth has been leading a piece of work within the department to frankly audit where we are with our action planning and what has been shown by that piece of work, and we have been working definitely with the U.K. as to what the U.K. response is also to these sorts of things. It does show that there are lots more potentially we should have here and it is a balance, you know. The Island clearly cannot provide everything for every scenario but certainly there are some facilities we would say we would need in addition to what we have currently got and better procedures.

Senator F.E. Cohen:

Before Andrew arrived, I was involved in a couple of incidents. Well, the first was either before, just at the time of around the appointment of the Emergency Planning Officer, and I just had the feeling that when we were trying to work out how to deal with these issues, that it was being invented on the hoof and I was quite surprised. Now I know you cannot plan for every single eventuality and I know that this was before the appointment of the new Emergency Planning Officer but I was still quite surprised.

The Deputy of St. John:

You are absolutely right because that was how I always felt when I went and attended the meeting and I was told by the Chief Minister of the day ... well, it was the president of the committee of the day, we had to do something about it, i.e. the president at the time was the Bailiff. Now you have got the Chief Minister in charge, and a former Chief Minister did give me an assurance that he was going to make sure things happened in that area.

Senator F.E. Cohen:

I mean just things like finding everyone's telephone number was a problem and it always happens at the wrong time. Everyone was away, it was at the weekend; it is always a problem but I was just surprised at how difficult it was.

Deputy A.E. Pryke of Trinity:

I think about 18 months ago - I stand to be corrected - at the time there was Operation Flying Goose up at Hautlieu. All the departments were involved as well as some States departments, the Chief Minister, et cetera, and I think as the day progressed we realised that most of the ... I think it was quite clear that most of the departments at, shall we say, the lower level had their systems in place but the further you got up the ladder ...

The Deputy of St. John:

They all fell apart.

The Deputy of Trinity:

Well, not quite fell apart but everyone wondered, you know, what their role in this was, so I think that was quite ... and Michael Long did the planning of that, was leading that, so I think he took that on board. I think everyone took that on board that day.

Mr. A. Scate:

I think we are in a positive situation. We know where we want to get to. We certainly know what we need to do, where some of our weaknesses are because we have done some of that work in house. I think it has been more worrying if you asked a question and we sort of shrugged our shoulders and we did not know exactly ... we know what we need to do and if certain scenarios hit it is only the bigger the scenario the more the Island has the inability to cope with it. The balance has to be struck there in terms of what should we naturally plan for in terms of a scale of incident and how much we would then have to kick into, you know, other procedures or practices

which would not be best animal welfare or best this or that, but would keep the Island resilient so it is a big bit of work.

The Deputy of St. John:

Okay, because I do not want to get bogged down in this afternoon's meeting on ... but thank you.

Mr. A. Scate:

That was a quick outline from me if you like in terms of how the department is operating, where we operate. Certainly some of the work areas I will leave to Chris and Peter to just pick out about some of the big ticket stuff which the department is doing this year.

The Deputy of St. John:

So who is going to be the next? Chris?

Mr. C. Newton (Director of Environment):

If I can, yes. I will start with the policy areas that we are working on partly because these are in many cases cross-governmental initiatives. They are not just about planning and environment, so for instance the work we are doing on energy policy is cross-governmental. It affects the environment but it also affects the economy, it affects society and therefore we have a political steering group that pulls all of those threads together. Many of you will have seen and probably commented on the draft green paper that was released on energy policy. We are now at the stage of putting the White Paper together in draft, so that is having heard what people have got to say about it and trying to condense that down into what the States should be thinking about taking forward. As well as that, we have also got some real action underway so the States voted through a £1 million programme on energy efficiency in the business plan debate last year and we are well advanced in our plans to spend that across a range of measures in low income households this year, so we will see a direct benefit and direct action going on. One of the other policy issues that we have to take forward because it links to that is the subject of environmental taxation. Again, this has been the subject of widespread consultation with the public. The reason we need to take that forward is the money we need for the energy efficiency programme and other environmental programmes is predicated at the moment with the way the States made the decision on the introduction of environmental taxes, so we will have to find a way of raising that funding over future years to make sure that work keeps going. The other aspect I would mention on the energy policy is the work that we have been doing commissioned by the Minister on tidal power and, again, that is a small part of the energy policy but a big issue in its own right, and there has been a group convened under Constable Murphy of Grouville which has looked at the issues around tidal power, it has looked at the feasibility of it, how it would work within the Island, what sort of partnerships we might have to form. A report went to the Minister just before Christmas and I think we are meeting this week in fact for that group to report back direct to the Minister on what they think the next steps should be so that is an interesting and important piece of work.

The Deputy of St. Mary:

Can I just ask about the energy policy while we are on it or would you rather finish the whole ...?

Mr. C. Newton:

I do not care how you do it, yes.

The Deputy of St. Mary:

Yes, the first question is the easy one; the £1 million in energy efficiency. Can you just outline very briefly how it looks at present as if that money is going to be spent and what are the procedures that are going to be followed?

Mr. C. Newton:

Okay. I mean the current proposal is that we consulted first of all with the Social Security Department so one of the issues was identifying the target group to commit expenditure to and their view was that the target group was identified through people currently in receipt of the winter fuel payment because they had already been through this process of who needs help the most, and that tends to be over 65s, on low incomes, single families, single parents I think as I said. So I think we have got our target group right. We also have got a good liaison hook up with Housing who are already running refurbishment programmes for States accommodation so they have already got the contractual arrangements with potential suppliers and thereafter it is just a matter of which measures are we helping people with so we have a suite of measures ranging from loft installation, cavity wall installation, hot water, tank and pipe lagging, controls on heating devices. The idea being that you more or less put a squad of people into a house and you really hit it. You deal with all the issues within it in one go and then move on to the next property. So we have identified about 1,100 properties in that first target group that would use up the money we have got and we hope to be able to get through at least 600 or 700 of them by the end of this year and then hopefully carry on in future years, but as we have already said that is dependent on that funding stream being perpetuated by a new funding stream.

Senator F.E. Cohen:

We have got a draft paper on this. Would you like to have a copy? It would have to be in confidence at the moment but if you would like a copy we ...

The Deputy of St. Mary:

On how the scheme would run?

Senator F.E. Cohen:

Yes, because if you have got an opinion on it we need to know quickly.

The Connétable of St. Peter:

Chris, if I can just come back to you. You mentioned about environmental taxes. What is your sort of timescale plan for that bearing in mind we are just about to go into a deepening recession? I know we do not officially have one here but it is waiting just down the road ... is it not?

Mr. C. Newton:

Yes. I mean I am not going to comment on the politics of it. I am just going to say if we want the funding to continue in 2010 we will have had to have taken that proposition to the States in time for it to imbed in the business plan, in the budget and so on so it has got to happen in the first half of this year really.

The Connétable of St. Peter:

So you are bringing it forward this year then?

Mr. C. Newton:

Yes.

Senator F.E. Cohen:

Well, can I comment on the politics? The current Treasury Minister's view, the new Treasury Minister's view is that taxation is the sole responsibility of the Treasury Minister. The previous idea was that the Environment Department would run the consultation and then make a recommendation to the Treasury Minister. The Treasury Minister feels that he should run it, so I think that whereas previously it would have been the Environment Minister working in consultation with the Treasury Minister, it is now going to be the Treasury Minister working in consultation with the Environment Minister and the political leadership will come from the Treasury Minister rather than from me.

The Deputy of St. Mary:

That might sort of answer my question which was going to be do you feel boxed in that obviously now the lead has gone to the Treasury Minister, boxed in by the words that are on here where it says: "... additional environmental taxes to provide funds to contribute to environmental actions" and I wondered if you felt that was like one box too far, you know, to constrain environmental taxes and hypothecate to only one purpose?

Senator F.E. Cohen:

We have run a public consultation exercise before on this and there is a very clear message. Environmental taxes have to have 2 key component parts. The first is that they must tax their environmental negative action and the second is they must be applied towards an environmental positive cause and, therefore, I do believe in the principle of hypothecation. If you do not hypothecate you know as well as I that over time the environmental taxation money will be hived off into other things, so I think the principle of hypothecation is an absolute golden principle if we are going to do it. The problem is that as the Constable has said, we are in a very difficult time to introduce a new tax. We introduced G.S.T. (Goods and Services Tax) only last year, we have made a promise of no new taxes albeit with a caveat other than environmental taxes. We do not need to rehearse the current economic circumstances but we do not know where we are going to be in 6 months' time so I think we need to hold back and wait and see what the Treasury Minister comes up with and what, not only the appetite of the community is for environmental taxes, but the affordability of environmental taxes.

The Deputy of St. John:

Can I say that already I am getting calls about your new water hole since it was in the paper a few days ago from very concerned residents of the Island who obviously have not got the benefit of a portable water supply and I am just thinking of one letter I had yesterday where he has got faeces, et cetera, in his water supply and yet he is being told he has got to supply all this information of the depth of his well or bore hole or whatever to the department knowing, in his words: "... full well it is going to be used

to put an environmental tax on the Island. It is not going to give me a water supply tomorrow should I say.”

Senator F.E. Cohen:

When I got the job I was insistent that if I was going to bring forward a water resources law that it was going to be on the basis that domestic users were not charged and could not be charged. The current law has been constructed in such a way that if you want to charge domestic users you would have to bring it back to the States. It is not for the Environment Minister to suddenly implement a charge and the purpose of the water resources law is simply to enable us to understand the water resources beneath our Island and to enable us to manage them properly. Now I know it strikes at the heart of the Jerseyman who owns everything from the surface to the centre of the earth, but unfortunately if you want to manage water resources and if you want to be a sensible and responsible jurisdiction, it is one of those things you have to do.

The Deputy of St. John:

I read in a document today somewhere - it is in there somewhere - that with the sewage law and the water law being in place, it helps put in place the environmental taxes. They will be using those to come up with environmental taxes.

Senator F.E. Cohen:

Not water. There is no ...

The Deputy of St. John:

It mentions water. I will find it and let you have it.

Mr. C. Newton:

It has not been written by this department, I can assure you.

Senator F.E. Cohen:

I can assure you of one thing, that hand on heart the Water Resources (Jersey) Law has been constructed as far as residential domestic users are concerned simply to provide information to enable us to make broad assessments of the strains on the underground water resources. There is no intention to take it forward and charge people or tax people who use it for any other purpose. I have had a number of communications from people who are complaining about the complexity of the form. I have had a look at it myself. I think it is sort of marginal but it is just about okay and it was tested. People can complete the form. People have a natural aversion to completing forms. I have not filled in my form yet so I am one of those, but you do need to have a certain standard of information to make the data worthwhile. I am satisfied that we are doing the right thing in the long term albeit that it is a pain in the short term for people to fill in the form but once they have done it, they do not have to do it again.

Mr. C. Newton:

I will keep going. The other policy initiative that is already going and we will keep going and build on is something called ECO-ACTIVE which I am hoping you are all fully aware of it. It is a scheme that was the brainchild of the Minister and fundamentally it helps Islanders to adopt better environmental behaviours. It started off as a internet based facility for people to go into and get impartial advice by

improving their environmental behaviours but, you know, we have extended it beyond that and we use it hopefully as a publicity campaign as well to maintain the profile with environmental issues and we have gone further. We have extended it into something called ECO-ACTIVE BUSINESS which is working with firms in the Island on an accreditation scheme to improve the way that they behave and we are about to launch another facet of it called ECO-ACTIVE MARINE which we will be looking at taking it into the marine environment and boat users and that sort of thing. So that is a very active programme that we will keep going and I am sure you will want to keep track of. Moving quickly through other areas of business in my domain is countryside. There are some big issues to face up to there. The policy in the countryside is fundamentally managed through something called the Rural Economy Strategy and that was something that was taken to the States in 2005. It is up for review in 2010 so this year basically we will be doing all the work that needs to be done on thinking through how to take that forward, what sort of policies need tweaking or changing completely and there are some big policies in there, like the Countryside Renewal Scheme, like the Rural Initiative Scheme that provide funding to landowners and agriculturalists. Perhaps I would just say at this juncture as well that the way we manage the whole rural economy is in a partnership arrangement with Economic Development. Economic Development historically have provided the funding for direct support payments to farmers. My group manage that money on behalf of Economic Development and we have Economic Development funded staff as part of my team and we do that so we can join up all the issues around the countryside in one place so we do not, you know, have a sort of you go to them for money, you go to them for something else and that has worked really well. The other big issue in the countryside area that you may be interested in is to do with the dairy. We are following through on the restructuring of the Jersey Milk Marketing Board. What is happening there is that the statutory scheme that set up a statutory monopoly is basically being dismantled and what we will end up with is a voluntary farmers co-operative and an independent dairy and we will be running the legal processes on that this year and that will be happening at the same time as the dairy on moving or selling their Five Oaks site and moving to their new premises at Howard Davis Farm. So we will come out of that with a better, more invigorated dairy process, much more attuned and aligned to markets and much less under the direct control of government which I think is a good thing; it is the right way for it to be run.

The Deputy of St. John:

So where does the funding go from the sale of the existing dairy? Into the farmers' pockets or back into the new dairy?

Mr. C. Newton:

Well, that is one of the things we are working on with the legal scheme is ensuring that the assets transfer from one entity to the other. I mean in argument, the assets are owned by the farmers' collective at the moment. They will fundamentally be reinvested in the new business. They will also be used to extinguish a quite large debt that the current business is carrying through so it is a sensible move for them. They are switching sites and they are going to be in a much better position to operate in the future as a result of that.

The Deputy of St. John:

Would there be any of the funding going back to the centre, i.e. the States, given that historically there would have been States funding put in there?

Mr. C. Newton:

No, there are no plans for any claw back to the States. That is part of the work that we do on behalf of Economic Development in one respect but to me it is all part of the same story. The Environmental Protection: that is a group that looks after the application of law, the water quality laws, the water quantity laws and the waste law. We have already talked about the Water Resources (Jersey) Law so I will not go over that. The waste law is starting to bed in now and we are getting operator licences issued. I mean that will include other States departments so our biggest customer will be T.T.S. and there will be regulation around the way T.T.S. waste facilities and waste sites are managed under a licensing scheme. One of the areas of law that there is currently a deficiency in is to do with air quality. I mean Jersey just does not have an air quality law and that was something that your predecessors in Environmental Scrutiny looked at in some detail and made recommendations on and we are working with Health Protection. At the moment, we are doing a piece of work looking at creating an air quality strategy for Jersey and subsequently potentially legislation behind that because that is one area of Environmental Protection that Jersey is deficient in terms of legal processes.

The Deputy of St. Mary:

What do you have in mind? I am not clear what legal processes there would be. I agree with monitoring. Could you outline also what steps are being taking out in monitoring air quality ...?

Mr. C. Newton:

Okay. Perhaps I will start from a different end of the picture to answer that question. I come almost of a U.K. regulatory background from the U.K. Environment Agency which runs regulation on a whole range of processes, one of which is air quality. What we mean by air quality regulation is that any potential source of air pollution is managed, is monitored and is licensed and has conditions set around it in terms of the standards it has to achieve in the same way you would about omissions to water or any other omissions. That is what we do not have in Jersey and that is what we need to put in place.

The Deputy of St. Mary:

Yes, because there is always a question around new laws, new regulations ...

Mr. C. Newton:

Well, there is a question about people behaving. It is perfectly possible to have a piece of kit that is capable of delivering high quality emissions. It is perfectly possible to run that piece of kit in a way that does not achieve those high standards, so you need to have a check regime that constantly says: "Are we meeting the standards?" and a regulatory enforcement regime that says: "If you are not, you had better get back into spec pretty quickly" in the same way as we do, for instance, with the current regime around Bellozanne Sewage Work. You know the outfall from Bellozanne is regularly monitored, there are standards to meet, if they are not met we have conversations with T.T.S. on improving their process so that is what I was talking about. Very quickly, fisheries is another arm of the business. Key issues

looking forward this year are we continue to work or try to work with Guernsey over organising sensible fishing regulations in Guernsey territorial waters. At the moment, Jersey has, you might say, got the upper hand. In following the Court of Appeal ruling, Guernsey has lost the ability to restrict Jersey vessels entry and fishing in their waters. They want to put that back. Our job is to ensure that we work with the U.K. authorities over any extension of territorial limits from Guernsey to make sure historic Jersey rights are protected. We accept there should be some control in those waters. We do not accept that should include excluding Jersey fishing boats so we will continue to work with that. We will continue to work on liaison with the French who obviously in the Bay of Granville we do have very complex fisheries arrangements with. We will be taking forward this year the work on integrated coastal zone management. It is something again we produced a strategy on, the States approved it the back end of last year and that will include, for instance, discussion about basic things like providing a sensible management regime for the offshore reefs where there is conflicts of interest about access to the reef and the wildlife issues on there. It will include something that is sort of reasonably topical at the moment on the idea of no take zones around the Island. There is a strong proposition from the Société Jersiaise Marine Biology Section that we should be promulgating the idea of some parts of the marine environment being set aside, if you like, for ... or not being exploited and we need to take that forward but in a sensible way through using our multi-stakeholder group which is called the Fisheries and Marine Resources Panel because we do need to ensure that the interest of fishermen and other users are taken into account in making any change like that.

The Deputy of St. John:

So what have you done - I know you have not mentioned it - where we have got international agreements, like Ramsar, et cetera? Can you give us some information? How are you dealing with where we have got international agreements? You have spoken about things you do with the British Government to do with the fishing rights between Jersey and Guernsey, but I presume you also have certain responsibility with international conventions like Ramsar.

Mr. C. Newton:

Yes. In fact, Ramsar is one of about a dozen international conventions or as we call them multi-lateral environmental agreements that Jersey is signature to or party to. Some of us have regards to terrestrial ecosystems, some have regard to species conservation. We are signature to a great many of those. We have to produce reports used on an annual basis that go back to the Secretariat of those U.N. (United Nations) bodies saying this is what Jersey has done; this is what we plan to do. In many cases, we will be taking forward actions through things like the Biodiversity Action Plan which again is a document you should be familiar with which sets targets for the protection and maintenance of species. We have been very successful in recent years. The Assistant Minister has been very heavily involved in this in involving local organisations in joining up into partnerships over the protection and management of species. The green lizard campaign is a case in point.

The Deputy of Trinity:

There are 5 different species launched a couple of months ago with great success with all the stakeholders involved and I think that is the most important thing.

Mr. C. Newton:

So I was giving you context. I mean Ramsar is part of that. We have, as you know, 3 Ramsar sites in the sense that we have got the south east coast and then we have got the offshore reefs. We do have obligations under Ramsar to ensure the sites are managed for wise use. We have obligations in helping people understand and interpret them and we have taken that forward through, for instance, to creation of the Marine Interpretation Visitor Centre at the end of Gorey Pier which is looking out over the Ramsar site and is helping people to understand what is going on out there, what is important about it and we get several thousand visitors a year through that. In answering one of your first questions, Deputy, we have a feedback book as you leave the centre and people write in it and it is always very complimentary.

The Deputy of St. Mary:

So you get good comments.

Mr. C. Newton:

On the veterinary side, we had a little talk about notifiable disease already. We do have very good technical plans in place. I need to ensure you on that. We are fully aware of what we need to do around all the major notifiable diseases from bluetongue, foot and mouth, swine vesicular disease, avian flu. We have got the technical side sorted out. At the other end of the spectrum, the all Island response is again well sorted. I sit on the Emergency Planning Board and there are very good arrangements worked through in terms of the sort of command structure, gold command, silver command, bronze command for all Island things. What we need to do and I think what Andy was alluding to is we have got to work the logistics out. We know that needs to happen but who is going to do it on that day in this circumstance. We have got the practical stuff to hack through and that is something that Ruth is leading on and we have done some of what I call desk exercising on that already. It is difficult to describe but it is one of those things. It is hugely resource intensive. When these things happen they need an awful lot of stuff thrown at them. It is what you might call a high risk low probability situation. It is hard to throw a lot of resources at it because it might not happen for 5 years and people will be saying: "Why are you spending £100,000 rehearsing for something that might never happen?" Well, it will happen. That is the certainty. It will happen infrequently and when it does we need to be prepared for it.

The Connétable of St. Peter:

Just picking up there for a moment, Chris. The Chairman just asked me if I knew your views on emergency planning. Just so you have got some idea, my background is within the Fire Service at the airport and certainly very much involved in emergency planning on that side. One of the things that might be of interest just as a general view that I will offer to you is if British Airways would offer you access to the their E.P.I.C. (Emergency Procedures Information Centre) centre at Heathrow. There is a superb model there about how things will be run. I do not know if any of you have been there. It is something if you are interested let me know and I have a contact there. It is a room they make it available. It is an emergency procedures and incident centre and they make it available to any contractor who wishes to use it. Essentially, you have a centre portion ... let us call that a centre portion which is ringed by glass doors literally where your high command sits so they can talk and work; an outer ring which is also protected where they can talk and work and the 2

can interact but not directly so they can work collectively or within physical contact but not without interruption.

Mr. C. Newton:

Sure, that sounds good.

The Connétable of St. Peter:

It is something which might be worth looking at, the principle they do there and see if there anything we can learn from here. I am sure they still have got ...

Mr. C. Newton:

You will be pleased I am almost finished. Just thinking briefly about the Meteorology Department, it is really business as usual at that site except the way we deliver business as usual has changed markedly. We took the service over in 2004 and since then we have done quite a lot of reshaping and automation so we have managed to reduce the staffing from 21 people down to 15. We have put a lot of automation in there and there is still some to go. We have also managed to negotiate service level agreements with Guernsey and with Jersey Airport so we effectively have 3 commercial customers: Guernsey Airport, Guernsey Public, Jersey Airport and we have managed to reduce the impact on the States from about £1.4 million down to about £600,000 so we have managed to shed quite a lot of costs in that way.

The Connétable of St. Peter:

I think from my point of view I think that is a very laudable piece of work you have done there to save the taxpayer a lot of money.

Mr. C. Newton:

Thanks. Finally, it will just be a linking item to Peter Thorne, I will just mention the Island Plan Review and I mention it because I am currently the Project Executive for that piece of work. Again, it is a cross-governmental initiative, enormously wide ranging. We have had a Green Paper issued which set out the options that we need to consider in putting the plan together. The timetable now is that we are writing the draft plan. The draft plan will be ready for public consultation sometime towards the end of April. One of the reasons we are holding it until then is that we need to reflect within the Island Plan the thinking within the strategic plan. So the Council of Ministers were working on the strategic plan. That will shortly be coming into the public domain. I presume as States Members you have had some briefing on the shaping of it. We need to reflect that in the Island Plan because the Island Plan is essentially a delivery mechanism for the strategic plan.

The Deputy of St. John:

Therefore, if I can come in there on your Island Plan, in April you will be calling for consultation within the Parishes?

Mr. C. Newton:

Well, it will be a wide ranging consultation.

The Deputy of St. John:

So as you can get the drawback from the Parishes on what they require?

Mr. C. Newton:

Yes. So we will be getting ...

Senator F. E. Cohen:

Second round. Remember, we have already had one round of consultation.

The Deputy of St. John:

Fine, okay.

Mr. C. Newton:

I mean the consultation goes on you will be interested to know. We will be consulting on that draft plan. We will be amending the plan depending on the feedback we get. The next draft will be subject to a major process of external inspection, so there will be an externally appointed independent inspector who will want to make sure we have taken account of everything we should have taken account of, we have looked at all the right evidence, we have listened to the comments that have been made to us and that what we have produced is a solid sensible plan. I raise that and I made an issue of it because certainly when we discussed this with the former Scrutiny Panel they took the view that that solid piece of external inspection that they could contribute to would suffice in terms of ensuring that the piece of work was properly done before it is debated by the States and, therefore, they had taken the view that Scrutiny would themselves do the same piece of work. Now, that is entirely up to you.

Senator F. E. Cohen:

But the new Scrutiny Panel may take an entirely different view.

Mr. C. Newton:

Absolutely. It is entirely up to you. I am just giving you where they were.

The Deputy of St. Mary:

What form does that external inspection take? Is that a public inquiry with submissions and so on?

Mr. C. Newton:

Absolutely. I do not know whether you were party to the waterfront inquiry but it is just like that but with a few more bells and whistles.

Mr. A. Scate:

The inquiry itself will have a duty to analyse and respond on all outstanding objections at the time of inquiry, so the panel will go through all of that and hear the objections side, hear the States side and come up with an independent recommendation back on where we should move to. So there will be some objections I am sure who will have their case put forward and some will be disappointed but that is what that process is about.

Mr. P. Thorne (Director of Planning):

I think it is a tried and tested process which mirrors what happens both in France and in the jurisdictions in the U.K. as well and it does enable all the issues to be brought

out, examined, assess all the options that have been looked at and discarded for whatever reasons.

Senator F.E. Cohen:

It did not happen in 2002, did it?

Mr. P. Thorne:

Well, 2002 we did a public consultation process and we had 400-odd individual responses. Sorry, not just individuals but, you know, Parishes and so on. We appointed somebody independent from the U.K. to assess the representations made but it certainly was not as open and transparent a process or, indeed, an investigative process, you know, interrogating the things that have been put forward. It was essentially just responding to the comments that we made and making certain recommendations which some were and some were not taken into account. But this is a far more rigorous means of assessing it and, you know, we think it is important that that process is gone through.

The Deputy of Trinity:

All that process will go through before the States debates and there is still a debate at the end of it.

The Deputy of St. Mary:

I have 2 more questions if I may. Will there be a responses report before the second version comes out?

Mr. C. Newton:

Yes.

Senator F.E. Cohen:

End of January.

The Deputy of St. Mary:

The second question is at what point in the process do you start zoning?

Mr. C. Newton:

If zoning were to be taking place it would be coming forward in the draft plan in April but I mean it is probably no secret to say that our working presumption is that we are doing what we can to meet the needs of the Island effectively within town and within current brown field sites. So our current projections are that we will not need to do significant rezoning in the countryside, not in the way that you would have imagined from the 2002 plan where significant sites were put aside.

The Deputy of St. Mary:

Having zoned the fields already.

The Deputy of St. John:

That to me was of concern because developers as soon as they see a draft, they are there and they are buying up all the land ...

Mr. A. Scate:

The draft plan in May which is consulted upon will look like an Island Plan. It will be the document. It will have all the answers. At that stage, it will look like an Island Plan and have all the policies and proposals within it. That then gets consulted upon. Undoubtedly, there will be a number of people out there who feel, hang about, why is my piece of land not in there or why does that policy say that, it should say this and that is the usual process people will look at for what ... they think they should say something to look out for their own interests. All of those responses come back to the inquiry. The States and the panel have to provide a response to each of those so the panel inspector and panel have both sides of the story. Some of those objections may be resolved prior to the inquiry. There are some minor changes you can make and accept different arguments, but those which we fundamentally disagree on will be examined at the inquiry and it is the sort quasi court room type. It will not be as informal as that but it will be examined and the inspector will then take one side or another and recommend accordingly, so it is rigorous.

Senator F.E. Cohen:

Just to add a little bit, the first version will require my sign off and I am not prepared to bring forward a draft that includes significant countryside rezoning, full stop.

The Deputy of St. John:

Thank you, Chris. Peter?

Mr. P. Thorne:

Thank you. Well, I will start really by explaining what the majority of people in the Planning and Building Services division do because probably about 90 per cent of the team there are involved in the daily work of regulation both in the planning sense and also under building control. Andy has already spoken about our programme for improvements in development and control so I will not go into that or repeat what he said, but I will say we receive generally just over 2,000 applications a year on the planning side and clearly they vary from, you know, relatively small ones to obviously quite significant ones, particularly in the last year with the Esplanade Quarter, for example. We are looking at reducing the numbers. We think there is a margin at the lower end where we could increase the permitted development but where you do not need to apply for planning permission. That is something we are actively working on at the moment as part of that development control review that Andy has referred to. We think we probably need to beef up enforcement. Increasingly, we find that people, for whatever reason, are breaking the law; not necessarily in a serious way but in such a way that we do need to take some action to bring them to book, and there are serial offenders who we increasingly need to keep tabs on.

The Connétable of St. Peter:

How do you hope to do that, Peter, to what extent?

Mr. P. Thorne:

I think it is really a question of being more proactive. We tend to enforce in the breach things brought to our attention, and you are on the back foot straight away. I think the way to do it is to monitor more what is happening as it happens.

The Connétable of St. Peter:

Without going into specific detail, a property falls down ...

Mr. P. Thorne:

There is one on your patch.

The Connétable of St. Peter:

Then suddenly there is an application for 2 new ones on the site of the fallen down property or something like that. What sort of penalty is available? Let us be honest. A fine of £5,000 to a developer is chicken feed, petty cash.

Mr. P. Thorne:

Well, the court clearly will deal with those issues. I mean, when we drafted the 2002 law, the one that came in in 2006, the initial draft had some “the penalties must fit the crime” provisions.

The Connétable of St. Peter:

Yes, I heard that, yes.

Mr. P. Thorne:

The legal advisers said: “Look, you cannot do that. You need the scale fees, a fine”, and we think imprisonment or capital punishment is not ...

The Connétable of St. Peter:

I was not thinking of capital punishment because he brought a house down is appropriate, but something ...

Senator F.E. Cohen:

Can I just jump in? However cheated off one may get about it, unfortunately we cannot stop people making applications. We have to view the application based on its merits, not based on the fact that in order to create the opportunity, the applicant has done whatever they have done or that you cannot stand the applicant or you know they are going to build it badly. You have got to view the application based on its merits.

The Connétable of St. Peter:

You surprise me there, Minister. I would have thought that if an applicant had deliberately created the opportunity by flouting the law, by pulling down a property without permission, that one would have had some form of restitution there.

Senator F.E. Cohen:

If they have broken the law in relation to the first part of your hypothetical case, it is for the court to deal with. Our job is to consider the application. However much it may be painful to do so, that is our job.

Mr. P. Thorne:

Revenge is not part of the process.

Mr. A. Scate:

What you raise is a big issue, planning by dereliction, in effect, because there are number of sites, properties, wherever you look, are left to become more dilapidated or

derelict and it then forces a “Why can something not be done about it?” That is a fact of life, unfortunately.

The Deputy of St. John:

Well, the States are the worst enemy when it comes to that. Just look at the Le Seilleur building.

Mr. P. Thorne:

On building control, just moving on, we probably have about 1,400 jobs on site at any one time, so obviously our guys are out there inspecting, keeping on top of things as they happen. So they are considering that on site, ensuring that building bylaws are complied with and so on. If they see any obvious planning fractions, they will refer it back to the planning team so that they can take the appropriate action under the planning parts of the law. We are about to bring in new bylaws on the conservation of energy, so that is a move forward, but generally speaking, building control tends to be a non-political process. It smoothly deals with its day-to-day business.

Senator F.E. Cohen:

There are some politics creeping into the change in the building bylaws, and you really should be aware of that. Basically, the new building bylaws are designed around carbon reduction. There is a hold-up at the moment because Guernsey Gas are claiming that the structure unfairly disadvantages them. We have put it on hold for a short period while Economic Development carries out a piece of work to ascertain precisely what effect it will have on Jersey Gas and whether it is reasonable to continue. I would expect that work to be completed within weeks.

The Connétable of St. Peter:

It is going to be a difficult balance act to balance up economic need of an energy supply against the environmental need and reducing carbon.

Mr. A. Scate:

I am not going to pre-judge the answer we are going to get, but certainly the line of the department has been it is not going to preclude gas as an energy source. What we are saying is you need to balance the sums in a building. So if you want to spend more of your carbon through using gas, you are going to have to insulate more so you do not need to use so much gas. It does not stop gas being used. You just have to insulate more.

Senator F.E. Cohen:

The core of the argument is that the figures that we use naturally favour electricity because our electricity is predominantly non-carbon-based produced. They are saying that the figures that we are using are wrong because we do not know for sure exactly where our electricity comes from. It may be from the nuclear-produced electricity or it could be carbon-produced electricity that has got into the grid. One of their claims is that the numbers that we are using are unfair, so we need to look at that as well.

The Connétable of St. Peter:

Fine. I understand that. Has any thought been put into the amount of carbon coming out of the E.f.W. (Energy from Waste) farms?

Mr. C. Newton:

Yes.

The Connétable of St. Peter:

Has that been factored into the new bylaws?

Mr. C. Newton:

It is fully modelled into our models of Jersey's carbon production. So, both the current emissions and the emissions over the lifetime of the plant that is currently contracted to be built have been looked at. As a matter of interest, clearly, because the throughput of material is growing, the proportion of carbon that that contributes to the Island's economy is growing, but it is also growing at a time when, if we do everything we should be doing, net carbon emissions are falling. So the proportion grows because of increased tonnage being burnt and because it is a bigger proportion of a smaller number. So it does grow, I think to about 14 per cent or something of the Island's carbon emissions over that time.

The Connétable of St. Peter:

That is all factored into the building bylaw regulations when we are arguing between gas central heating, for example, and ...

Mr. P. Thorne:

No, the building bylaws will work in terms of a target carbon usage and you can use whatever variables you choose, as Chris suggested. You know, you can burn more gas but then you will need to insulate more to reduce the gas that you do burn. Then there are different ways of doing it.

The Deputy of St. John:

But all those figures have been on a grand scale to 2035 that you have drawn all the figures together with, on the Island population growing.

Mr. C. Newton:

I think we have got potential confusion here. The building bylaws would not apply to the Energy from Waste Plant, if that is what you are referring to.

The Connétable of St. Peter:

No, what I am saying, we were just talking about the Guernsey Gas problem and they are saying: "Well, we cannot be certain here from the purpose of developing your building bylaws we are making an assumption that we are getting carbon-free energy via the electrical grid." What I would like to ask you is the E.f.W. plant is going to burn waste to reduce levels, but that in itself is going to produce carbon. Has that been factored into the electricity element of that?

Mr. C. Newton:

Absolutely.

The Connétable of St. Peter:

As a counter to the argument on the gas company, for example.

Mr. C. Newton:

Yes. The carbon intensity of the electricity that Jersey consumes is a composite of what we import, what we produce locally and will continue to do so. At the moment, there is very little on-Island electricity production. There is some. There is about 3 per cent of what we use, partly through the burning of oil in La Collette power station but also the energy from waste plant makes a small contribution as well. Just for the sake of not having any confusion about it, we are absolutely confident in our analysis of the carbon intensity of Jersey's imported electricity. We have taken significant advice on that. We use the protocols of the International Energy Authority who produce documented evidence of what each energy producer has in terms of carbon intensity. We procure most of our energy from E.D.F. (Electricite de France). They have published results for what their carbon intensity is. We buy from them. That is the right figure to use. There are arguments from Jersey Gas and Guernsey Gas. We have looked at them. We do not agree with them. It is their prerogative to continue their argument, but you might say they would say that, would they not, because it arrives at a figure that is more beneficial for them, but I am absolutely confident our figures are right.

The Connétable of St. Peter:

Okay.

The Deputy of St. John:

Okay, we will move on.

Mr. P. Thorne:

Yes, well, Chris has opened up on the Island Plan. That is certainly the major focus for planning in 2009 and possibly into the greater part of 2010.

The Deputy of St. John:

Can I stop you a second? The Constable is just about to retire from the meeting.

The Connétable of St. Peter:

I was looking forward to your presentation as well, Peter, but I am sure we will talk again in the future.

Mr. P. Thorne:

Give me a call and you can have a private one if you like.

The Connétable of St. Peter:

Thank you very much. Apologies to you all but I do have another meeting. I need to be in St. Lawrence in about 15 minutes, so you may be reading about me on the front page of the *Evening Post*.

The Deputy of St. John:

Thank you, Constable.

The Connétable of St. Peter:

Okay, thank you all.

Mr. P. Thorne:

What I will do is drop down from the process which we have touched on into the main issues that the Island Plan is going to raise. I would say first of all though, and you will know and there has been plenty of publicity about it, the Minister has introduced a sort of design agenda into the department which has seen a step change, I think, in the quality of buildings which are beginning to emerge from the planning process. That will continue and it will be strengthened by the underlying policy which will be included in the Island Plan anyway, so there will be far more rigour in the proposals in the plan. Architects, developers and so on will have to continue to improve the standards there, and the Minister has got one or two other ideas up his sleeve as well as how we can create this legacy of improvement in architecture in the Island.

The Deputy of St. John:

Will the Minister share them with us?

Mr. P. Thorne:

I am sure he will at some stage. The major issues I wanted to focus on really in the Island Plan, clearly the production of homes will continue to be a major issue. We are, as Chris has said, working on the premise that we can certainly get the immediate requirements for the next 5 years or so from development within the built-up areas. I think there is an issue beyond that because building in built-up areas carries the law of diminishing returns. We can only do it so many times. It takes generations before buildings come up for renewal again, and then the more successful we are in developing the open sites and existing buildings in the built-up areas, the more likely we are in the future if there continues to be needs for housing and other development purposes need to go back into green field sites. So I think that is something we need to get our heads around there in terms of how we deal with this plan and taking a longer view. It certainly makes sense though in the short term because we may not have future housing requirements to the same extent as we have had hitherto to concentrate on the built-up area in the short term. That leads in really to work that we have been doing in town. Certainly the St. Helier waterfront brings with it a number of residential opportunities, but also the work that was done 2 years ago on the town development and regeneration strategy report published by EDAW which is now going through tests on the various traffic proposals that are made, and we are consolidating that with the work that is also being done, and of which I am sure you are aware of, branded as the East of Albert project. This is a project being run by W.E.B. (Waterfront Enterprise Board) with the various departments who have an interest. All the departments are well represented, and Andy, Chris and myself participate in the work that is moving forward there, but if you do not know what that is looking at, there is a possibility or indeed the necessity of moving the port down to La Collette, into deeper water, which would in turn release the Elizabeth Harbour area for the possibility of significant new residential development. We have issues with how we dispose of waste and we are addressing, as part of that process, whether we do future land reclamation from the sea or disposing of inert wastes or whether we come up with other methods for dealing with inert wastes such as using the quarries, for example. The Buncefield explosion in Hertfordshire 3 years ago has obviously caused us to rethink the safeguarding regime around the fuel farm at La Collette and the imposition of the safeguards which are being called for by the health and safety people in the U.K. Then we, I think, for insurance purposes, no other reason, are bound to follow the best practice in terms of those safeguards.

The Deputy of St. John:

So, on that point, if I can stop you there ...

Mr. P. Thorne:

Yes, sure.

The Deputy of St. John:

Our new Energy from Waste Plant, does that mean we have to put an explosion wall on the outside?

Mr. P. Thorne:

No, no, the Energy from Waste Plant has been the subject of a separate assessment by the guy from Atkins Consultancy in the U.K. who did the work for the U.K. Government on the Buncefield Report. Although it is a large structure, it carries a very low employment factor and, in risk assessment terms, it has been considered an acceptable risk. I think what is of far greater concern is the occupation and the other activities that are taking place in the existing buildings and spaces close to the fuel farm: the Channel Islands welding building, for example, some of the activities in the boatyards where people are going down working on their own boats and this sort of thing and controlling the numbers of people and the way they can evacuate the site, all those sorts of things. There is, and has been now for 18 months or so, a group basically run by the Transport and Technical Services Department but comprising the Emergency Planning Officer and ourselves and various other bodies, Health and Safety and so on, looking at this whole regime of planning safeguards which is obviously our particular concern, but also dealing with evacuation, access for the fire service, all these sorts of factors.

The Deputy of St. John:

Can I ask if there is a major incident plan for the La Collette area?

Mr. P. Thorne:

There is one in the course of preparation by Mike Long, the Emergency Planning Officer, yes.

The Deputy of St. John:

But there is no written strategy yet?

Mr. P. Thorne:

It is emerging. It is quite advanced.

The Deputy of St. Mary:

Is it being prepared by this T.T.S. (Transport and Technical Services) led group or by Mike Long himself?

Mr. P. Thorne:

No, by Mike Long.

The Deputy of St. Mary:

With advice from that group? How does that work?

Mr. P. Thorne:

Well, Mike is a member of that group and we have been talking about it on the group. The idea of the group is simply to bring again all the stakeholders together. Part of the problem at La Collette was that the States were administering it, so you talk to States departments through the planning process and so on, but there are a lot of users down there, obviously the fuel farm being the most significant users down there, who need to be involved in that process. While there were some individual departments contacting them, there was no forum for discussing the broader issues. It has been quite a useful working exercise in bringing people together, sharing the concerns of the other departments. The fire service is involved, the police are involved, fuel companies are involved and so on. We have set up in response to that a far broader consultation regime. When we receive planning applications, for example, we let people know about it, they are able to comment. They do not need to look for a site notice nailed to the fence outside. So that has been quite an effective exercise. We are not the leaders in that by any means, but we certainly have a role in what is allowed down at La Collette and changes of use and this sort of thing. Going back to the new regime, the concern there is the proximity to the farm, and we are addressing as part of that East of Albert process the possibilities for moving the fuel farm to a more remote location, possibly offshore.

The Deputy of St. John:

The existing fuel farm has been there what now, 30-odd years? What is the life span for those, 30, 40 years? I am thinking of the gasometers originally when they were moved. We were told in the 1990s that they were moving coastal gas from St. John down there and in 2000 or thereabouts they put in the new tank at St. John. That meant there was another 30 or 40 years' life.

Senator F.E. Cohen:

I asked the same question and I was told 10 to 15 years, and that was from last year.

The Deputy of St. John:

Right, so it will be moved in the next few years, given that is what would happen anyway, would it not? We are not going to invest tens of millions of pounds on the existing sites if we are going to do whatever, a reclamation, whatever, or put it offshore.

Mr. P. Thorne:

To be honest, as far as my involvement is concerned, that is not really what we do.

The Deputy of St. John:

No, okay.

Mr. P. Thorne:

But it is certainly a valid concern: if we are going to move it, let us not invest in it. Let us make scope, if we do move it, for bottled gas.

The Deputy of St. John:

Yes, okay, fine. Yes, I can understand it is not your concern.

Mr. A. Scate:

I think the issue there is whether it needs to move or not, and if it does need to move because we want to utilise the land at La Collette for more economically viable or important uses, then clearly we need to move for safety reasons. In its own right, of we control the land uses around it, it is not a problem. It can be reinvested and replanned there, but clearly if we want to use the land at La Collette then we need to move, we need to sort the fuel issue out so we can free up that land. One of the other benefits obviously Peter has alluded to, that then brings ...

The Deputy of St. John:

Yes, I understand, and I should not have interjected, sorry.

Mr. P. Thorne:

Frankly, that is really all I wanted to say on the Island Plan. Those are the big issues we are seeking to address. It is a review of the Island Plan and we are finding in the responses to the Green Paper and indeed the drafting that we are doing now, there is quite a lot of the existing plan which probably will not change. It will stand us in good stead for the future, but we are turning some of those bigger issues and trying to get our heads around them at the moment. It may take longer to finalise and there is a possibility that we will not be able to know exactly what is intended, what is proposed, within the timescale that Chris has mentioned, but it is ongoing work and it will be ready when it is ready.

The Deputy of St. John:

Yes, and in fact yesterday I had a brief word with the Minister and I must say I did like his idea of shall we say ring fencing for villages ...

Senator F.E. Cohen:

Conservation plans.

The Deputy of St. John:

Yes, conservation area, and therefore I know that we want to work in my own Parish in the village areas and hope we can work closely on that with the departments prior to, you know, whether it is scrutinised by the panel ... obviously it is going to be done by your scoping group from outside, but if we can have some input in that, it would be very useful.

Mr. P. Thorne:

I am sure that is possible.

The Deputy of St. John:

They are a blueprint for the Parish villages basically.

Mr. A. Scate:

Yes. We have got a series of meetings and we have had some meetings with Parish constables and clearly we have got to get around all Parishes to feed into that.

Senator F.E. Cohen:

I am interested in creating visions for special areas. We all know what they are. So you paint a picture of what you want them to look like in 20 years' time, and if, for

example, you think they have an important element of tourism in them, you identify that, so you do not just dump the hotel; that sort of thing.

The Deputy of St. John:

Yes. That is very good because the other thing, while we are on the Island Plan, would probably come under ... I wrote to the department myself about the old Mont Mado dump, for instance. Currently it is just laid and it is not fallowed because it has gone from rough grazing, but historically, if you can find some old photos in the archives of the museum, you would probably find that there was a big area 200 or 300 years ago covered in trees, et cetera. If we cannot reinvest in probably putting some of those trees back in covering part of that area, for instance, it is things like ...

Mr. P. Thorne:

Is that still owned by the States or ...

The Deputy of St. John:

It is owned by T.T.S.

Senator F.E. Cohen:

But part of it has been sold off because part of it is the site.

The Deputy of St. John:

Yes, but that is down this end where the old sheds were.

Mr. P. Thorne:

There were 2 other things I wanted to ...

The Deputy of St. Mary:

Can I come back to La Collette before we move on away from La Collette, although we have jumped a bit? There are a couple of things. My understanding was that the fire service had concerns about access and the emergency plan and so on, so could you elaborate on what they said and how far that got? The other question was about the ... no, deal with that one first because it the other one is slightly different.

Mr. P. Thorne:

It was addressed as part of the application for the E.f.W. and reserve matters application for the E.f.W. anyway. They were concerned that La Collette only has one access and egress, and if there were a problem, whatever it might be down there, the evacuation is going to bring people up past the Westaway Monument just as the fire service and the police and ambulance or whatever it might be are trying to go the other way. They are keen to have a secondary access into La Collette from the east, effectively the only place you can bring it in. That is something that we are looking at as part of this East of Albert exercise.

The Deputy of St. Mary:

Right, well, that raises the question exactly what stage that has reached because the fire service generally has to have access in time.

The Deputy of St. John:

Yes, but this is basically a briefing meeting.

The Deputy of St. Mary:

Yes, fair enough. The other question was about fuel farm. What sort of consideration has been given to the pipeline idea that is mentioned in the energy policy? Is that an idea that is sitting in the energy policy, because my understanding from that was, although I may have read it wrong, was that the fuel farm issue could be got around by piping in everything. Presumably you need to bundle it in some way or buffer it.

Senator F.E. Cohen:

There is shortly to be a proposition lodged on that. It is in at the moment.

Mr. C. Newton:

I will give you some direct feedback on that. As you rightly say, the energy policy did some research, and part of that research was a report by a consultancy called Poiry, P-O-I-R-Y with an umlaut somewhere over the top of it. They looked at the economic case primarily for bringing in hydrocarbon fuel by pipeline rather than by boat. To cut straight to the chase, the conclusions were that an oil pipeline just about washed its face, a gas pipeline got nowhere near being economically viable. What you have got to then think about though is that it is a single pipeline bringing a range of different products, so it is bringing different grades of motor fuel, it is bringing aviation fuel, it is bringing heating oil, which basically means you can do it down a single pipeline but you use something called a pick that you shove in a pipe and it separates the fractions, but each time you do it, you have got a zone of mixing which you have got to deal with, but you have also clearly got to have a place to deliver those different fractions into. So what I am alluding to is ultimately you still need a fuel farm. You still need a stock to take the flow that has come through your pipe, the stockholding on the Island, also for reasons of resilience. What you might find is that that footprint of that is less than the current footprint of the current fuel farm because you have got a greater certainty about the pipeline delivery. So you might get a 40 per cent, 50 per cent reduction in the size of the footprint you need, but you will still need a footprint. What it does do though, when you think about it, is it frees your mind up to where that footprint might be. So if you start to think about a pipeline coming from France and landing somewhere on to the Island, it does not necessarily have to land at La Collette. There are probably good reasons why it could and should, to do with existing infrastructure, et cetera, et cetera, but theoretically you could bring it ashore at Archirondel or somewhere on the east and put your fuel farm facility around there. So, I mean, it does open up some options.

The Deputy of St. John:

Yes, it opens up other areas of the Island.

Mr. C. Newton:

What we do need to do to finish that item off is to do some sort of detailed engineering feasibility studies. It is one thing drawing a line on a map and saying it will probably cost X million pounds to build it and that washes its face. You have then got to go in and say: "That line on the map, what territory is it going through? Is it possible to trench into that sort of terrain? What are the French authorities going to feel about dragging it across the Conne or Cherbourg, across France?" So there are some real deeper studies that need to be done if we feel that that is a goer and we need to look at it.

The Deputy of St. John:

Well that is the question; whether it is even a goer sufficient to make that sort of study ...

Mr. C. Newton:

It is a goer economically. It is just whether, in the context of East of Albert, it is something that we ought to think harder about.

Senator F.E. Cohen:

Well, I think we probably will be taking another look at this anyway because, as I said, there is a proposition in the process of being lodged that will encourage us to review it anyway.

The Deputy of St. Mary:

To review the fuel farm situation?

Senator F.E. Cohen:

To review the concept of a pipeline.

Mr. P. Thorne:

Just to make 2 final points, your predecessor Scrutiny Panel published a report, a review on regeneration, urban regeneration, just before Christmas. So we are in the course of producing a response to that as we are clearly required to do, but there is also the report produced by the former panel 2 years ago now, the Design of Homes which was a welcome report with some good ideas and so on. Our policy team at the moment are working flat out on the Island Plan itself, but part of the Island Plan will be to update a number of pieces of what we call supplementary planning guides and these are basically explanatory notes of the policy of the Island Plan and we need to certainly revamp the whole of the residential design guidance, internal standards, parking, all those sorts of things in one document which will clearly build on the former Scrutiny's Design of Homes work, but we will deal with sustainability of homes and all those sorts of things. So that is quite a large piece of work. There is already a draft which was produced 3 or 4 years ago, but we need to get on with that once the Island Plan is drafted.

Senator F.E. Cohen:

We did agree at the time that one of the then members of Scrutiny was going to work with the Planning Department directly to ensure the successful integration of the report into the planning policies, but that member moved on and then we lost the department architect, so nothing much happened.

The Deputy of St. Mary:

Hence the 2 years delay which sounds a bit odd.

Mr. P. Thorne:

We do have a new architect now, by the way, so things can be ...

Senator F.E. Cohen:

If you want to progress that, it would be helpful to have somebody from your side.

The Deputy of St. John:

Right. Could you put that on our agenda, please?

The Deputy of St. Mary:

Can I ask a question of clarification, as they say upstairs, because I think it is probably better rather than an email. E.I.A. (Environmental Impact Assessment), E.I.S. (Environmental Impact Statement), E.S. (Environmental Statement), are they interchangeable terms? It would just be helpful to me to know which was which and at what point they chip into any application for a big project.

Mr. P. Thorne:

Essentially the E.S. is the statement submitted by the applicant with an application.

The Deputy of St. Mary:

With an application. Early. That is an early statement, yes.

Mr. P. Thorne:

Usually having been scoped by Chris' team at Howard Davis Farm, scoped by his policy people to ensure that people producing the statement on behalf of the applicant are covering all the things that we feel need to be covered and exploring all the alternatives and any mitigating measures for any potential problems that might arise out of that scoping process. The Environmental Impact Assessment is effectively the consideration of that statement as part of the planning process. Clearly we look to Chris' team to help us on that and the environmental policy guides. There was one other you mentioned, Deputy.

The Deputy of St. Mary:

The E.I.S. because that is another term that pops up.

Mr. P. Thorne:

I think that is E.I.A., is it not?

The Deputy of St. Mary:

It worries me when there are 2 words which might not mean the same thing and everybody takes them to mean the same thing.

Mr. C. Newton:

Do not worry; they are all part of the same family. It is just how different people refer to them. The Environmental Impact Assessment comes effectively from an E.U. (European Union) directive that sets out what an environmental impact assessment is and it has a series of stages. So E.I.A. is probably the sort of bracketing for the whole process. Within that, as Peter has already described, you start off by looking at the proposition and scoping what its impacts might be, and you do that in a collaborative, concerted way. The onus is then on the developer or the proposer of a project to address the issues identified in the scoping study, and they do that usually by engaging some expert consultant to be able to do it. They then come back with what is called the environmental statements. An environmental statement is, having looked at all the issues you told us to think about in your scoping study, we looked at them, this is what our analysis of them is, and they also at that point will be coming back

with any mitigation measures. So the scoping might have said: “This will be a blot on a landscape” and they will come back saying: “There will not be a blot on the landscape because what we are going to do is sink the building and put some soft landscaping around it.” So there is a combination of: “We have thought about the factors you have raised. This is what we are going to do about them. These are the mitigations that might be in place.” Then the final point of the process is the regulatory authority, which is us, we will be looking at that and taking a view as to whether, given all those factors, there are any outstanding issues that mean the scheme either cannot go ahead or could only go ahead with a range of conditions that would be set down in the permit that was given for development. So you can only develop if you do this, this, this and this to mitigate these factors.

Mr. A. Scate:

The only other process prior to that is screening if that is the process to decide whether or not you need any environmental planning in the first place. You then go through that. So there is screening, scoping, statement.

The Deputy of St. Mary:

All right, and we have taken this process from the E.U. directive even if we are probably not subject to that directive, presumably; we have borrowed the process.

Mr. A. Scate:

Effectively, yes, but it is enshrined in Jersey law.

Senator F.E. Cohen:

It is enshrined in Jersey Law, but it replicates European practice, I think it is fair to say.

The Deputy of St. Mary:

So where in this scheme of things does the Babbie Fichtner E.I.A. sit, because the E.I.A., you are saying, is the overall thing, and then the E.S. is after consultation with yourselves about what the scope of the different issues is: “Here are the issues. Here is what we are supposed to do about them.” Then there is: “I have not seen that.” Then there is E.I.A. which is ...

Mr. A. Scate:

The Babbie Fichtner report is the environmental statement.

The Deputy of St. Mary:

That is the same.

Senator F.E. Cohen:

The E.I.A. is the process whereby we have assessed what was in there and effectively made the planning decision.

The Deputy of St. Mary:

Technically it is the E.I.S.

The Deputy of St. John:

Minister, could we have some workings or somebody with an explanation on your policy to deal with historical buildings, please?

Senator F.E. Cohen:

Yes. My view of historic buildings is that we should seek to preserve historic buildings. However, you have to be practical in that most historic buildings are buildings that have evolved through many different uses over long periods of time and are, by themselves, a statement of how buildings naturally evolve. So I think you need to be quite prescriptive about the principle of preserving historic buildings, but you have to be flexible in your approach. As you know, we currently have 2 mechanisms of listing buildings: B.L.I.s (building of local interest) and S.S.I.s (sites of special interest). It is a wholly inadequate system because you are either saying every single thing is worthy of preservation or only the outside is worthy of preservation. We all know that most buildings are between the 2. So we are looking at the moment at a complete review of the mechanism of listing and introducing a system of grades where top grade will be you preserve everything, bottom grade is that it is a building of merit, and between the 2, you will have various different statuses for buildings. The current process of listing a building or delisting a building is that I have a large group called MRLAG,(Minister's Registration and Listing Advisory Group) and MRLAG comprises representatives from the Société, from Heritage Trust, from the architects from construction industry, from engineers. All these sit together and consider whether or not a building warrants listing. They then make a recommendation to me and, by and large, over the 3 years that I have been in this job, I have supported their recommendations. There have been a few exceptions. One of them, for example, was the roof on Fort Regent which I refused to list. I cannot see it has any historic value at all and I think that it is a pointless exercise to list it, but generally I follow their advice but it is only advice. There is a little twist to it in that the group is administered by Jersey Heritage Trust and you can have a position where Jersey Heritage Trust who make the representation to me take a different position from the majority of the group, but I now and for certainly 2 years, I have always insisted on knowing how the group itself voted rather than just what Jersey Heritage Trust's recommendation is. I think we need to take a very practical approach to historic buildings and I could give you all sorts of different examples. One which I know is of interest to you is the Le Seilleur building, the Oxford Road studio, where I have made it very clear that we will take a very practical approach in terms of how the building is treated under a planning application because, very simply, the building does not have much economic use if you insist on the current floor to ceiling height of the ground floor being retained. So I think you have to have a practical approach, and if you have a practical approach, you end up with people wanting to restore historic buildings.

Mr. P. Thorne:

What help is there for the public? At one time there was £100,000 and that was the highest figure.

Senator F.E. Cohen:

We have got about £60,000 a year to administer historic building grants which is wholly inadequate, but the range of applications is quite extraordinary. For example, last year, I insisted with the Assistant Minister in closely scrutinising, and one of the applications - I will not say which one - rather struck me because it was a property

that I know is owned by someone who is extremely wealthy, and when we looked at the photographs, the photographs presented in support of the application included the chap's new Rolls Royce outside. So this is the sort of range of stuff that we get, and I know that it is the Assistant Minister's view as well that we need to be very careful because we have only got a relatively small sum of money, and while there may not be a requirement for a formal means test, I think we have got to be sensible about how we apply such a small amount of money.

Mr. A. Scate:

I think the main way for the department to lever investment into historic buildings is again through a flexible approach, in effect, private investment developer interest and investment coming into the market. That is clearly the biggest investment in historic buildings. Our £60,000 a year is a very small drop in the ocean.

The Deputy of St. John:

Who is your current historic officer?

Senator F.E. Cohen:

We have a new lady called Tracey. I cannot remember her surname.

Mr. A. Scate:

Tracey Ingle.

Senator F.E. Cohen:

Tracey Ingle. She has only just started and I have only met her once, but she seems very good, very practical, and we have had a chat through my principles and they seemed to accord with hers. Well, that is what she told me anyway.

Mr. P. Thorne:

If you are interested, the policies that we apply for historic buildings were reviewed last year and they are available on the website.

The Deputy of St. John:

Okay, thank you.

Senator F.E. Cohen:

But there is a paper that is in draft form about how we propose to change the system and I am quite happy to share that with you. I will put that on the list.

The Deputy of St. John:

Right. Have you got any other questions you would like to ask the Minister?

The Deputy of St. Mary:

I think I have run out. Yes, there is one other question, but not to the Minister.

The Deputy of St. John:

Okay. Officers, have you got any questions you would like to put to the Minister and the Deputy Minister which may be of help to our panel over the next 3 years?

Mr. M. Haden:

I was just wondering whether there were any funding pressures going into the Business Plan process for the next year, whether you will see anything ...

Senator F.E. Cohen:

Lots.

Mr. A. Scate:

The short answer.

Senator F.E. Cohen:

We have got a big problem, and I will tell you what the problem is. In the Business Plan, we were allowed to increase our commercial planning application fees. The background to this is that we have had budget cuts over a long period of time with coincidental increased legislative pressures, increased things we have to do like a more open process, like public hearings that are an enormous burden on the staff and quite simply, we do not have enough staff to do the job. Simple as that. The basis of correcting it was increasing planning application fees only for large commercial applications, and we were going to use that money to employ more people to do the job. The problem we have got now is, because of the change in circumstances, we do not know whether we are going to get many large planning applications of a commercial variety, so therefore the chief officer, quite properly, has had to put on hold employing any more people. Now, it could be self-correcting because if you get a downturn anyway, then there may be less applications which will enable us to spread our existing resources over those fewer applications. So we may be able to get out of it, but as it is at the moment, we cannot proceed with our new employment strategy.

Mr. A. Scate:

The other issue we have, certainly on the other side of the department, as Chris has stated, our regulatory regime has been increasing over the years where we fill up gaps where we feel that we have gaps in the environmental regulation. Air quality has been one of them now. We have continually been adding new regulatory regimes into the system with the same staff resource if not less. So there is more work. The day job is getting increasingly more difficult because we are monitoring and implementing more pieces of legislation. So we have got that as a backdrop on the environment side as well. In the future, over the next 3 years, certainly we will all be facing whatever the strategic plan throws at us and in terms of where States funding and resources sit and efficiency drives and the whole economic climate. So certainly I expect the department to be under further pressure, as all States departments will be under further spending pressures in the future. I certainly do not foresee additional income over and above what we have already outlined into the department. If not, we will be working with tighter and tighter resources.

The Deputy of St. John:

Thank you. Any other questions, officers?

Mr. M. Orbell:

The only thing on my list of bullet points that we have not mentioned at all today happens to be the Esplanade Masterplan but I do not know if there is anything new in that area.

Senator F.E. Cohen:

Well the Masterplan was adopted and it was endorsed by the States and signed off immediately afterwards. There was a planning application. The planning application I have looked at extremely carefully and I have decided that in architectural terms it is important with the Masterplan. I would like to issue an approval, but I am nervous about doing so because there are a number of steps that need to be taken and I do not want to put the States in a difficult position by issuing consent prematurely. The first is that the Treasury Minister needs to let me know that he is satisfied that the developer has the necessary financial wherewithal to deliver the scheme. The second is that the terms of a planning obligation agreement are agreed because there are all sorts of things that I will demand, and the most important from my perspective is to ensure the architectural quality of the scheme is maintained and it is not value-engineered down. I want to see a complete list of all of the materials. I want to know the dates that the public spaces are going to be completed because we do not want to end up in a position that the commercial development is finished and the public spaces are delayed for years and years. There is a whole variety of things we need to see before I am in a position to press the button and say: “Go ahead”, but in architectural terms, I am satisfied the application accords entirely with the principles of the Masterplan.

The Deputy of St. John:

Okay. Before I wind up, could we have from you at this meeting, Minister, that we can all work hopefully well together and when we apply for information on any particular item we are scrutinising, that we can have all the information without having to put your arm behind your back, should we say? I am sure that will not be necessary.

Senator F.E. Cohen:

Well, the way I would like to work is that it is open house. Anything we have got is available to you. If it needs to be confidential, we will tell you it is confidential, but there will be no secrets. I understand that Scrutiny has a job to do in scrutinising, but as far as I am concerned, the more brains we have got applied to the problems, the better. You asked me about architecture and I said I would tell you what I was planning on doing, so I had better answer that. Otherwise you will think I am trying to avoid it. As you know, my primary interest is delivering better architecture. We can explore that at another meeting, but I am looking at the moment at setting up a design advisory group to assist me in providing better architectural advice to me. At the moment, a lot of the architectural advice is left to me, and that is rather difficult and I could do with a group assisting me in that process. We are going through how to form it. There will certainly be an open-appointments procedure, but I do not know any more about how it is going to work. It is just embryonic at the moment.

The Deputy of St. John:

Thank you very much indeed. Have you any other questions before I ...

The Deputy of St. Mary:

Well, just on that last point, I would like to just mention that the advisory group should cover issues of sustainability as well as appearance, practicality and all the other things that architects look at.

Senator F.E. Cohen:

We will eventually.

The Deputy of St. John:

If there are no other questions from the panel ... no. I will therefore close the meeting. I would like to thank the Minister and Assistant Minister and all the officers for your time and being so frank with us. Thank you.