



Environment, Housing and Infrastructure Scrutiny Panel

Quarterly Hearing

Witness: The Minister for the Environment

Wednesday, 2nd July 2025

Panel:

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

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

Deputy A.F. Curtis of St. Clement

Deputy D.J. Warr of St. Helier South

Connétable D. Johnson of St. Mary

Witnesses:

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

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

Ms. K. Whitehead, Group Director, Regulation

Ms. L Jones, Head of Environment and Climate

Mr. F. Binney, Head of Marine Resources

Ms. S. Ramos, Chief Veterinary Officer/States Vet

[10:32]

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

Welcome to this quarterly hearing of the Environment, Housing and Infrastructure Scrutiny Panel. Today is 2nd of July 2025 and we have a hearing with the Minister for the Environment. Welcome. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live and the recording and transcript will be published afterwards on the States Assembly website. Please be reminded that all electronic devices should be switched to silent. Let us begin with

introductions. My name is Deputy Hiliary Jeune and I am the chair of the Environment, Housing and Infrastructure Scrutiny Panel.

Deputy T.A. Coles of St. Helier South:

Deputy Tom Coles, vice-chair.

Deputy A.F. Curtis of St. Clement:

Deputy Alex Curtis, panel member.

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

Deputy David Warr, panel member.

Connétable D. Johnson of St. Mary:

Constable David Johnson, panel member.

The Minister for the Environment:

Deputy Steve Luce. I am the Minister for the Environment.

Assistant Minister for the Environment:

Constable Mike Jackson, Assistant Minister for the Environment.

Group Director, Regulation:

Kerry Whitehead, Group Director for Regulation.

Head of Environment and Climate:

Lisette Jones, Head of Environment and Climate.

Deputy H.L. Jeune:

Thank you. We have some online as well.

The Minister for the Environment:

Yes. Online we have our States Vet, Susana Ramos, and I am expecting the Head of Marine Resources, Francis Binney.

Deputy H.L. Jeune:

Yes. Those questions are later in the session so hopefully he can join us before we get there, Minister, we have tried to work out, because you have so many things that you are responsible for, how to get a lot of information out of you in these quarterly hearings. Our first section we want to do

is a progress update section and we will try to condense them to as short as possible so we can get on to some more specialised areas.

The Minister for the Environment:

I will try my best to keep things short and sweet.

Deputy H.L. Jeune:

Thank you very much, Minister. I have the task of trying to keep things also short and sweet. Minister, you have previously stated in response to questions that you are reviewing the use and operation of existing provisions to protect special trees and to regulate works and this will include the development of a clear process of policy for the protection of trees. When will this work begin on the development of this process and policy?

The Minister for the Environment:

Trees is something, as you know, Chair, that is close to my heart and I expressed a view very early on in my ministry that I wanted to do more work, a lot more work with trees. We had a proposition about protecting just about every tree on the Island, which was not successful, and I certainly was opposed to that. I thought that was a bit of a sledgehammer to crack a nut but notwithstanding that, we do need to do more work. We have gone away and set up a Tree Advisory Board with a panel and we are adding some new members to that in the near future, Samarès Manor, Greening Foundation, officers from Climate Emergency and the Construction Council adding to the people who are already on the board, who represent National Trust, Trees for Life, Farmers' Union and an arboriculture representative. We also have support from the Office of the Lieutenant Governor. We have spent the last 12 months getting ready, if you like, putting the preparation in place so that we can get on and I have told officers I am really determined to plant trees this autumn and winter. We get that the season for planting trees disappears very quickly and I am very keen to make sure that once we get into tree planting season, September time, that we are ready to go. We have done a lot of work on the preparation and I cannot say more than that really. We have issued ... we have got some guidelines as to how we want to move forward with those.

Deputy H.L. Jeune:

Is this Tree Advisory Board meaning about planting trees rather than looking at protecting trees, just in the sense that we have had some quite high profile cases recently about where through planning issues there was potentially knocking down a lot of trees but there is also concern that there has been a bulldozing of a large area of trees? What would this Tree Advisory Board do to help mitigate such a situation?

The Minister for the Environment:

I would like to think they will come forward with suggestions about protection. Certainly there are a number of different ways of setting about that. I had considered, and I am still considering, something which comes from the U.K. (United Kingdom), which I believe is called a trashing policy, whereby there would be a presumption that any site ... I think in short what it means is you cannot go and just take every tree down on a site and then 6 months later apply for planning permission because the site is clear. That is something I have considered, but we certainly need to work harder. When I had the pleasure of being on the Planning Committee I well remember a site at Les Quennevais where we made a very big play for protecting a number of specimen trees on a particular site that was going to go for housing and it was a great shock to me not many months later to find that all those trees had been taken down because the developer made some claim that the root structures were interfering with the building. I would very much would have been of the thought process that maybe we should have said if they are interfering with the building, you had better move the building rather than take the trees down. In this particular site there were a very large number of trees, many of which were taken down and very few were left. We were assured that those trees were going to stay in place. They did a large tree survey and it appears that it all counted for nothing, so we have to do more.

Deputy H.L. Jeune:

Yes. Would the Tree Advisory Board be the place to do that, because this is the concern?

The Minister for the Environment:

Yes. I want all things trees to be channelled through this Tree Advisory Board. They represent across the board from the Island community and I want them to look at everything to do with trees. That is new forests, that is planting small areas in parts of fields that are not used, looking at specimen trees, looking at how we can protect trees in the urban areas, which are really important. That is one of the ...

Deputy H.L. Jeune:

Would they be looking at the Planning and Building Law and looking at that from that trees perspective because you were talking about it from a planning perspective as well?

The Minister for the Environment:

I do not know.

Group Director, Regulation:

The planning policy team is looking at the review of existing legislation under the Planning and Building Law. Work has commenced, starting with a review of the assessment criteria and progress has been slightly slower than we had anticipated because they are focusing on the planning before.

It is the same team doing both pieces of work. Of course, the value of trees is being considered as part of that process.

Deputy H.L. Jeune:

Thank you very much.

The Minister for the Environment:

One of the other things ... I am trying to find the list. Here we are, this is the one I wanted to say, the things that the board are specifically looking at. There are 5 topics here: the right tree in the right place, establishing new woods, special trees, tree protection and the championing of special trees. Something else we need to consider, I know we have what we call native Jersey trees but it is clear that as climate changes that certain trees will survive much better than some of what we would class as natives and we are going to have to think about how we might move towards encouraging the growing of different species of trees. I am not an expert so I could not say which ones but I am aware that some of our traditional trees do not survive or will not survive well in the climate that we know is coming.

Assistant Minister for the Environment:

If I may chip in, it is fair to say that macrocarpas will grow rapidly but, of course, they tend to dominate the whole area and I think tree selection is terribly important. Evergreen oaks, the Holm oak is a native Jersey tree that grows like a weed but, of course, they do serve a purpose as well. The advice from arboriculture experts I think is quite important.

Deputy H.L. Jeune:

Thank you. Moving on, at our hearing in December last year you stated that you and your Assistant Minister were looking forward to the designation of the conservation area in St. Aubin's. What stage has this scheme reached?

The Minister for the Environment:

Well, we are moving forward. It has not progressed quite as quickly as I would have liked but we have done the first round of consultation and a paper is being prepared. I am trying to think now. I think I am going to be signing something before the end of this year which will move us forward in that. As we know, we are going to start with St. Aubin's. We have had initial meetings with people who live in the area. We have got the draft conservation area appraisal done and we are doing a management plan and then we are going to do a formal consultation and the feedback from that will allow me to designate before the end of this year, I hope.

Deputy H.L. Jeune:

The Government website indicates that the appraisal and management plan is expected to be published for consultation in the first quarter of 2025. So you are saying that it is now coming in quarter 3?

The Minister for the Environment:

As I said, we are coming to a conclusion. I am hoping to sign it this year but things have not moved quite as quickly with the resources and stuff. We have got lots of other things to get on with, but we are making progress. As I said, we have got this draft conservation area appraisal underway and the management plan is underway and we have had meetings. The biggest challenge, I think ... one of the big challenge was always going to be the red line around the area and while it is quite easy to designate, I would suspect where the red line will be on the south end of St. Aubin's obviously where the town meets the sea, if you like, and if you go up the hill, I think that might be quite straightforward. Where the red line stops in the north is going to be interesting. If we had the Constable of St. Brelade here, obviously we know there are listed buildings on that seafront. How far do you get towards La Haule, I do not know.

Assistant Minister for the Environment:

There are natural breaks, but I do not think it would be a straight line and I think there might be a little bit of subjectivity when it comes to deciding on the boundary. I think it is fair to say I have met with my Constable's hat on with our historic buildings adviser who indicated the direction. Of course, it is quite difficult. We have a mix of buildings and I suppose what we are looking at in planning terms is how new buildings might be created to fall into line with the tenets of a conservation area.

Deputy H.L. Jeune:

Do you see that this will be something that will be concluded before the end of the term or will it run into the next ... from this St. Aubin's?

The Minister for the Environment:

I am expecting to sign the designation this year in 2025 and that is my expectation. I cannot guarantee it, obviously, because if the paperwork is not done, I cannot do that, but on the basis that I am expecting to sign it this year, if it does not happen this year, it will happen very early in 2026. As and when we have time and resource, I would expect to move on from that point and go for further designations. Certainly as a representative of St. Martin and Grouville, I would be very keen to see work done around Gorey Pier and the area below Gorey Castle on that area there, but I know there are other areas in St. Helier, for example, and there may be other areas.

Deputy H.L. Jeune:

But that would be for the future, another government?

The Minister for the Environment:

That would be for the future, yes.

Deputy H.L. Jeune:

Thank you, Minister. In answer to an oral question in February this year you stated that a report would be tabled as soon as possible following a review of the guidance for residential space standards. When will this report be published?

The Minister for the Environment:

In the very near future, looking at Deputy Coles. I have to say ...

[10:45]

Deputy H.L. Jeune:

Before or after the summer?

The Minister for the Environment:

Before the summer, let me say that. I may have put the officer responsible on the spot. If he is listening in from his holiday location, he will now be not having such a holiday. I have concluded site visits. I have done a large number of site visits to many different properties, older, brand new, and looked at all the various options and I am close to getting to a conclusion and publishing that.

Deputy H.L. Jeune:

Thank you. What changes have been noted by the Environment Department since the removal in February of the 3,000 square foot floorspace limit on the development of new homes? Have there been any changes?

The Minister for the Environment:

Certainly I am not aware of any changes. I do not know whether Kelly has any observations on that. I guess it might be a slightly tricky one inasmuch as you would almost have to interview the applicant to find out whether they have been considering that when they have put their application in.

Group Director, Regulation:

I do not think that we have any real impacts. We have not noticed a significant amount of applications that have been submitted for large homes from memory but maybe if there is one or 2. I would have to go back and have a look at that, but not a substantial impact, no.

The Minister for the Environment:

When the applications come in front of me or if there is a notable application, I am informed but I would not have the detail at that point about the number of square feet involved or anything like that. It is not something that comes across my desk unless it is the subject of an appeal.

Deputy H.L. Jeune:

At our last quarterly hearing with you in March and in correspondence following the hearing, an outline timeline was provided for the review of the building bye-laws. At that stage, officials were carrying out a high-level review of best practice throughout 2025. How this work progressed and have you started the stakeholder review that was anticipated for the spring of 2025?

The Minister for the Environment:

I am going to hand this one over to Kelly because it is firmly in her specialist domain, but we are progressing. As you know, we have delayed the work on energy certificates because we wanted to get bye-laws done out of the door so that the energy certification work could reference the bye-laws. How are we progressing? I know we are and I know I have had meetings with officers. I am just trying to think of the latest timeline for that work.

Group Director, Regulation:

Absolutely, we have started our stakeholder engagement on building bye-laws. We have split the workstream into 3 key areas. The first area is around safety, the second is around net zero and the third is around standards. We have initiated workstream 1, which is on safety, with engagements already this month and we are targeting the stakeholder engagements for the net zero and the building home standards in July to August. The timeline is on track to have reviewed all 12 technical guidance documents by the end of this year.

Deputy A.F. Curtis:

Could I just ask on that briefly? Does that mean that any survey or information has gone out into the public yet for part 1, which is your view on safety? I do recall seeing a survey but I cannot find it any more and I just wondered where you are in that process?

The Minister for the Environment:

We are doing it with selected stakeholders. Bye-laws are pretty technical.

Deputy A.F. Curtis:

I do recall seeing the survey that was hosted and it was published and it included questions on the S.E.R.(Structural Engineers Registration) scheme, on fire rating and other things, and I just wondered if that is still live or not?

Group Director, Regulation:

it is still live, because it is a selected stakeholder group. It was sent directly as a link to stakeholders and as we are not going through a formal public consultation it is not appearing on the webpage of gov.je. As a stakeholder, as an interested stakeholder, people have been sent a link and then that will open, effectively, a page with the survey data.

Deputy D.J. Warr:

Can I just ask a question? I am obsessed with red tape and running a business myself. What is the impact on small businesses, on food outlets? What is going to be the impact of this increase in regulation?

Group Director, Regulation:

This is not an increase in regulation. This is the revision of the building bye-laws technical guidance on the structural safety and fire safety of how buildings are built and constructed, so this is not ... this is a modernisation and bringing the technical guidance from 2012, 2014 up to best practice.

Deputy D.J. Warr:

Okay. Does that mean retrofitting? Does that mean there will be instant retrofitting?

Group Director, Regulation:

It is not going to increase the amount of building applications that are being submitted. If you already require a building application with the Planning and Building Law, the guidance and the standards to which you would need to build will be up to best practice, including fire safety.

Deputy D.J. Warr:

Okay, so this is forward looking rather than backward looking? That is the point, if I may.

The Minister for the Environment:

Yes, absolutely. It is moving forward with new standards.

Deputy A.F. Curtis:

Could I very briefly ask why it is not decided to put these surveys publicly? I appreciate that there is a set of stakeholders but obviously targeting those in the industry may then give a skewed response, especially to the questions that I saw, which were about the suitability or success of the Structural Engineers Registration scheme. Members of the public may have had a lot of experience with their engineering with others but they do not have a point of feedback on this. Are you going to consider whether this is the right approach as you keep reviewing?

The Minister for the Environment:

My own response would be that, yes, I suppose we could consider going to the public. The problem that I imagine we would have is that when it comes to talking about steel specification, insulation, thicknesses and stuff like that, fire safety, it is very specialist. While a few members of the public may well have some specialism that would allow them to have an informed opinion, I would have thought it would be quite challenging for the public to understand some of these issues that we are dealing with when it comes to building bye-laws.

Group Director, Regulation:

If I could add to that, Minister, thank you. That was taken into account, so we looked at consultation and whether that would be public or targeted stakeholders. When we go to public consultation, there needs, of public interest ... the very specific technical information in the guidance documents, as the Minister said, will be about structural calculations, so we felt that that was industry-specific. That is why the targeted stakeholder would be very much the construction industry and those in the industry who have that technical knowledge to be able to make comments on that. That is not to say that we would not welcome other comments but it would not be appropriate to go to a full public consultation because we are not asking the public broad general principle questions. We are amending the technical specifications of the guidance. That is why it was a choice of stakeholder rather than public.

Deputy A.F. Curtis:

Okay. If you could share the questions from the first survey with the panel so we can assess that as well, that would be helpful

Deputy H.L. Jeune:

Thank you. Moving on, are draft regulations for the food law still on track for public consultation in the summer as suggested at our hearing review in March?

The Minister for the Environment:

Yes. Food law now we are looking at just after ... I believe we are looking at just after the new year now, are we not, but we are moving forward. I think the important thing to stress about the food law work is that it comes in a number of different parts, which I am trying to remember, but certainly there is labelling, there is the way warnings are given about menus and allergies, but there is no point in having that and the management of the kitchen and the ordering of the food without the legislation in place to allow us to do something about if somebody causes an infection. We are bringing in everything at the same time. We could have brought it in stages. I could not see any point in doing that, so all the work, all the legislation will come at the same time.

Group Director, Regulation:

Thank you, Minister. Specifically on the food law, the areas are on allergens, on food hygiene standards and on licensing and registration. In terms of the law drafting, we are largely complete and on track to have draft regulations ready for consultation. We will begin the pre-consultation stakeholder engagement this month. Starting next week, we have 3 sessions with industry that is, again, a pre-consultation with stakeholders to get the views of the industry first. In the summer we will make a public consultation end of July to August and then we are looking at the revisions and hoping lodging before the end of the year.

Deputy H.L. Jeune:

Thank you for that and that will help because, of course, we will be following closely on all of those issues. Jumping a little bit to another topic, Minister, I said this is fast moving.

The Minister for the Environment:

I am trying to keep moving.

Deputy H.L. Jeune:

The panel is aware that members of the public remain concerned about controls on dangerous dogs and the lack of changes being made to the Dogs (Jersey) Law. Please can you update the panel on the status of amendments to the law and the timetable?

The Minister for the Environment:

As opposed to animal welfare, we are talking about dangerous dogs?

Deputy H.L. Jeune:

Yes.

The Minister for the Environment:

Okay. This is something I have been aware of certainly since I came into office. Fortunately, my Assistant Minister is also chair of the Comité, who have this under their remit. I have spoken to the vets. We have done some good work but I have to say things have not moved quite as quickly as I would have liked, but I did speak to people about it last week. Maybe the Constable could give us an update. I believe we are always very close but we are not quite there yet.

Assistant Minister for the Environment:

If I can just chip in, there is enthusiasm from obviously this department and the Comité to progress this law and the States Vet, who is online, might wish to comment on it. The situation at the moment

is basically it is with the law drafters and I think it has got pushed back down the line as a result of, shall we say, higher election demands.

The Minister for the Environment:

You are discussing it this month, the 14th?

Assistant Minister for the Environment:

The Connétables are as one on this. Yes, we are formally discussing it, taking it through, but there is no resistance. I am fully aware of the risks of the American bulldogs.

Deputy H.L. Jeune:

So, in a way, the policy is there, everything is there. It just needs to be drafted and, therefore, that is where the bottleneck is.

The Minister for the Environment:

We have started the drafting because, as I say, it is 12 months now that I have been saying I do not want an incident involving a dangerous dog on my watch as Minister and every day that goes by I am increasingly concerned that something might happen. We know we do have some animals that we would like to designate as dangerous dogs on this Island and that number is not reducing. We have introduced some measures and I see Susana, our States Vet, is there. Maybe, Susana, you would like to comment a little bit about some of the dangerous dog work that we have been doing.

Chief Veterinary Officer/States Vet:

Yes, can do. As you said, in regards to the dangerous dogs, conditions will be set under the Dogs Law. An issue was a ban on imported dangerous dogs. We knew we did not have a lot on the Island so we thought the easiest way was to stop anything else coming in and dog owners have been aware of the conditions because obviously with no ... that is probably the best we can do. So then we are working with the community to the conducting of ... giving the technical expertise for the drafting of the amendments of the current dogs law, which is progressing. It is between the law drafters and ourselves at this moment in time. So it is should progress between quickly now.

The Minister for the Environment:

Okay, thank you, Susana.

The Connétable of St. Mary:

Just to clarify, the Assistant Minister mentioned it, the Connétable, not just the dangerous dogs but the control of dogs generally, particularly dog walkers. There is guidance out there from that. Is

there an intention to incorporate that in law with an amendment to the dogs law or is it something else?

Assistant Minister for the Environment:

I think there was. I cannot give you the detail. There was an intention to combine all these outstanding matters in the dog law change and that will come to light on the 14th at our next Constables meeting.

The Connétable of St. Mary:

Okay, so we are contemplating bringing that into the dogs law, which does not actually cover that at the moment?

Assistant Minister for the Environment:

Indeed. That was the thought to try and lump it all together.

The Minister for the Environment:

There is also animal law, which we are coming to, and I am not sure that some of that might be part of that, but certainly when it comes to dogs specifically, I was conscious 10 years ago that we had a huge ... I think it was something like a 20 per cent increase in the number of dogs in Jersey in a very short period of 2 or 3 years as a consequence of the rescue centres in Spain and Portugal dogs coming to Jersey, so there was a large increase. I think over COVID we have seen further and there are a large number of dogs in Jersey, so it is not surprising that they give us issues occasionally.

Deputy H.L. Jeune:

Thank you, Minister, and we will obviously be following that as well. Last from me, and something that we have not asked you in a number of hearings but we have followed up in letters, is around the carbon neutral road map, so it is important to ask you a few follow-up questions. You sent us a letter in April about the progress and you indicated that a briefing for the panel would be forthcoming following consultation with suppliers and legislation to implement a ban on fossil fuel boilers. What engagement has taken place and when will you be in a position to move forward with this ban?

[11:00]

The Minister for the Environment:

I have brought Lisette with me today because she is the expert but I am hoping to be able to move forward with this fairly soon. The reason I have not done it thus far is that I am still considering responses from industry. I am still talking to people like Skills Jersey and others about how we increase the number of qualified people to do this work. As you may remember, the reason I delayed

from 2026 was purely because I was extremely worried that if people had to replace oil-fired carbon boilers with alternatives that we did not have enough technical knowledge or input on the Island to do that work, so I delayed. We are working with the industry. We have had a number of meetings. We certainly had a breakfast meeting with the construction industry quite recently where we spoke about the implementation. The noise I am getting from industry is: "We do not mind so much when the date is, just get on and make the decision so we know when it is coming." I am really conscious that I do have to make that decision. I am also conscious that I want to be fair to everybody and that if we are on one hand encouraging people down the electricity road, we are doing that because we do not want to burn carbon. There are alternatives with biofuels, biogas, and I want to make sure that people do have an option because the important thing about replacing oil-fired carbon boilers is to cut emissions. It is not necessarily anything else other than reducing emissions, so I want to make sure that we have got some options in that area. Notwithstanding that ...

Deputy H.L. Jeune:

You will be bringing this date before ... we will know this before the end of the political term?

The Minister for the Environment:

Yes, absolutely. I am conscious that it is within my gift to make this decision. I do not want to shirk my responsibilities as much as this is a challenging decision to make. I definitely will be making a decision on boilers before the election for sure.

Deputy H.L. Jeune:

You talked about green skills and the importance of having enough skills in the Island to be able to support this. Could you give us an update maybe on how you have worked also with the Better Business support package, whether there is within that support to the industry to help them specifically to support skills development within their companies?

The Minister for the Environment:

Certainly I have had people ask to meet me and I have asked them to come into the department who represented the smaller business sector of this whole area. They expressed to me the challenges that they have within their small business where there might be a team of 2 or 3 where they go into a house to quote for an electric heating system, whether that be flow. The challenge for them is do we have the expertise to design it and do we have the expertise to specify it.

Deputy H.L. Jeune:

How are you communicating with the industry to say that there is this Better Business support package?

The Minister for the Environment:

Lisette, you fire away. I was just going to talk about the work we have done with J.E. (Jersey Electricity), but you go on and say first.

Head of Environment and Climate:

Just specifically about the Better Business support package, last week, I think it was, we ran an industry session with businesses with the Jersey Association of Sustainability Practitioners and we did a joint presentation with Jersey Business where they talked about how the Better Business support package could be utilised for productivity projects that could include heating efficiency and heating transformation projects. We are aware from our discussions with them that they have had a number of applications for the replacement of heating and cooking systems away from fossil fuels to more efficient low-carbon options that demonstrate that productivity increase.

The Minister for the Environment:

I think we recently had one new applicant to qualify for the scheme for putting the systems in. We know we have got another company that is in the process of doing that. We are making slow progress but we are making progress and most recently I have spoken to Jersey Electricity about how we might develop schemes and use J.E. to support apprenticeships and training so that the whole industry gets involved with trying to help themselves as well as us helping them.

Deputy H.L. Jeune:

Linking to this, I know that there was started a consultation on the energy performance certificates. What were the main themes that came out of that and, moving on from that, what is the next steps?

The Minister for the Environment:

We may have started but certainly energy performance certificates will have to wait for the building bye-laws review to be completed before we know the specification of that. Unfortunately, certification is one of those that has been slightly been turned down a bit on the heating. It is not going to progress quite as fast as we would like.

Deputy H.L. Jeune:

Understood. The final question from me: could you update the panel on the status of the net zero financing strategy workstream?

The Minister for the Environment:

I could give you a very short answer but ...

Deputy H.L. Jeune:

Please.

The Minister for the Environment:

It is work to be done. I have highlighted to the Council of Ministers very recently that net zero is a very expensive thing that we are going to need to fund. I have told them how much money we need roughly on an annual basis. They know how much I get on an annual basis at the moment. The 2 numbers are not close to each other and the easy answer is to say this is something for the next government to address and certainly while that is pushing it down the road, phase 2, as you will know, 2026-30, coincides deliberately with the next term of government. We are going to need funding for phase 2 and we are going to need funding for the much bigger scheme, which started off as a £300 million scheme. I suspect it may be more than that.

Deputy H.L. Jeune:

You said before you are focusing on phase 2 first, but will that be something that you will be putting towards the budget for this year?

The Minister for the Environment:

I have already made indications that the amount of money coming into the carbon emergency fund is not the amount of money I need to encourage people and to help and work with them to reduce carbon. I have said that if I do not have enough money to help encourage, I may have to use the powers that I have to regulate in a way which misses out on the encouragement and goes from carrot to stick very quickly. It is something I do not want to do because I think by working with people and encouraging them we can work together to get to the same outcome, but I do need cash to do that and the amount of cash coming into the fund is diminishing on an annual basis at the moment. I am trying to very hard to address that.

Deputy H.L. Jeune:

Okay. Thank you, Minister. We will probably want to have a briefing further on all these coming up.

The Minister for the Environment:

Is there anything you wanted to add, Lisette?

Head of Environment and Climate:

The only thing to add to that briefly is that we are preparing the code of support from the carbon neutral road map and that might be a good opportunity to come back to the panel.

The Minister for the Environment:

Very, very quickly, the Climate Council are selecting people at the moment. They will have a short window to report early next year. The report comes in before the election and the new government will have that report to help inform their decision for moving forward.

Deputy H.L. Jeune:

Yes, and then working with you, Minister, on that. Thank you. I will now pass over to Deputy Coles.

Deputy T.A. Coles:

I have some questions regarding the Rented Dwellings (Licensing and Enforcement of Nuisance) Regulations. These will tie in a little bit with the Residential Tenancy Law amendments that have also been proposed. At our last hearing in March, you told the panel that the first annual report on the Rented Dwelling Licensing Scheme would be presented to the Assembly in June. Is that report close to being published?

The Minister for the Environment:

It is very close to being published because I have seen it and approved it and Kelly is going to tell us when it is going to be ...

Group Director, Regulation:

Monday.

The Minister for the Environment:

It is Monday, is it?

Group Director, Regulation:

You agreed it Monday.

The Minister for the Environment:

I know I agreed it on Monday but the question was about publishing.

Group Director, Regulation:

Now we are just going to lodge it. The report is being lodged and once we have done the lodgement, which is this week, we will be able to publish it. It is a good report.

The Minister for the Environment:

We started off 12 months ago. I think most people around the table thought that we might have a few thousand rented units kicking around in the Island. At the moment we are up to 18,170, which

is a considerable increase over where we thought we might be, so about 36 per cent of those units are social housing.

Deputy T.A. Coles:

Youi have pre-empted a couple of my other questions, so that is wonderful. What feedback have you received on the second version of the code of practice, which was published back in April?

The Minister for the Environment:

Well, the feedback I get comes pretty much entirely from the Jersey Landlords Association. We have, I think I can say, certainly worked very hard and we have had a large number of meetings over the 12 months to come to an agreement with them about the wording and what is in, what is out. They would still like to see an abridged version so that it is easier for their landlords to then reference a large document. We find that difficult because we want to make sure that they have all the information. They would very much always like to have specific examples but we are always at pains to stress that every tenant, every property is unique and it is very difficult to do that, so we tend to focus on generalisations. I do not know if you want to add anything to that, Kelly, feedback to the Minister on the code of conduct? I have had nothing very much recently, so I am presuming that most people are fairly comfortable.

Group Director, Regulation:

Since we published the second code of practice in April 2025, we have had no direct feedback from anyone.

Deputy T.A. Coles:

How is this working in relation to the officers that go out and inspect properties and interact with the landlords and tenants?

Group Director, Regulation:

Really well. We have had 293 inspections so far and we have been referring to the code of practice. That has been quite a key piece, a document that helps explain why we are looking at specific hazards and things that are expected. We have identified a total of 177 hazards across those inspections across 82 properties.

The Minister for the Environment:

The ones that jump out on a regular basis, electrical, trip hazards, whether that is different levels and the various ways that that can happen, and damp, mould, cold. We use something which we call the 4 Es. Kelly has mentioned explain. Engage is the first one we do, then we encourage and enforcement is very much the fourth of those 4.

Deputy H.L. Jeune:

The panel has it etched on our minds, Minister.

The Minister for the Environment:

Good. Well, I am pleased.

Deputy H.L. Jeune:

There is a question with that is, of course, of how many of those properties that are inspected, you say 293 ... of course if properties had not registered by a certain date last year they would then automatically go into that inspection pool. How many of those 293 have been because of issues raised rather than it being the fact that they failed because they were late with applying to the licence scheme?

Group Director, Regulation:

The transitional arrangements ran to the end of August last year and so there was an automatic issuing of a licence with no inspection. However, that did not stop us from reactively inspecting if there was a complaint raised. The rates on the reactive inspections are held separately, so we have not linked the data in terms of whether those were pre-transitions or post-transitions, but post-transitions from September onwards have been 293. They can be requested by a landlord, so some landlords have contacted us to say: "Can you please come and inspect so I know? I want a health check" essentially, so we have done that as well. Some of them have been risk-based, so that is based on the age of the property and where we have had complaints in the past. There have been a range of reasons, not just specifically because they did not fall within the transition arrangements.

Deputy A.F. Curtis:

You mentioned, Minister, that one key area was, for example, level changes or trip hazards. If that has come up quite a lot, what are we seeing on the ground as how these are either remediated or just acknowledged, given these kinds of things are often structural and inherent in how a building is formed? I think a concern about the clarity that we heard in that run-up, and no doubt your panel did earlier when you were the chair, was about how do we then address some of these hard-to-address issues. What has been the approach with the team in identifying hazards that have been inherently hard to address?

The Minister for the Environment:

Well, the hazards are there. We know there is a big long list of things that officers need to look at when they go in, but we have stats. I get stats on a weekly basis of the hazards that are identified. As I said, damp and mould, electrical and the trip hazards in various forms, change of levels and

things like that certainly are always there at the top of the list, so it is something we are really conscious of. It does give us challenges and, as you will be only too aware, listed buildings where valances may not be quite high enough ... there are all sorts of things that we do not want do inside a house but officers are very conscious.

Group Director, Regulation:

I can add, Minister. There are types when we are identifying hazard as to whether it is a recommendation and that is based on a risk-based assessment or whether it is an unreasonable hazard that could be a threat. That is when we would potentially place a non-standard condition on a licence for something to be fixed. As the Minister said, there are many types of what we call themes, so risk is a theme, so between levels or at level. Again, it is very, very situational and the officers work around things like frayed carpets, trailing wires, things like that that could be quite easy to remedy, or installing handrails to prevent falls between the levels or just removing items that pose a risk in terms of tripping. They might be recommendations but if we see something particularly structural we would take a risk-based assessment as well. We will be reasonable in our requirements of remedies.

[11:15]

The Minister for the Environment:

I am conscious that some of the smallest changes in levels can be the ones that give us the biggest number of problems because they are not big enough to physically see very easily. I know we do not want to spend much time on it but I think we know that older people who suffer from falls and break some bones and stuff, that is a really major event for them. I know a 78-year-old falling and breaking bones. So it is really incumbent upon us to try to outline these hazards, do what we can, identify them and make sure people are aware of them so people do not fall over.

Deputy T.A. Coles:

As the scheme is still new, it is still within its first year and these guidelines keep coming out, you say you have had 177 hazards. How many of them have got above 2 Es in your 4Es?

The Minister for the Environment:

I am not aware that we have got through into the enforcement.

Group Director, Regulation:

We have not reached the fourth E, so we are between the second and third E. We have managed to encourage compliance, so we have seen compliance with the non-standard conditions on the licences, and to date we have not had to refer anything to the Law Officers for a case file.

The Minister for the Environment:

I do not know if it is the next question - and I presume it goes on from this - I am also not conscious of any properties that we have visited where we have made an immediate enforcement notice that has said: "You cannot stay here, you have to move immediately", so that is good.

Group Director, Regulation:

We have not served enforcement notices.

Deputy T.A. Coles:

Could you outline your understanding of how, if at all, there will be any alignment and interplay between the Rented Dwellings Licensing Scheme inspections and nuisance complaints under the proposed amended laws for the residential tenancy?

The Minister for the Environment:

It would be officers from the same department. It all comes under the regulation. It would be the same officers that would go out, I imagine, to do both of those. We have always stated that where possible and in order to reduce red tape and time and effort and to avoid duplication, where possible we would like officers to do more in one visit. Certainly that is the case with food licensing where we are going to be in a position for officers to go in to do stuff they would have done historically in other areas and then do food licensing.

Group Director, Regulation:

I think just in terms of the term "nuisance", the rental dwelling licensing is a separate piece of legislation to the existing residential tenancy. So while it would be the same officer who could advise on both, they are 2 separate pieces of legislation. The role of the officers would be to issue guidance and assist landlords in interpreting and evidencing nuisance breaches and support the development of model tenancy clauses for clarity and consistency and things like that, provide training and procedural updates to help triage the complaints. That would be kind of the role that the officers would have.

Deputy A.F. Curtis:

Can we just drill into this further? Minister, your example was we want to be productive and I think one thing the Scrutiny Panel has been asking about is if the officers who have an obligation in some ways to inspect properties under one law attend for a different purpose, so an officer comes to inspect a site because the landlord has requested support about a nuisance and the officer arrives and see a trip hazard, how do these 2 laws under one team interplay? Does the officer have a duty

to record a hazard when they are on site? Do they have to keep a barrier between their 2 legislative functions?

The Minister for the Environment:

That is very specific but it does raise a good point. I imagine it is to do with training, qualifications, but ...

Group Director, Regulation:

You are correct, the officers are there and have a range of legislation. Yes, they would be, when they are visiting, making a note of all of the issues that they see. They would be under duty to alert if there was a hazard identified under minimum standards if they were to support for residential tenancy. What is really important is that the officers are very clear what the purpose of the visit is for and that there is a follow-up relating to, say, for example, minimum standards. Very similar, as the Minister mentioned, we have officers who might go, as Deputy Warr mentioned, into another premise and it might be for food and hygiene inspections, it could be for ticketing and price setting, it could be for weights and measures and things like that. We try to bring the site visits as we can collectively together so they are multiple inspections. As long as they are very clear on what the legislation is that they are looking at and what the follow-ups are.

The Connétable of St. Mary:

Can I just go further? The officers might be involved when it is between landlord and tenant. If there is a health aspect, obviously it is your department, but do you see it as a danger that if the landlord, for instance, sees it as a regular breacher, he is not keeping the garden tidy, would you countenance a visit for a complaint of that nature to visit?

Group Director, Regulation:

We would bring together complaints as one if we can. It could be a complaint for ... we have had situations where the complaints are breaches of planning legislation as well as for nuisance or for a variety. We have an obligation under the 39 laws that we regulate, so it would not be unreasonable for us to turn away from one legislation to another piece. When we are on site, as long as we are clear to the individual if there are breaches identified, the follow-up would be through the different teams of different officers for the different legislation, but for site visits it would be ...

The Minister for the Environment:

Getting back to statutory nuisance, because Deputy Curtis did mention it, it would only be the start of an investigation because statutory nuisance is not something you can decide on on a single visit. It would be a number of different visits in order to ...

Deputy D.J. Warr:

Did I hear you right when you said you have to regulate 39 laws?

Group Director, Regulation:

Yes.

Deputy D.J. Warr:

Wow. Okay, that is all I have got to say.

The Minister for the Environment:

If you extrapolate that, what you do not want as a business owner is an officer coming on 39 consecutive days doing an individual law.

Deputy D.J. Warr:

I get that. I find it extraordinary that you have got 39 laws.

The Minister for the Environment:

I am not sure we can do 39 with one officer on one day but we certainly want to get down to as few visits as possible.

Deputy T.A. Coles:

We have talked about statutory nuisance but we have got in the R.T.L. (Residential Tenancy Law) the definition of serious nuisance and whether or not that is clear enough to enable a proportionate response and enforcement. What do you consider this definition of serious nuisance to be?

The Minister for the Environment:

Do you want to go on with that? We are going to talk about common nuisance. Is that the same thing?

Group Director, Regulation:

Civil nuisance also is nuisance, it is subject to judicial interpretation and enforcement through the courts, so there would need to be case precedent. Under the proposals the officers would not be authorised to determine whether the nuisance has occurred or enough to compel a eviction but that would then need to be supported by the legal process so that the landlords and tenants are equipped with the necessary tools to understand these new provisions. Clearly, it is proposed legislation as well.

Deputy H.L. Jeune:

In that sense, you are saying that it is interpretation and case precedent to be able to do it, so at the moment we do not necessarily have that. Is there a situation that you could see where you have got a dispute between ... obviously this will be a dispute between a tenant and a landlord. The landlord is showing that there is evidence from a serious nuisance perspective to be able to ask to serve notice to a tenant and a tenant is disputing that. Would a tenant then be able to also bring evidence of the issues around the Rented Dwellings Licensing Scheme because maybe an officer has gone in and has found that there are concerns there? Would there be or could there be an interplay between that or is that seen as a separate issue and the courts would not want to say from any evidence around ...

The Minister for the Environment:

I am no expert but I think you need to start thinking about what is civil action and what is other ... action that might not be civil and there may be a bit of confusion there between the 2.

Group Director, Regulation:

I think as well it would be difficult to assume what the courts would do in the situation until we are actually in that situation, which is also a little bit difficult to answer at this point in time. We can look to U.K. case law and the U.K. situation currently is slightly different as well, so it is difficult at this point to make an assessment where that might lead to for Jersey courts.

The Minister for the Environment:

I think we are conscious statutory nuisance is quite a high hurdle to get over and there is a bit of a gap in Jersey law that needs filling to make it a little bit easier for everybody, but where that is I am not quite sure.

Deputy T.A. Coles:

It is not covered here but you have alluded to that until the Residential Tenancy Law amendments are either accepted, that you have got a lot of work to do after that, so I suppose it would still come down ... my final question in this particular area is more about whether you feel that you will have the team to be part of that engagement to float those amendments through to how they will be enforced and then also pick up any extra work that comes your way if this Bill then becomes enacted.

The Minister for the Environment:

I am going to start off on this one because we have, on the one hand, people saying there is too much red tape, we have got to reduce the amount of regulation, and yet we continue to bring to the Assembly new laws and new laws that then mean that Kelly and her regulation team, who are already hard pressed to cope with what they can do, and we have a number of things coming down the pipeline, all of which are going to result in additional work for regulation. The one we are talking

about here is one. We are talking about some work with consumer credit, which will be another. We are talking about ... I am trying to think of some of the others.

Group Director, Regulation:

The heritage law.

The Minister for the Environment:

Yes, all sorts of things. I am trying to think, the heritage law was ... I am trying to think of the word. They discover a whole load of artefacts under the ... yes. There is all sorts of things that are dropping in Kelly's lap and her officers' laps to do and her team are ... given the amount of work they are being asked to do, my team are under-resourced financially and in numbers really and this would be another example. People are amazed by how much variation and regulation we have to cope with and it is the same team that get the work.

Deputy H.L. Jeune:

Minister, how are you resolving this? We heard from the Minister for Housing that they had been working closely with your team and that they think that there is not ... this will not be an enormous additional burden because they are doing this in their remit already as we heard that ...

The Minister for the Environment:

I am not sure that is the message I am getting from my team. I think ...

Deputy H.L. Jeune:

Are you talking to the Minister for Housing to ensure that this ...

The Minister for the Environment:

I have not had a talk with the Minister for Housing yet but I have certainly spoken to my team about the potential and I have asked them a number of questions and I have some concerns that there is more work to do

Group Director, Regulation:

I could clarify as well and agree with the Minister for the Environment. I think there is probably a distinction. In terms of the additional work to enforce the proposed Residential Tenancy Law, we already enforce the existing Residential Tenancy Law, so in terms of that element that is not envisaged to add more work to the team. I think the Minister for the Environment is referring to what we would define as the operational implementation. Once a law is put into place, it actually ... like you said, for residential tenancy there is policy documents and codes of practice and things that

need to be put into place, communications and a communication plan. I think that project work is quite a burden as well.

Deputy H.L. Jeune:

But there is a big change with the law, which is that now landlords, when they want to serve notice, they will have to give a reason and one of them is serious nuisance. Under that serious nuisance, they need to have the evidence to provide that because a tenant has their right to push back on that notice. The law specifically says that there needs to be ... your team needs to be the ones who collect that evidence and there is a specific process on that to be able to have that evidence. That is a new bit of the law. Will your team have the resources to do that to support landlords in developing nuisance? Of course, it is repeated nuisance, so it is not just one time, it will be continued. It has to be 24 hours a day, potentially. How will you be implementing it?

The Minister for the Environment:

Can I ask from a political aspect? If this is going to come in and those requirements that you have just stated, Chair, have fallen into the department, if things stay the same within the department, we will have to reprioritise work so that some things will not ... we will not have the capacity to continue to just add more work to the team, which are already struggling coping with all the work they have to do. I want to be absolutely clear. This sort of additional work would require ... if we were going to do it, would require something else dropping off the list. My officers just cannot and they do not have any more time or ... you know.

[11:30]

Deputy H.L. Jeune:

Minister, we heard from the Minister for Housing when we brought this piece ... we saw your letter that you sent to us as part of our scrutiny review into this, the amendments, and the message was very clear, which is what you are also reiterating now. We brought that concern to the Minister for Housing and the Minister for Housing said that they are working with you and your officers to ensure that there is not this extra burden. So I am just a bit confused because we just want to make sure that there is ...

The Minister for the Environment:

I am not sure how the Minister for Housing feels that he knows there is enough capacity inside the resources.

Group Director, Regulation:

The Minister for the Environment is absolutely correct. There are significant pressures on the team. With regards to the civil nuisance, I think the issue is we do not know currently the volume it might create. It is for the courts to establish the nuisance itself, so parts of the other elements of the legislation that have changed, it might increase for the team but at this stage it is a little bit difficult to predict. So I think that is where we are resolving it. It is definitely within the skill set of the team to be able to ... when we know more about volumes that, I think, is where we will need to consider the resource implications but I think both Ministers are correct in the relevance relating to this.

The Minister for the Environment:

The challenge for me and my team and Kelly is that different Ministers come up with different pieces of legislation. They all end up in the Regulation Department for enforcement and it is fine coming up with all these rules and regulations but it is only one team that has to go out and do the work. We sat in a meeting not dissimilar to this yesterday and another Minister saying this is really important and we did not disagree. It is really important work that needs to be done. The challenge is when it comes to regulating these new rules, it is the regulation team that has to do it and they are already at full capacity.

Deputy D.J. Warr:

My question and the ultimate question surely has to be, are there any mechanisms which identify the cost benefit analysis of this work? Are we just simply bringing in more and more red tape, which is costing us more and more as a society for ... when you talk about sledgehammers and cracking nuts, is this the danger we are ending up in? We are so obsessed with regulating so much stuff that we end up losing the why. Why are we regulating? Why are we doing this?

The Minister for the Environment:

Yes. It is a challenge and certainly comes down to it. People challenge me: "We want less red tape. We want less, we want to regulate less." That is fine. I can see what they are saying, until a point where, unless you are individually affected by some sort of consumer credit issue, where there is no recourse to anybody, or something else, a whole number of different things, it might be planning, it might be ...

Deputy D.J. Warr:

To come back to my point. Yes, but to come back to my point ...

The Minister for the Environment:

... and then you want regulation.

Deputy D.J. Warr:

You do.

The Minister for the Environment:

People do not want regulation until they need it, and then when they do need it, they really want it, and they want lots of it.

Deputy D.J. Warr:

But we have no mechanism to measure the impact of red tape and cost.

Group Director, Regulation:

There is. A way that I like to describe regulation is a way of a sort of big “R” regulation and little “r” regulation. The big “R” regulation is the laws, the 39 pieces of laws and the new laws. Every single law has a very, very valid, legitimate and public protection basis in which to bring it forward. I challenge anyone who would look at any of those pieces of legislation and say: “We do not need that big R.” But it is how you regulate, and that is the little “r” regulation, and that is the 4 Es. It is risk based, it is intelligence led, it is using the officers’ best time to find where is the harm and where is the public protection. I would challenge the sort of concept of the red tape element. I do think that the laws are there, and they are very powerful, and it is how we do that. The little “r” regulation is going to make the difference in the community to enable businesses to thrive, but also to protect the public, the safety, and the environment at the same time. I think that is sort of where we have been focusing our attention is not so much on the black and white big “R” laws, but on the little “r” and how officers are interpreting those laws, how we are risk assessing them, how we bring forward voluntary compliance, and working with the community. Rules are there, there are always rules. Rules are there in place because people want the rules in place, but it is how we motivate people to comply and do it in such a way that does not feel like red tape.

The Minister for the Environment:

Of course, laws, and officers do not introduce laws. The Assembly introduces laws.

The Connétable of St. Mary:

I do not want to over-dwell on the matter, but to get up to the point raised by the Chair, the Residential Tenancy Law, as drafted, that requires evidence of repeated breach has to be accompanied by statements of officers to that effect. That is just the law of evidence, which could be done by other people. Are you saying that as matters stand, you would not be able to comply with that unless you were given additional resources?

The Minister for the Environment:

No. What I am saying is, it is a slightly subtly different answer, if we were given this law and said: “You must implement that”, and we had to, something else in the department would have to fall off the bottom of the list, because we cannot do everything.

The Connétable of St. Mary:

That clarifies things, thank you.

Deputy H.L. Jeune:

Thank you. Deputy Coles, we will probably go into a bit more of what you were saying.

Deputy T.A. Coles:

Yes. I think it is going to cover a little bit more of the big and the little “R”. This area is going to be on the complaints panel’s finding regarding Northern Leaf. Before we go too far on that, Minister, we are aware that you are in the process of the response to that complaint, and therefore we appreciate that you may not be able to offer full and detailed answers to that case specifically, but we are talking the ability around the broader sense of the complaint. If we start off with, can you first address the finding that the existing Statutory Nuisances (Jersey) Law 1999 was weak and did not provide adequate thresholds by which complaints could be measured? How far do you agree with this view?

The Minister for the Environment:

I am sure Kelly will give us the detail for what we call the Clapham Omnibus test, which you have to, unfortunately, in many of these statutory nuisance cases, and I empathise with people who are affected, for whatever reason. There is a number of ways that you can be affected, but certain individuals, for some reason, and we do not deny that they are not being affected, are affected by things. In order to prove statutory nuisance, if I have got this wrong, you have to take a general test. How would a member of the general public over a generalised period of time be affected by it? Is it regular enough? Would a normal person feel affected by this? As unfortunate as it is, certain people get affected by things, where other people do not. It is really, really difficult to prove statutory nuisance in those cases. I am not saying that things do not exist, but proving statutory nuisance is quite complicated, and it is a very high bar to get over. We have spoken about the gap in Jersey legislation for common law and stuff like that, and we are talking about serious nuisance and other ways of describing it.

Group Director, Regulation:

I would add that we would disagree that Statutory Nuisances Law was weak. In terms of the legislation to meet a criminal level of nuisance it is as the U.K. would define it. For that level, it achieves what the purpose of the law is set out to achieve. Potentially where there is a legislative

gap is something similar to we were just talking about R.T.L., which is around common law nuisance. A common law nuisance is a civil level. The closest equivalent in Jersey is the Voisinage Law, which is a civil law. We have previously discussed that, I believe, in the States. That would potentially be where the gap would be. It is not to say that the current criminal level threshold of statutory nuisance is not fit for purpose, it is. It is a very high bar of threshold for evidence, which is where people are becoming frustrated because some of the disturbance and nuisance is at a civil level, not at a criminal statutory level, but there are 2 pieces of the purpose for that type of law. Yes, we would identify, and I think the Minister has identified, that it would be nice to bring forward some amendments and changes to the statute and needs to introduce that concept to adequately cover the civil disturbance, that is something that is in the U.K. legislation, but in this term of Government, it has not been a priority for the very valid reason of all the other exciting priorities.

Deputy T.A. Coles:

Thank you for that. The answer to that covers quite a number of our additional questions. What steps is the department making to improve handling of complaints in line with the findings, particularly in relation to poor engagement with complainants and the delays in making abated orders outlined in the report?

The Minister for the Environment:

Well, it is difficult to know quite where to start, but I would imagine that the vast majority of complaints about the way the States works ends up with coming through the Regulation Department, because we are the people that go out and decide. We have been accused recently of acting unlawfully and being unjust. I would just like to say for the record that I absolutely refute that. I stand 100 per cent behind all my officers in the department. They are hard working. They do things with the best intentions. They are looking after the interests of the public. I accept that occasionally people will be unhappy with them, but they really do try hard. We have a very strict complaint procedure within the department, a number of stages we go through internally before it then goes to, potentially, a complaints board, and I stand behind the process. We respond at every opportunity, we have strict rules about responding to emails, responding to complaints. We go out on site as often as we can, but it is not always possible for the department to receive a phone call and for an officer to respond immediately. We just cannot do everything at all time. Certainly, and I do not particularly want to talk too much specifically about Northern Leaf, but I can say that a large number of officers have spent an inordinate amount of time on this case over a number of years, and I do not know if you want to say more than that, Kelly.

Group Director, Regulation:

As the Deputy mentioned, it is difficult to be able to discuss at this point in time because the Minister is bringing forward his response to the Assembly, but thank you for your support of officers, Minister.

Deputy T.A. Coles:

Is there possibly a conflict between how the planning process works and when it comes down to enforcement as well? We see on a number of different sites where a compliance order may be issued and an action may have to cease because it is not compliant with planning, but then we have other situations where work is still allowed to carry on even though a compliance order has been served. Also you see times where an applicant will put in a new application for a site even once an enforcement notice has been issued.

The Minister for the Environment:

As challenging as it is, it is always important that both sides of any argument are given a fair crack of the whip, and we try always to make sure that happens. Some people accuse us: "Why have you not shut this business down? Why have you not done more here?" In all cases, there is a process to go through, and it may well be that some people find that challenging, and I certainly take your views on board. We have always known, since we introduced the new appeals process, there is a number you can go to have an officer; you can go to a committee, as you well know. You can have an appeal, and even then you can carry on through a process, which can end up in 18 months, 2 years. It takes a long time. Even when we get to the point of enforcement, there are appeals on enforcement. We know there is some confusion over first-party appeals and third-party appeals, which we are going to resolve. I do have empathy with the people who feel frustrated about the length of the process. It is a process that has been put in place to try to be fair and make sure that we do everything properly. At the end of the day, if we really get to the end of this and it ends up on the Attorney General's desk, he then has to make a case if there is a public interest. If we go to court, we have then got to be assured that the judge is going to look at all the work that the department have done and made sure that they have ticked every box in the process as well, because in the past, occasionally, we have tripped up because a very small part of an enormous process has been missed somewhere by accident, unfortunately, and our case falls away.

Group Director, Regulation:

The Minister is absolutely correct. What is the expectation that the department can do? The department cannot physically go in and bulldoze a building or stop a business from running. The process of the law and the big "R" of all these pieces of legislation is essentially identifying the evidence. If an offence is created, serving a notice. If the notice is not complied with, collecting the evidence of that non-compliance. Taking that forward to a potential prosecution, which rests in the hands with the law offices and the Attorney General to determine whether or not it is in the public's interest to take forward that case. That goes forward to the courts. The courts then make a judgment on that, and potentially the offence under some of these pieces of legislation is a fine. So, what is the expectation on the department to physically change? That is the process under the law and the

powers that we have, is to serve notices, collect evidence, find non-compliance, serve notices, pass to the courts, courts could potentially issue fines, and ultimately, and not specifically but generally speaking, people have rights under the law to appeal, they have rights to judicial review, and all of those things are legitimate judicially. So, again, what is expected of our officers to make change? We do that through the law.

[11:45]

The Minister for the Environment:

I would add that this encouragement to try to resolve issues between sides is something that we always do. Most recently, I was in a public meeting at St. Brelade's parish hall to talk about P.F.A.S. (polyfluoroalkyl substances), and people just asked me, "Why are you not going after Jersey Water?"

Deputy H.L. Jeune:

We were just about to ask questions on P.F.A.S, so maybe we should ...

The Minister for the Environment:

Well, I maybe I could finish and then we can ...

Deputy H.L. Jeune:

Over to Deputy Warr, so we can see.

Deputy T.A. Coles:

I have just one last question on that. You mentioned about streamlining for early resolution. Do you, as Minister, then see any value in a public services ombudsman?

The Minister for the Environment:

I am not going to pass too many comments on this, because obviously I have got a response to come, but as we move forward that the case for a public services ombudsman is probably being made more and more and better and better, yes.

Deputy H.L. Jeune:

Thank you, Minister. Coming back to P.F.A.S., you may be able to finish what you were saying.

Deputy D.J. Warr:

P.F.A.S. is all the fun subjects. We will turn now to a series of questions on P.F.A.S. Following the publication of the independent survey by Arcadis, please can you detail the next steps for the Hydrogeological P.F.A.S. Steering Group and the delivery of a P.F.A.S. remediation strategy?

The Minister for the Environment:

That fits in beautifully with the question I was just answering. I was talking about encouragement, and certainly we have had Arcadis, the results have come out. The area affected by contamination vehicle has broadened a little bit. There is a couple of other areas which have been included now. Some people might say: "Right, Minister, you have got the regulation, you have got the power. Are you going after the airports? Are you going after Jersey Water?" And I am saying no. What I have done is I have formed the steering group, and we are going to work with Ports, we are going to work with Jersey Water to try to resolve this amicably. We are going to work together. When people criticise me, I say that this method of working is going to hopefully result in things happening much faster than if I start getting a big stick out and saying we are going to go to court, because that would involve a huge amount of officer time and effort preparing papers, and then we would have months, if not years, of nothing happening. What we have done is we have sat down around the table. We are meeting monthly, and we are addressing, I want to call it, "the low hanging fruit". We are going to do the easy bits first. We know there are certain areas of the airport where the P.F.A.S. is escaping in run-off, it is in surface water, and we feel we can get somewhere with that before we get to the more complicated and much more time-consuming area of groundwater, which is to the west of the airport.

Group Director, Regulation:

I will probably add, Minister, that we are also selecting the remediation strategy elements that have the greatest impact. The ones, for example, the surface run-off, that we are tackling first will have the most significant impact, whereas some of the ...

The Minister for the Environment:

That is right. I did not explain "low hanging fruit" properly. This is what it means. Just before Kelly steps in, I just want to go back and say that one of the immediate things we are doing is a lot more testing. The Arcadis report identified a lot more testing is required, and the department are getting on with that.

Group Director, Regulation:

We are doing a full testing programme, additional survey monitoring, we have contacted residents who are. Also, as I said, the Ports of Jersey and Jersey Water are fully engaged with the steering group and the process and are very willing to work collaboratively with Government to come to a resolution for the community.

Deputy D.J. Warr:

Okay. Thanks. We have got about 3 or 4 of these questions. The next one is: do you know how close Ports of Jersey is to finding an acceptable outcome with the owners of the 2 properties in the plume area, which still rely on borehole water?

Group Director, Regulation:

I could respond to that, Minister, if that is okay. There are only 2 properties and it would be inappropriate for us to comment on particular circumstances. They would be identifiable, but we are working with them.

Deputy D.J. Warr:

Okay, thank you. You are working with them. That is fine. What details are you able to provide at this stage on the appraisal of potential water treatment options for P.F.A.S. undertaken by Jersey Water to see which are the most likely to meet new water quality regulations for the Island?

The Minister for the Environment:

Jersey Water, I charged them with going away to investigate the options. Certainly, the P.F.A.S. panel are coming back to report to us in the very near future on all things water. Their report 4 concentrates on environmental aspects, but we have asked them if they could do the water part of the environment sooner. In August, we are going to have the report from the panel, and they will, in that report, do 2 things for me, which one will hopefully be to identify a level which they think would be appropriate for me to set moving forward, and when they might recommend. They are also going to give me an answer on what they think might be the most appropriate way to treat water in order to not only get to that level, but for moving into the future. Obviously, there will be a number of well-known ways of doing carbon-activated granular desalination, nanofiltration, ion exchange. They are all on the table, and the panel are going to report back on what they think is ... they are going to recommend where they think I should move forward. That will also work in with Jersey Water, where they are, at the moment, coming quite close to the conclusion of a 5-year strategy document, which will also address water moving forward. Between the 3 sides, I am sure we are going to come to an agreement and move forward.

Deputy D.J. Warr:

Thank you. We will move on to animal welfare, Constable.

The Connétable of St. Mary:

Yes, thank you. Let us give the Minister a rest. Please could you confirm that your intention to lodge the new Animal Welfare Law prior to the summer recess, with the debate date of September this year?

The Minister for the Environment:

Yes. Susana said she is going to talk to us. Updates of the Animal Welfare Law are very overdue. Our law is a 2004 law. It was based on what was in the U.K. at the time, which in turn was based on something in 1911. Very soon after we updated our laws, the U.K. then updated theirs. They have been ahead of us for a large period of time. There is a number of things that we are doing, but Susana, do you want to run through the various headlines, mutilations, and bits and pieces, please?

Deputy H.L. Jeune:

And the timeline as well, if that is ...

Chief Veterinary Officer/States Vet:

Yes, can do. As the Minister said, our Animal Welfare Law was quite old and not fit for purpose anymore. The aim of the new law is to become more proactive and to allow us to act when it is a strong belief and strong suspicion that dog suffering is or will be occurring. The idea as well is to give us a little bit more power in terms of investigation of any situations where we and the inspector believe there is suffering occurring, and it will give us the possibility of serving notices for the breaches that are kind of more technical. It will also allow the Minister to do certain orders to allow for change whenever that is required, and only when it is supported by scientific advice. Then we will obviously look at things in the order, to look at things like mutilations, welfare, time of killing, licensing privy to procedures, the type of controls that already exist in our current law, but the idea is that we have an Animal Welfare Law that is the umbrella, and then we have all of that more specific to which we can go in more detail for each subject area, if that makes sense.

The Minister for the Environment:

We are out for consultation this month, and that will finish before ... I think it is a 3-week consultation, Susana, end of July?

Chief Veterinary Officer/States Vet:

Yes, a 3-week consultation. Consultation started on 17th June and will finish on 8th July, and then we will have a briefing with you after that to discuss. That is the plan.

Deputy H.L. Jeune:

Is it the plan to debate it in September? To bring it to the Assembly to be debated in September, or later?

The Minister for the Environment:

I think that might be a bit soon.

Chief Veterinary Officer/States Vet:

I think a little bit later than that. I think will be October or November.

Deputy H.L. Jeune:

Okay, thank you.

The Minister for the Environment:

I might just add, there are 2 really important things there for us. The first one is the taking possession of animals in distress, which is really important and, as Susana has mentioned, the ability for officers to access property if they believe animals are in distress. That is some major changes, but really important.

Deputy T.A. Coles:

Can I just ask on that then, because also you have mentioned about officer time and the team and resources, are you going to be adequately resourced to bring these changes forward?

The Minister for the Environment:

That is a question for Susana, but obviously at the moment we are right up to speed with our vets. We have a fantastic vet team at the Howard Davis Farm, fronted up by Susana and her 2 assistant vets, and the team behind her. I am very confident we have got the resources to do this, Susanna.

Chief Veterinary Officer/States Vet:

I think so, but, I think the difference is that we already do a lot of proactive work, and I think the law will just give us a bit more steps just to be able to do better what we currently do, and if the legislation is clear, we can save time potentially, so if it is clearcut what you want to do. I am confident the new law and the new orders will help us to do our job better. Time will say if we make it more people like that. I would not like to commit to an answer to that just now.

The Connétable of St. Mary:

That is all the questions I had there. Thank you. Just one more really. If any powers are referred on to the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) to take neglected animals into their care, and to protect the welfare of animals that are not being cared for properly, is there any delegated power to them?

The Minister for the Environment:

I am not sure if there are, but certainly Susana and I went to the J.S.P.C.A. in the last 10 days and I had a really good meeting with them. We have not signed anything, but there is certainly a commitment from myself, from the vets department, and from the J.S.P.C.A. themselves that we are

going to work together a lot more. We have recently reached an agreement with them about a quarantine facility for animals that come in that need to be quarantined. We are looking at all sorts of areas where we could work closer together, and there is a real commitment. I think we discussed their officers having powers. I do not think we are there at the moment, but that is something we agreed we would work on, is it not?

Chief Veterinary Officer/States Vet:

No. Currently, welfare legislation already allows for delegated powers for other people, other than us, as long as they are correctly trained and authorised by ourselves to do so, which is a power that J.S.P.C.A. does not have at the moment. The new law will have the same possibility that others could be appointed as inspectors to work on any animal if we think that is appropriate and they have adequate training. I do not think J.S.P.C.A. is there at the moment. I do not think they want to do it yet. There is discretion that this can be something that we can work together towards in the future.

Deputy H.L. Jeune:

Do you have any numbers on the cases of the neglect, understanding kind of what this law will ...

Chief Veterinary Officer/States Vet:

Yes. I do not have the numbers in front of me. I can provide you later by in writing if you wish.

Deputy H.L. Jeune:

Yes.

Chief Veterinary Officer/States Vet:

We have the numbers of cases that were dealt directly by us; how many, by species and what the conclusion is. Certainly the majority of complaints and issues we have regarding animal cruelties relate to dogs and cats, and then livestock. Just an idea of how it works. The numbers for a place like us, the number of complaints are significant, the number of proved suffering are really, really small. There is a big disparity between what comes to us and what is constituting a massive issue or indeed suffering.

Deputy H.L. Jeune:

Thank you.

The Connétable of St. Mary:

Can you indicate how many prosecutions you have carried out over the last 12 months?

Chief Veterinary Officer/States Vet:

Since I am in, myself or our team has not prosecuted anyone in the last 2 years. If I may say, we should not measure the success of animal welfare by the number of prosecutions. It is the opposite. If we get someone to prosecution, because we are protecting the welfare of that animal. If I may say, I do not think that is the way we should measure animal welfare.

Deputy H.L. Jeune:

Thank you very much. Deputy Curtis, over to you.

Deputy A.F. Curtis:

Minister, we are now going to spend a bit time talking about the planning reform and the Bridging Island Plan implementation. Starting with the Industry Partnership Board, it is the panel's understanding that an annual report of the Industry Partnership Board was due to be published in May this year. Could you confirm has this been published and, if not, what is the status of it?

The Minister for the Environment:

I am not sure about that. All I can say is, I attended Industry Partnership Board last week. We had a really good meeting for a couple of hours. I do not remember discussion about an annual report, but I may have missed it.

Group Director, Regulation:

Yes. It is in draft. We are delayed in publishing. It is not yet published, but it is in draft with the Industry Partnership Board, because obviously it is a members report. Once the members are satisfied with the report, ready for publication, it will come to the Minister for his agreement before we publish, but it is in draft with the Industry Partnership Board.

Deputy A.F. Curtis:

Okay. Do you know when they next meet, and whether that is obviously on their agenda?

[12:00]

The Minister for the Environment:

We started off thinking about meeting 6-monthly, quarterly, but we have increased the frequency at the request of the board. The next one is probably going to be the beginning of September.

Group Director, Regulation:

In the next couple of weeks. The board, in the next couple of weeks, will have the ...

The Minister for the Environment:

Will it?

Group Director, Regulation:

Yes.

The Minister for the Environment:

Okay. Sorry.

Group Director, Regulation:

The preparation of the report and then to be presented to the Minister.

The Minister for the Environment:

I got the frequency wrong.

Group Director, Regulation:

29th July is the next one.

Deputy A.F. Curtis:

29th July? Is that the meeting, as I think Jim MacKinnon noted in his report, bimonthly still?

Group Director, Regulation:

Correct.

Deputy A.F. Curtis:

That is going to continue as it is?

Group Director, Regulation:

It is 2-monthly, yes.

Deputy A.F. Curtis:

Okay. Do the Industry Partnership Board's meetings have minutes taken with them, and is that something that is currently published?

Group Director, Regulation:

Rather than minutes, not verbatim minutes, but it is sort of actions. They do minute potentially in order to raise with the Minister any sort of concerns that they are having or feedback from the industry. It is not currently published.

Deputy A.F. Curtis:

It is not currently published. Okay. Thank you. Last time we spoke, we talked about the membership of the Industry Partnership Board and that rotating. Is there any update on the current membership or planned changes to the membership of the Industry Partnership Board?

The Minister for the Environment:

I am just trying to think who was there. There were some new faces that I had not seen before. I know it is a number of months. I cannot answer that question. Kelly, can you?

Group Director, Regulation:

The rotation was at the discretion of the industry board. Obviously, as members no longer wanted to sit on the board, but generally it was, I think, annually they would look at reviewing the membership. It is also a matter of interest, is it not, to have people to volunteer their time?

Deputy A.F. Curtis:

Yes. Perhaps the last question on the Board. No doubt the annual report will cover the last 12 months.

Group Director, Regulation:

Yes.

Deputy A.F. Curtis:

Minister, from your perspective - I do not know for the last one you attended - what are the key themes either you have seen in attendance, or that have percolated up to you that the board is feeding back, the hottest topics that are occurring in train? Of course reform is constant, so what you are hearing now will be different to what you heard a year ago.

The Minister for the Environment:

I certainly raised the question of design, and we spent quite a bit of time talking about design a week or 10 days ago. I said I thought design, interior and exterior, was important, and I challenged those around the table, especially the architects, to work harder on design.

Group Director, Regulation:

The quantity of information required for the submission of an application, Minister.

The Minister for the Environment:

Yes.

Group Director, Regulation:

Also, the promotion of the benefits of pre-application and advice in obtaining successful permissions. The board also said there was a noticeable proactive engagement between agents and officers. I would also like the opportunity to mention that we had a recognition in the team, the Royal Town Planning Institute, South West Award for Excellence for our Head of Development, Andrew Marx and Tracy Ingle from the Cabinet Office, and also Marine Spatial Plan. I think, Andrew and Tracy's recognition was the contribution of improving planning services and reform.

The Minister for the Environment:

Yes. Certainly, I started the meeting with congratulations to Andrew in front. I wanted to make sure that I publicly said that to the board. We did talk about the amount of red tape or the amount of parts to an application box you have to tick before you can get your application verified. We have spoken recently about how some pieces of information that we require up front might be put back and come as part of an approval, put it under condition. We have arguments around the house of whether there are pluses and minuses of that, but pre-app advice is going well, and the people around the table are appreciating that pre-app advice means something. They are engaging, they are encouraging their sectors of the industry to engage, and I have to say that the Industry Partnership Board has been one of the many successes of planning reform. I am really pleased with the way it is working, and members of that board come up to me as individuals when I pass them on the street and tell me how pleased they are and how relieved the progress is within the department.

Deputy A.F. Curtis:

Yes. Okay, brilliant. I have got one more question on the partnership board, but I think Deputy Warr has one on the board as well. Your example on design is an interesting one. How have you found the relationships within the industry between those who are more design-led, such as architects and interior designers, and those who are plan or client-led for maybe achieving kind of plans, which would be a planner. How are you finding the board brings together those who have those different skills?

The Minister for the Environment:

Everybody around the table are professional people. They may represent slightly different parts of the same industry. They all have to work together, and I think when we start talking about design, there will always be an aspiration that the architects will be more focused on that. There will be the discussions around the amount of information required filling in an application, more concentrated by some of the people who represent clients who are putting in the application. It is always a trade-off between everybody, but they all work together well.

Group Director, Regulation:

Absolutely, Minister. I would probably just also add that architects and planners are chartered to institutes that have codes of conduct. So, irrespective of whether you are working for the government or for a client, your professional advice is, like I said, part of their code of conduct.

Deputy A.F. Curtis:

I will be clear, I was not questioning in any way the integrity or professionalism, but it is a very important question, not in a critique but to understand the nuance as to how client relationships between their professional services act. It is a point we could discuss without in any way infringing the professionalism of individuals. It is more about that that relationship between people. A client will have an architect, a client may have a planner - a professional planner I should say, not a department is where I was highlighting - and it is the relationships between independent planners and the clients. It was not to do with your department.

Group Director, Regulation:

But that is the same for independent planners. They have chartered institutes, they are held by code of conducts as well, the professional planners on the Island that say they are registered chartered planners for R.T.P.I. (Royal Town Planning Institute) and they would adhere to their own code of conduct.

The Minister for the Environment:

The important thing about the partnership board is the word “partnership”, and certainly it is been constituted and put together so that all different paths, all facets of the construction industry are there sitting around the table with people who represent the department looking at the challenges and seeing how we can work together to make things easier, make things better and make everybody happier. So far it has worked quite well. There will be challenges. There are certainly never any arguments. People challenge each other, and you would expect that. I am really pleased with the way it is working.

Deputy A.F. Curtis:

Okay. Deputy Warr?

Deputy D.J. Warr:

Yes, sure. This is going to be a bit of a slightly red herring in terms of where we are going with this one. I was really interested, because red tape is my bugbear right now, and obviously at this moment in time next week we are going to see a proposition brought forward in terms of “meanwhile use”. What I am really interested in is, what has been interesting has been the history of meanwhile use in terms of I have been quoted here that Jersey Development Company turned down meanwhile use, marquees in the Weighbridge have been turned down for meanwhile use. Is not the purpose

of planning to be sort of economically positive, to take a positive view of applications? What I am being very struck by is a complete misunderstanding of meanwhile use and how we have become more productive. So can the Minister ...

Deputy A.F. Curtis:

Could I ask, could we address that at the end of this section, because we are moving to ...

Deputy D.J. Warr:

Okay.

Deputy A.F. Curtis:

That might be planning services for improvement but that is slightly off where we are going.

Deputy D.J. Warr:

Okay, sorry. I appreciate that.

Deputy A.F. Curtis:

That is great. I did want to move straight on to part of the improvement in the planning services and the project reader, and understand the current implementation of that.

The Minister for the Environment:

Okay. Before Kelly gives you the detail, project reader has been on the go for quite a while and there has been a few delays. But I will hold my hand up and say I am as responsible for that as anybody because I have told Kelly that I want the programme tested to destruction before it goes out. I am much happier to stand up and take flack as a Minister for another month or 2 months or 3 months of delay, rather than have the project go live and find that we have got some issues. It is a big piece of work and officers at the moment are testing it and we are getting closer, but it is going to be the autumn.

Group Director, Regulation:

Touching on wood, we are hoping for August, a go live in August. So, yes, we are just about to go to end-to-end user acceptance testing. The system is 99 per cent in terms of development done, and there are a few tweaks finally to go. We are focusing on the data migration points. I am absolutely delighted with the progress to be able to take such a transformational programme and to be able to say to you we are literally on the cusp. Once we have tested it to destruction, with all the connections in place, like I said, hopefully in August we will have a go live.

The Minister for the Environment:

You will be pleased to hear this, and I am sure you know it, but it is going to give us the ability to interrogate stuff so much better and get information out of the system. We have got masses of data, which we should be doing better with.

Deputy A.F. Curtis:

Okay. Then as part of planning service improvement, what is your next focus?

The Minister for the Environment:

Well, I am trying to think.

Group Director, Regulation:

Minister, we do have a consultation coming out shortly.

The Minister for the Environment:

We are doing G.D.O. (General Development Order), because we are going out to 2 phases of G.D.O. The first bit is going to be permitted development straightforward questions: "What do you think about having larger extension in your back garden?" with a whole load of stuff. Second part of the G.D.O. review is going to be a bit more conceptual: "How do you feel about allowing an extension on the back of the house? Would you like it to be 2 storeys high instead of one?" that sort of thing. I think, to be fair to officers, they have come up with some quite challenging subjects, and they really have chucked the kitchen sink at it.

Group Director, Regulation:

Yes. It would be good consultation. They were also picking out of ... there are 4 areas of the planning reform: the rules, which is around the planning controls, codes of conduct, the building standards obviously, and bridging and plan interpretation. The people, so ensuring investing in our teams in terms of ensuring engagement, leadership, growing our own, so, an investment in sort of master's degrees in planning for our own internal teams.

The Minister for the Environment:

Appeals we are looking at. It is 10 years since we introduced a new appeal system, so we are looking back at that, seeing how that is working. We know we have got some areas where people do not have appeal rights, where they should have, that we have missed earlier.

Group Director, Regulation:

We have the planning obligation agreements and the Planning Committee procedures, looking at minor application review, and just early interventions as well between planning and building when commencement starts. There are quite a number of areas that we are picking up on as well.

Deputy H.L. Jeune:

Are you doing them individually or all together, and would we be seeing changes ...

The Minister for the Environment:

On the permitted development, when I get the responses to phase one, which is very straightforward, I can do most of that by order and I will do that straightaway. The second phase of the G.D.O. stuff is the more conceptual stuff, take out to consultation, take people's views, and we will act at that point. Some of it may need some law changes.

Group Director, Regulation:

If it is a primary law change, then that might have a longer timescale, but the Minister is committed to making the faster changes through order in a shorter term. It will depend on what the consultation responses say in terms of which direction that we go to.

Deputy H.L. Jeune:

Okay.

The Minister for the Environment:

We have spoken about red tape this morning. This is to look at maybe reducing some red tape, and hopefully it will result in less applications coming into the department for officers to deal with. But on the other hand, you have always got ... considering permitted development changes, you have got to be really careful because you do not want to be the neighbour that lives next door to somebody who has just had permitted development rights and built something which has a great effect on you individually.

Group Director, Regulation:

Which would be lawful.

Deputy T.A. Coles:

Sorry, just more for anybody listening at home and the transcript, you have used a G.D.O. acronym. Can you just explain what the G.D.O. is?

The Minister for the Environment:

General Development Order. Permitted development is what we are talking about. Yes, I apologise, acronym overload. Permitted development.

Deputy H.L. Jeune:

Thank you. Deputy, questions?

Deputy A.F. Curtis:

Lastly, one part of your review, we understood was to be how one builds and ultimately reshapes Island Plans, and I think you noted obviously the inflexibility in terms. Has anything shaped in your mind as to what you are looking to bring forward with regards to how an Island Plan is formed and shaped and ultimately lives?

The Minister for the Environment:

I will make this as quick as I can. I am in the camp very firmly that believes that the Island Plan process that we have at the moment has served us well. We have a planning-led plan, or planned-led planning system, and I think that is done really well. There are options, and we are going out to consultation to see how people might feel about treating that differently, and I will be interested to see responses. The next government will, very soon after they are elected, have to make some really crucial decisions about the next Island plan. The Bridging Island Plan was there for a short period of time. I am not going to go on to the reason why it is still valid, but population has not increased so housing demand is not ... we do not need to rezone too many more sites. The law says quite clearly the Bridging Island Plan can stay in place until another plan is needed, and so we use it. I cannot see any reason why we cannot continue to use it for the short term. I would think the next Island plan debate will be 2027-2028.

[12:15]

It is a very, very expensive exercise. It was £1 million to do the last one, and I think Government may well need to have a think about whether they want to commit another £1 million, or however much it is going to be, but just the dissemination in public is a big 6-figure sum. We do have the option to think about maybe a twin plan system, where you have an overriding plan with a more detailed plan underneath, which you renew on a more regular basis. Certainly, I think that is the way they do in Guernsey and it is a system adopted by some councils in the U.K. It is worth looking at. We may find that we are challenged financially by the cost of a full Island plan review next time. I am not going to be here. Well, I may or may not be here to oversee that. It is a big piece of work, it needs to be started very soon after the next government comes in, and it is very expensive, so there will be some big decisions to make.

Group Director, Regulation:

Just to mention, this all part of a consultation, so gaining the broader opinions of the community around the direction before any clear decisions are made.

Deputy A.F. Curtis:

Okay. Thank you.

Deputy H.L. Jeune:

Just to note also for the record, that in a few weeks' time we will have a public hearing on the Bridging Island Plan specifically, so we will be giving you more detailed questions in 2 weeks' time.

The Minister for the Environment:

I wish I could say I was looking forward to it.

Deputy H.L. Jeune:

Turning to the last section, which unfortunately we have ...

Deputy D.J. Warr:

Sorry, can I just finish, because we did not answer the question earlier where you were saying we are going to leave it to the last, around about the meanwhile use proposition, and sort of talk about red tape. Meanwhile use being red tape light, as it were, is something you can do fairly rapidly to make sure we get more productive use out of our built environment. What are your thoughts around that, because I think there is a lot of misunderstanding?

The Minister for the Environment:

I am always in favour of taking opportunities where they present themselves, but I think we just need to be really conscious that we do not compromise ourselves and set precedents for other things. You mentioned the tent down in Liberation Square.

Deputy D.J. Warr:

Yes.

The Minister for the Environment:

I fail to see how something can be left in place for such a long period of time without some sort of an application. That did confuse me somewhat. I went back to officers on a number of occasions, saying: "Hang on a second, that cannot be temporary. It has been there for ever." You worry about setting a precedent for something being in place 8 months, 9 months every year, or a bit longer. Then before you know it is 2 or 3 years that has happened, and then you know where we are, we have not ... but meanwhile use, I cannot dispute that a good meanwhile use opportunity should not be taken. If you know something is coming down the line, you have got 2, 3, 4, 5 years before it happens. I walk past Les Sablons every day - maybe I should not say this - and I look at that site and think, "Would it not be nice to put a couple of benches in there, flatten a bit off and let some

members of the public sit on it until the developer decides when he is moving forward?" But it is not my land. If it was public land, I would certainly think we would be trying to do something with it.

Deputy D.J. Warr:

So you are positive about that idea?

Group Director, Regulation:

I may need to make a point of clarification. I think that the marquee in the Weighbridge did have a fixed term planning permission in place.

Deputy D.J. Warr:

Okay.

The Minister for the Environment:

Did it?

Group Director, Regulation:

Yes, it did, and it is now no longer there.

Deputy D.J. Warr:

Thank you. Okay. Let us move on to the marine section.

Deputy H.L. Jeune:

Thank you. Moving on the last section, which is the marine sector.

Deputy D.J. Warr:

Sure. Can you confirm that the framework and implementation timetable for the Marine ...

The Minister for the Environment:

I will propose our resident expert is ...

Deputy D.J. Warr:

Has just come online. Okay. I will kick off again. Can you confirm that the framework and implementation timetables for the Marine Spatial Plan was published as anticipated in May and direct the panel to where this has been published?

The Minister for the Environment:

The Marine Spatial Plan timeline, are you specifically talking about the marine protected areas?

Deputy H.L. Jeune:

No. Specifically, when we discussed the Marine Spatial Plan, and it was an amendment from the panel to say that we needed a framework and timetable to understand all the areas of the M.S.P. (Marine Spatial Plan).

The Minister for the Environment:

Okay. I am going to go to Francis for the framework and timetable, please, on where we are with the M.S.P.

Head of Marine Resources:

Good afternoon to you, Minister. Yes, it is ready to go. There were some questions around the impact of the sandeel arbitration that was going on in the U.K. and how that might impact the outcomes of our next piece of work on this. The Minister was advised by officers to hold off while we saw what the outcome of the sandeel arbitration was. We are now through that and we have got the assessment from it, and we are looking to re-present the timeline documents and the M.P.A. (Marine Protected Area) detail documents to the Minister on Friday this week.

Deputy H.L. Jeune:

What do you mean? Could you give it a bit more explanation about that stand-in arbitration? Is that what you meant?

Head of Marine Resources:

The U.K. protected in England and Scotland several large areas as M.P.A.s over last winter, and the European Commission took them to arbitration. It was the first case of arbitration around M.P.A. areas since Brexit, and the outcome of that case would have set the tone for the implementation of future M.P.A.s. That went mostly on the side of the U.K., but not entirely. We have taken the learnings from that and we are just building that into our messaging, how we look to describe proportionality and other key factors that were addressed in that.

The Minister for the Environment:

It is important that we get anything we do 100 per cent right, because what Francis has not said is the cost of that arbitration ran into several many millions of pounds. We have been told very clearly if we ended up in arbitration ourselves here in Jersey, we would be looking to find that money, which we would rather not do. We would prefer to get it right first time.

Deputy H.L. Jeune:

Yes, it is an interesting situation where you have an agreement at an international level that is then agreed within the E.U. as well to meet certain M.P.A. things, and then to be able to then take different jurisdictions to court over something that is agreed internationally is an interesting situation to be in.

The Minister for the Environment:

I am not passing comment on that. I am just making sure that I do not find myself as a subject of an arbitration, because it is expensive enough in Jersey, but if we start going to international arbitration, I will be looking for another job, I suspect.

Deputy D.J. Warr:

So, can I please ask this question?

Deputy H.L. Jeune:

Yes.

Deputy D.J. Warr:

Please could you provide the panel with more detail on the benefits of Jersey's fishing community, of the extension to Jersey of the International Convention for the Conservation of Atlantic Tuna?

The Minister for the Environment:

We have put a huge amount of work in for the last 4½ years, putting all the data together to submit to the U.K.. In order for us to sign up to I.C.C.A.T. (International Convention for the Conservation of Atlantic Tuna) we had to prove to the U.K. U.K. are the signatories, and we now come in under them. Everything is now done, and we are literally just waiting for the last signature in the U.K., but to all intents and purposes we are signed up. That has allowed me to indicate that I will allow a catch and release fishery for the months of August, September, October this year. I have agreed the criteria earlier this week about what we would require if people want to go and do this. I am prepared to issue up to 5 licences to do catch and release. My hope very much next year will be that we will, through the U.K., be allocated a small amount of quota to not only catch and release but to catch and land. I will be working very hard with officers to make sure that we get the maximum economic benefit from that. Catching tuna and landing it in a way that is top quality meat is difficult and challenging, but it can be done. If the fishermen follow all the rules and regulations, we could have some very high quality fresh Jersey tuna in restaurants and hotels next summer, but we need to be really careful about how we do that. We need to work really hard with the industry. Going back to your original question, hopefully there is an opportunity for a catch and release fishery, which would attract tourists and locals to go out and do that. My hope is next year that we will have a small amount of quota that will allow fishermen within our commercial fleet to diversify if they can meet

the strict criteria that we are going to put in, because we do need to do things properly, but there are opportunities.

Deputy H.L. Jeune:

Minister, the 5 licences for the catch and release, will they be Jersey local licences?

The Minister for the Environment:

Yes. Two of the immediate prerequisites are that your boat has to be commercially coded to take paying passengers and it also has to have a J number on the front, which is a fishing permit. That is an absolute starter for 10, and there will be other things that follow on as well. Catch and release is what it says, and it would involve some equipment which allows you to land the fish into the boat really quickly so you do not tire it out, how you treat it on board, and how you get it back into the water. We want a little bit of data from it before it goes back, but the whole idea of catch and release is for the fish to get back into the water in a fit state to swim off and enjoy the rest of its life.

Deputy H.L. Jeune:

How will you be enforcing this to make sure that this is ...

The Minister for the Environment:

Training will be given, and there will be a requirement on top of some of the things that I have said, like the coded vessel, the equipment on board. I imagine I will be wanting to see some sort of a business plan, which demonstrates that the people who are doing this have an experience of fishing and catching fish, returning them to the water. Officers as well will be keen to be making sure, by spot checks and stuff like that, that everybody is applying by the rules. I am really keen that we are not going to mess this up in the first year or 2 by not getting things right, so as a team we will be working hard to make sure that happens.

Deputy D.J. Warr:

I just wanted to pick up. You have given a whole series of answers here. One question that comes to mind here is: how will the decision to expand fishing rights from catch and release to commercial fishing of North Atlantic bluefin tuna be made? Will it be made by the States Assembly or will it be a Ministerial decision?

The Minister for the Environment:

I believe it is a Ministerial decision. Certainly, it is our intention, as I said, to apply for a part of the U.K. quota next year. We would be given a small chunk of the U.K. quota, and we think we will make a case. Do you want to add something to that, Francis, please?

Head of Marine Resources

The only thing to mention is that obviously we will need to take it off the Wildlife Law listing, which is where it was put when they first started appearing in our waters and we did not have any scientific data. We now know a lot more about the species, both in Jersey waters and through their whole lifecycle that runs from the Mediterranean to the south coast of Norway. We have got that confidence to take them off the Wildlife Law, bring them into a very, very closely managed fishery, and the fishermen who are interested in doing this are really interested in getting it right. They are not there to have a quick go and make a quick buck. They really want this to be a part of a long-term economically and ecologically sustainable fishery for them.

Deputy H.L. Jeune:

It is interesting, thank you, Francis, for talking about that scientific data, because we are seeing that the new Minister had said that there needed to be much more research done to help expand the M.P.A.s when we were talking about the Marine Protected Areas. I want to make sure that we feel that we have the scientific data to the level that we know that we should be able to move from catch and release to commercial so quickly. I was just wondering why you were doing that so quickly from one to another.

The Minister for the Environment:

As I said, we spent 4½ years accumulating the data. I do not think we necessarily need any additional data to move from catch and release to catch and land. It is just that the way things developed this year, we did not have the signatories and the agreements in place early enough to be awarded any quota for 2025. I do have it within my powers to move forward. As Francis said, we are working with the exemptions in the Wildlife Law for this year, but next year when we are positioned right at the beginning of the year to put our application in for quota, we will do. We were not quite ready this year, so we were not in a position to apply for quota.

Deputy H.L. Jeune:

Will the catch and release continue? You would then have not only the 5 licences for catch and release but then also on top of that commercial so, in a sense, you are expanding this.

The Minister for the Environment:

Yes. It will continue, because I am hoping that we can develop that as an industry. The amount of quota we will get, if we get any, will be quite limited. We will have to restrict it to a number of vessels and a number of fish, or a number of kilos over the course of the season, which is relatively short. As Francis says, we want to make this work. We want to expand it as much as we can so as many people can benefit, and that will mean not only commercial, but it will mean recreational as well. We

will move forward in steady steps at every point, making sure we have got the management 100 per cent right.

Deputy D.J. Warr:

Final question then. Sorry, did you ... carry on.

The Connétable of St. Mary:

Just to confirm, you have been adamant that the catch and release and commercial is relegated to the Jersey fishing fleet only. There is no mechanism whereby other fishing fleets can ...

[12:30]

The Minister for the Environment:

No, absolutely not. I have been very firm on a number of occasions over this sort of thing, and in this particular case, as we have said, it can only be a J boat, which means it is going to have a Jersey fishing permit/licence. In this case, you are going to have paying passengers on board, so the vessel has to be coded to be able to do that, and there will be other restrictions or requirements that we will put in place. I have been very clear, we have, in the last 10 years, charter fishing in Jersey waters can only be done by J registered fishing boats, and the reason for that is very specific. We did not want a large number of boats arriving here from the south coast of England to enjoy and exploit our fish in Jersey territorial waters. So we are very clear about that, and that is the reason why we start from that premise.

Deputy H.L. Jeune:

You will be extending that to commercial. When it becomes commercial, it will just be Jersey licensed as well, will it?

The Minister for the Environment:

Yes, absolutely, because it would be under strict management. The first thing is you have got to have a J licence. It would be a big decision for us to go away from that. The Assistant Minister has got plenty of experience, but it is a good way of starting.

The Connétable of St. Mary:

We have got a good framework in place already to manage the vessels. It would seem silly not to take advantage of it.

Deputy D.J. Warr:

Can I ask the last question? We have time?

Deputy H.L. Jeune:

Yes.

Deputy D.J. Warr:

Final question. Can you provide any direction provided to Government so far from the meetings of the Natural Environment Ramsar Working Group? What recommendations made by the group have been acted upon?

The Minister for the Environment:

We have a new chair, who I was pleased to welcome. I heard they responded quite recently. We sat down and spoke at length about Ramsar and how we are going to move forward with that. The biggest changes that we have had in recent months is that the management has now been taken over by the department, and officers in the department who are going to go on site and do the work, which previously had been entrusted to volunteers and stuff. The Ramsar Committee, the Ramsar Group will continue to be their representatives from across the board, but the work that they decide to do, or the work that they would like to be done, is then entrusted to officers in the department. I do not know if you want to add anything, Francis, but we have an officer in Marine Resources who is now the conduit and has a big part to play in the administration and help in Ramsar.

Head of Marine Resources

It is the Jersey Ramsar Advisory Group, as you said, Minister, which is our critical friend outside of government and keep us on the straight and narrow on the Ramsar delivery. Then the Ramsar Management Authority, which is made up of civil servants from across environment and wider, and are the ones with the job of setting out the management plan, setting the research plan, and then delivering against that, mostly with government officers but also in partnership with key external experts who very kindly volunteer their time for a love of Ramsar site on the whole. We have got Ian Buxton and the likes, who are very kindly helping us with bird counts and all sorts of things like that, so best quality research hopefully is gathering from there.

The Minister for the Environment:

The only thing I would add, we did discuss, among other things, a potential extension to Ramsar boundaries. We are conscious that when we start the work on the seawall in the Havre Des Pas area to try to protect that area from flooding, that work will all happen in a Ramsar site, so we will have to have some of the Ramsar site to work on. I am considering the possibility of maybe reducing the size of the Ramsar site at Havre Des Pas, and increasing it significantly more in the area north of Gorey, between Gorey and St. Catherine's as a trade-off, if you like. We spoke about that. We did not reach any conclusions, but that is certainly something I am considering.

Deputy H.L. Jeune:

We will definitely come back to you on that, Minister. I just wanted to say, that was my last question, something around the Marine Spatial Plan. I understand that this timeline will be coming imminently and discussion will happen on Friday, but there is also the full economic impact assessment that we were waiting for and wondering when that will be available?

The Minister for the Environment:

It will have to come before I make my final decision, because the whole reason for doing it was to make sure that I did not make a decision that had a major economic impact, which I had not considered, but Francis, I am sure, is going to tell us more.

Head of Marine Resources

Thank you, Minister. We are working with the Economy Department, who are conducting the economic impact assessment, and Scotland agreed to peer review for us. They published the first and most well-cited marine economic impact assessment, so they are bringing in their team to give us advice, guidance, and peer review on the final E.I.A. (economic impact assessment) so that we will have a strong and robust position come the autumn.

Deputy H.L. Jeune:

Finally then, when will we hear the timeline? When will we hear about our own case?

The Minister for the Environment:

I will be looking at the timeline at the end of this week. I am conscious that the specific timeline for marine protected areas is something I need to issue as well. I am conscious of scalloping season closed periods of time, and stuff like that. The team are, at the moment, conducting the last pieces of research on the areas I have asked for further information on, and I cannot really say more than that. As soon as that data is available to me, I will be making some decisions, and those decisions will be around which areas I am changing, when the areas that are already agreed and not going to be changed come into play, and how long I give the areas that I have grandfathered for some specific reasons, and all that will be set out in the not too distant future.

Deputy H.L. Jeune:

Thank you, Minister. I hope when we meet you next, in the next full quarterly hearing, we will be able to know and have some clear dates for a number of those areas we have covered today. There is a lot of work to happen before the end of the year and for our next quarterly hearing, but thank you very much to you, to the Assistant Minister and to officers here in the room and online for helping to support answering our questions, and so I wish you a good day.

The Minister for the Environment:

Thank you, Chair.

[12:37]