

STATEMENT TO BE MADE BY THE MINISTER FOR THE ENVIRONMENT ON MONDAY 8TH SEPTEMBER 2025

I rise today to respond to the report of the Complaints Board and, more importantly, to acknowledge the genuine concerns raised by residents living near Retreat Farm.

First and foremost, I recognise the impact this situation has had on their lives, the disruption, the distress, and the feeling of being unheard. These are not just complaints; they are heartfelt expressions from people who care deeply about their homes and their community. I want to thank those who came forward. Speaking up is never easy, and your voices have helped shape the way we respond.

The site in question, Northern Leaf, has been subject to extensive scrutiny. Officers have investigated issues including odour, noise, light, and planning. Some investigations have led to enforcement action; others, after careful and objective assessment, have not met the legal threshold for statutory nuisance. I understand this can feel technical or even dismissive, but I assure you every concern has been taken seriously.

The Regulation Directorate has followed the 4 E's model — Engage, Explain, Encourage; and only Enforce as a last resort. Officers have dedicated hundreds of hours to this matter, and their professionalism deserves recognition, even as we acknowledge the emotional toll on residents.

I must also address the findings of the Complaints Board report. While I respect the Board's role, many of its assertions are based on perception rather than evidence. For example, the suggestion that officers prioritised company interests over residents is unfounded and undermines the integrity of public servants who have acted ethically and diligently throughout.

The key issue of this case centres around odour. The law requires objective assessment, not subjective opinion. Odour must be judged by qualified Environmental Health Practitioners using internationally recognised and well-established methods, including what is known as the "sniff test." To dismiss this approach is to disregard decades of sound environmental health practice.

To ensure thoroughness, I instructed officers to conduct a detailed odour assessment involving multiple practitioners. The findings, included in my report, confirm that a statutory nuisance is not occurring at a level that would be prejudicial to health or constitute a nuisance.

The Directorate has fulfilled its statutory duty. I recognise that the complainants do not agree with the assessment; however, this matter is now considered closed. A new investigation could be opened only if there is a material change in circumstances.

While odour is present, its mere presence does not meet the threshold for statutory nuisance. I must reject any recommendation that would compel unlawful action, such as serving a notice without sufficient evidence. It would be manifestly wrong for the Board to recommend that I act *ultra vires*, beyond my legal powers. The law is clear: the Minister must be satisfied that a nuisance exists. That threshold has not been met.

Whilst I am rejecting the recommendation of the Board with regards to odour, I have accepted the other three recommendations as outlined in my report, being: to publish a redaction policy on planning representations which is found on gov.je; to ensure conflict of interest declarations are embedded in customer policy; and to ensure that business interests are not prioritised over impact on neighbours.

With regards to planning matters, the Board made no conclusions that there had been any concerns which I must take as nothing was found to be lacking. Last Thursday the Planning Committee approved a range of planning applications, however they were minded to refuse the application relating to the chillers which is one of the main concerns of neighbours, centred around noise disturbance. There are more Committee procedures to be followed to confirm the decision on 25 September, and as Minister, due to the potential for the submission of further appeals, I cannot make any further comment in relation to this.

To support constructive dialogue, I have commissioned independent mediation. This initiative brings together residents, the business, and Government representatives in a neutral, structured forum. It is not a substitute for regulation, but it offers a path to address concerns that regulation alone cannot resolve.

I am disappointed that mediation was not central to the Panel's recommendations. In a case so deeply rooted in community tension, mediation offers a way forward, built on empathy, dialogue, and mutual understanding.

I also want to acknowledge that this speech is a response to the report itself. I am aware that questions may arise about my future engagement with the States Complaints Board and my attendance at hearings. I have concerns about how the hearing was conducted, and we are raising those concerns along with other areas where we believe improvements could be made directly with the States Greffe, and I hope, in due course, with the Board itself.

I remain committed to ensuring that all voices are heard and that our actions are guided by fairness, evidence, and compassion. Together, we can find a way forward that respects both community wellbeing and lawful process.

Thank you.