



Environment, Housing and Infrastructure Scrutiny Panel

Quarterly Hearing

Witness: The Minister for the Environment

Wednesday, 8th October 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

Ms. K. Whitehead, Group Director, Regulation

Mr. K. Pilley, Head of Place and Spatial Planning

Ms. L Jones, Head of Environment and Climate

Mr. F. Binney, Head of Marine Resources

Mr. W. Peggie, Director, Environment

Ms. S. Ramos, States Vet

[10:31]

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

Good morning, Minister. Welcome to the public hearing of the Environment, Housing and Infrastructure Scrutiny Panel. Today is 8th October 2025, and this is our quarterly hearing with the Minister for the Environment. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live. The recording and transcript will be published afterwards on the

States Assembly website. Please ensure all electronic devices should be switched to silence. I would like to ask that any members of the public who have joined us in the room today to not interfere in the proceedings. As soon as the hearing is closed, please leave quietly. If we can begin with introductions, my name is Deputy Hilary Jeune, and I am the chair of the Environment, Housing and Infrastructure Scrutiny Panel.

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

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.

Group Director, Regulation:

I am Kelly Whitehead, group director for Regulation.

Head of Place and Spatial Planning:

Kevin Pilley, head of Place and Spatial Planning

Deputy H.L. Jeune:

There are a number of people online as well, if you would like to introduce yourselves, your officers.

Director, Environment:

My name is Willie Peggie, director for Environment:

States Vet:

I am Susana Ramos, chief veterinary officer.

Head of Marine Resources:

Francis Binney, head of Marine Resources. Good morning.

Private Secretary, The Minister for the Environment:

Good morning, I am Heather Ford, the private secretary for the Minister for the Environment.

Head of Environment and Climate:

Lisette Jones, head of Environment and Climate.

Deputy H.L. Jeune:

Thank you very much. Minister, we have 2 hours and quite a lot of questions, so I will kick off with the Marine Spatial Plan. This time last year you published your Ministerial response to the panel's review of the Marine Spatial Plan. One year on, how would you describe the progress to date?

The Minister for the Environment:

I think progress has been good. As we will recall, the plan was very extensive, covered a whole broad range of everything to do with our territorial waters, under the sea, on the shore, but most controversially, or most interestingly I guess, was the section on fishing. In particular, the marine protected areas where we are proposing to increase the areas that we protect from certain metiers of fishing and, in one case, increasing the no-take zones where nothing is allowed to be caught. As you might expect, that was of great interest to the whole fishing community both in Jersey and in Normandy and Brittany, because we share our waters with our French neighbours for fishing purposes. Most recently we have had a number of discussions about that, but I think one of the significant things that has happened fairly recently is I published a timescale of how the plan will be developed, and part of that significantly is the commitment to increase the protected areas in November next year ... next autumn, should I say. Alongside that, I made some changes to the plan as it had been originally published. I grandfathered, for the want of a better word, some areas where it was clear to me that certain French fishermen relied pretty much extensively for their livelihood on these areas, and I have told them that those areas can stay open until 2030. I also asked the team to go away and conduct additional research on quite a number of areas where I wanted to be assured that there was something to protect, and the team have been doing that over the course of the summer. I am expecting a review and a report from their work in November - so next month - and after that time I feel I will be in a position to issue some new guidelines and some new areas, if you like. I would hope that we will have found some areas that are definitely in need of protection, and likewise some areas that may not be in need of protection from dredging and mobile gear. So that is the work that is being undertaken at the moment. We have had a number of meetings, and maybe Francis would like to speak to those because those have been meetings that I have not personally been present at, and I am sure - I may as well say it because I am sure you will have noticed - we have recently had some engagement from French and Jersey fishermen who have got together to voice some concern about the way these protected areas will be rolled

out. Clearly, they have had the information for quite some time but have chosen to act now. While I did attempt to meet them on Friday, the weather and timescales changed to the point that I could not do that. But I will engage with them. Certainly, when we issue the new areas or the results of our research, I would intend to sit down with the industry to discuss those and see where we go from there, because I would like to think, as I did originally, that they will see that I have listened to their concerns and taken their concerns on board and acted accordingly. But Francis, could you ...

Deputy H.L. Jeune:

Minister, just before we move to Francis, because you have mentioned that you published this timeline, and what I am hearing from you is that it is still on track; you will be online to publish in January and for the States to be approving or not this final legislation piece to ensure that these marine protected areas are put in into law. But now the industry is calling for that to be delayed until 2030; do you still feel that it is right to push on to make sure?

The Minister for the Environment:

There are a number of things that need to happen. The first one is I need to see the results of the research that the Marine Resources Department have done over the course of the summer, into the areas that I asked for further investigation. Once I get that back I will have an idea of whether we are extending grading, whether we are rolling back. I will then talk to the industry and it may be ... because the other thing I failed to mention 2 minutes ago was that we will also shortly be in receipt of some economic data and the economic effects of these closures on various parts of the industry. Now it is clear that closing a section of our territorial waters to mobile gear will affect dredgers and trawlers adversely potentially, but it may also be that the closure of those areas to mobile again will make it better fishing for the static gear, so for the divers and the potters. This economic work needs to be done, it needs to be understood as well, so that will be another piece of work which I would need to see. But I think, moving forward, my intention will be to continue to consult with the industry to see where they are, to look at the economic data to see how badly or otherwise it will affect certain fishermen, and then I will have to make further discussions. But at this point in time my intention is to proceed as we have said. It may be that we may need to make some concessions depending on some of the economic data.

Deputy H.L. Jeune:

But would these concessions be related to the marine protected areas that you have already designated, they were not subject to that extra research or the no-take zone or the grandfathering? So this is particularly when you are talking about concessions or talking further with the industry, you are talking about those areas that we need to work about research.

The Minister for the Environment:

I am talking primarily about the research areas. I do not believe the no-take zone is something I wish to negotiate on. We have got very strong reasons why we believe the particular no-take zone we are proposing down at the Sauvage Reef, south-east of the Minquiers, is a very important area for all sorts of reasons, and I do not intend to discuss that particularly. There may be some discussion around the areas that were not put out for further research, and I believe the team in doing their research may have come up with some additional data on those areas. I am certainly not saying everything is up for grabs again, because it is not. The main focus will be on the results of the research areas. The grandfathered areas, I believe I have committed to those. I will not be changing that. I think that would be wrong to do that. But the main focus will be on the research areas to see whether they are in or out as we move forward.

Deputy D.J. Warr:

Just a quick question, sorry. I just pulled this up online here. There is a report just recently published saying: "New Oceana U.K. (United Kingdom) report shows half of U.K.'s top 10 fish stocks are critically low, being over-exploited, or both. One in 6 of all U.K. stocks are in a critical condition yet still being fished beyond safe limits." Just what I am concerned about is that the problems are now, and I know you are pushing things out and waiting for research and stuff like that, but it is clear we have major issues now. Why are we not able to react quicker? Why are we waiting on ...

The Minister for the Environment:

Well we do react quickly where necessary, but I think the big differential I would make in response to your question, Deputy, is that in Jersey when we protect areas we protect them properly. We protect them with legislation and we have the *vires* to go out and actually do something about it. Many of the marine protected areas and protected zones in other jurisdictions are not covered by law quite so stringently. So while they may be protected, there is very little that some of these countries can actually do when they catch people fishing in them. In Jersey, that is not the case. We have got the *vires*, we have got the legislation in place where we put a designation on the zone and say it is a no fish, or it is nothing, or you cannot do this, or it is seasonal, the Marine Resources team have the ability to go to sea and bring people in, and we have seen quite recently a number of boats have been brought back to Jersey Harbour and proceedings have followed very quickly. So we do have the ability to act fast.

Deputy H.L. Jeune:

Thank you for that. You have talked about the Jersey and French fishermen who met this weekend but what work are you doing with the French Government to ensure that they also are supportive of our work in this area, especially as they also have signed up to 2030?

The Minister for the Environment:

Yes, they have. I have had discussions with the French Environment Minister back in May. I met her in Paris mainly to discuss my concerns over the exporting of Jersey marine produce. But she has a difficult job in place, like many of us, where on one hand she is responsible for protecting fishing areas and on the other hand is responsible for trying to protect the livelihoods of fishermen who fish in the areas that she may be thinking about closing, with her other hat on. This is not an uncommon difficulty faced by some Ministers who take on the portfolio of the Environment. But I think she appreciates that she has a difficult job to do. Certainly I have spoken to her, and she has made her views very clear about the closure of areas to French fishermen, but we have taken our Marine Spatial Plan through our States Assembly. We have signed up to various things like Paris and others and conventions and O.S.P.A.R. (Convention for the Protection of the Marine Environment of the North-East Atlantic), which protects marine areas from certain endangered species. It is quite clear to me that we need to carry on down that path. Now I do not intend to do that without consultation and without taking the views of fishermen on board, and that includes the views of French fishermen. I think the extensive consultation we did when we announced the protected areas shows ... the French Government, the French regional fishery associations and French fishermen all contributed extensively to that consultation. I took their views on board. Okay, I may not have gone as far as they would have wished, especially the fishermen, but I have taken their views on board and the grandfathering of 2 areas to help French fishermen, and the other concessions I have made clearly shows that I have listened and read what they have. I think they feared the consultation would be an exercise whereby we accumulated the data and said: "Thank you very much" and put it on the shelf and just proceeded without further ado, but that was not the case.

[10:45]

We were very clear that we would listen, and we did. So we read their consultation, we made some changes, and I think we will have to accept that moving forward it will not all be plain sailing, if you pardon the pun. But the French fishermen will get some concessions, they will not get everything they want in the same way the Jersey fishermen will get some concessions but they will not get everything they want either.

Deputy H.L. Jeune:

No, and of course ... well, you mentioned it before about the Economic Impact Assessment that will be coming to, I guess, add to this discussion because of course in the fishing industry it is now versus ... these areas you are protecting are also nurseries to ensure that there are stock for the future fishers. So it is important to maybe show that in the Economic Impact Assessment. But why is it taking so long for us to see this Economic Impact Assessment?

The Minister for the Environment:

I may have to go to Francis for the answer to that. Obviously, the Economic Impact Assessment is not being done inside the Marine Resources Department. That is not their speciality, and I believe it is being done by the Economic Department. But, Francis, could you say something quickly about economic impact? While you are there, could you just mention those 3 meetings you have had over the course of the summer, please, with French officials and fishermen?

Head of Marine Resources:

Certainly. The Economic Impact Assessment is being done by one chartered economist from the Economy Department and one external chartered economist as well. Obviously it has been booked into their time alongside other lines of work. We are also getting it peer-reviewed by the Scottish Government, who delivered the best marine Economic Impact Assessment so far, so we have that to factor in as well. The simple fact is there is a vast amount of data for us to process. My team in support of the economic team in delivering understanding of the mobile gear activity, the static fleet activity, catches, profit and cost and everything else, and the impact assessment does not just look at that one aspect, the M.P.A.s, it is looking at the Marine Spatial Plan overall and reporting on the whole thing rather than just what is the impact to dredgers. A small version of that report was done earlier last year, which was called the Business Impact Assessment, but this is a much broader document so it is taking some time to get right, and we have to get it right because we are talking about financially valuing the impact to industries, positive and negative, of the Marine Spatial Plan. So we need to have really robust and well-checked data in there in order for it to stand up to scrutiny, both by you and the public.

The Minister for the Environment:

And the meetings, Francis?

Head of Marine Resources:

The meetings; certainly, Minister. In May, we met with the Quad Working Group, which is the 4 Governments under the T.C.A.(Trade and Co-operation Agreement) relevant to this area. Also in May, we had the meeting you have alluded to with the French Environment Minister. Then in July, we met in Normandy with the French fishermen, both Breton and Norman, and their Paris representatives with Defra and the E.U. (European Union) in the room, but not really having an active voice. We gave a briefing at the Normandy Summit and an earlier Brittany Summit in the summer as well. Sorry, Normandy M.P.s (Members of Parliament) meeting, Brittany Summit is coming up, I apologise. We have offered another meeting in the autumn or early spring when next Normandy fishermen want to meet and Brittany fishermen. It is likely to be January or February when they next want to meet, but I think everyone is waiting for the M.P.A. research areas to be published and the Economic Impact Assessment. Paris are also producing their own Economic

Impact Assessment. I do not think it is peer-reviewed, or at least they have not confirmed it, but I am waiting for more detail on that and hopefully it is publication in the next couple of weeks.

The Minister for the Environment:

Thank you, Francis.

Deputy H.L. Jeune:

I suppose the next question is what preparations are being put for enforcement, so when these come into force this time next year how do we ensure that they are being protected?

The Minister for the Environment:

Again, we could go to Francis but I would say that we have a fisheries protection vessel with a small R.I.B. (rigid inflatable boat) on it for helping to board boats at sea. We also have a medium-sized R.I.B. in the Marine Resources Department, which can be deployed around the Island at speed. We will continue to do as we do now, which is to go out and enforce where we find vessels fishing illegally in our waters. We are helped a lot by technology, and certainly in recent months and the last few years, we now have the ability to track pretty much all fishing vessels which are in our waters and, with the aid of computers and A.I. (artificial intelligence), the computers can tell us when those boats are moving at a particular speed, which would be conducive to fishing, the type of fishing they are doing or the tracks they use or stuff like that. So we can use technology to help us to alert us to what might be going on at sea, and of course we rely on information from people who are at sea. Jersey fishermen will quite often phone in and say: "There is a vessel somewhere over there. I do not know who it is. It may be doing something. Do you want to check it out?" Quite often we are in a position to move quickly. In fact, the most recent case of a French fisherman coming to court was a situation where our fisheries protection vessel was at sea some miles away, but it was able to move very quickly to the area and take action. So vessels, the transmitting devices they have on board now transmit every 7 minutes or every quarter of an hour or something like that, depending on the size of the boat. We are all signed up to that, and any boat that fishes in our waters has to have equipment in order to transmit.

Deputy H.L. Jeune:

Thank you. Two areas which I know, Minister, that you push on within the Government, but it may not necessarily sit in your remit, something that is mentioned in the Marine Spatial Plan, is the onshore fish-processing facilities. Is there any movement on that, are there any discussions further?

The Minister for the Environment:

I think it is probably widely recognised from people inside and outside the industry that in order to move forward with a fishing industry in Jersey, we need to really talk hard about where we are going,

what we are doing. A number of suggestions have come to me in the last 12 months. I suppose I have to say that none of them have really developed very much. I know Francis will have something to say, but certainly the Minister for Sustainable Economic Development and myself sit down or talk about this on a regular basis. I think we recently agreed that we really do need to take some action when it comes to coming up with a plan for the future of the industry. We know the species that we relied on historically, your brown crabs and lobsters and stuff, are changing. We have new species coming into our fishery. We need a plan for how we can maximise the benefit of those while running a sustainable fishery, because that is the most important thing, and at the same time having a fleet which is profitable and people can make a living out of it. But we are working up a plan. Do you want to say a little bit more about that, Francis? We have got some ideas of who we might ask to look at this work.

Head of Marine Resources:

Thank you, Minister. Yes, we are working with the Economy Department again. We had a meeting with the main fish merchants and the head of the J.F.A. (Jersey Fishermen's Association) a few days ago, again with the Minister for Sustainable Economic Development. There is a strong feeling of the need to work up shoreside facilities but in a way that is going to work. You need not only the physical structures but also the social and formal business structures to make those things work. The fishermen fully recognise that if you gave them a really nice processing plant right now they would make it look like a mess within 2 weeks because they do not have the organisational setup to manage something like that themselves. There also are not the market routes developed for those products. The aim, eventually, and the thing the fishermen want, is simply avenues to find new markets, maybe small scale for higher-value products, and just to give them enough hope to get out and go fishing, because that is what they want to do.

Deputy H.L. Jeune:

Thank you. I think maybe this sparks a point that I wanted to raise about the tuna next year. You do catch and release at the moment but from next year, Minister, you want to do licensing to be able to ... for the fishers to bring tuna to shore. How are you going to ensure the maximum value we will get out of tuna? There are special ways of handling tuna. Also from a marketing perspective, how are we going to make sure that tuna, that of course has been endangered, is maximised to the full, and so there is not that situation where it loses its value for whatever reason from handling?

The Minister for the Environment:

Yes, absolutely. Obviously we want to follow best international practice but we work under I.C.C.A.T. (International Commission for the Conservation of Atlantic Tunas), which is the European global group that authorise this. The first thing we need to do is to get a quota or a part of a quota from the U.K. We have to come under the U.K. on this. It is not something we can be given ourselves.

So we are talking to the U.K. about how much quota we might have for next year. When we know that we will then hopefully be in a position to say, right, this is how we are going to use that quota. It would be my hope and expectation that we will have a number of boats that will come forward and we will say to them: "You are all authorised to catch a certain weight of fish." It will not be very much, maybe several hundred kilos, but you have to remember these fish are quite big anyway so you are not going to ... we are not going to be landing thousands of tuna, let us be clear about that. It will be a very small number. On top of that, it will be incumbent upon us to make sure, as you say, that we make the best of this. So we could not, for example, have a week of bad weather when nobody goes fishing and then on a Saturday everybody goes fishing and everybody comes back with a tuna and dumps it on the slab and expects it to be sold within the local market. We are going to need to be a bit cleverer and a bit more strategic about how we do that. There is a market here. I really look forward to being able to see Jersey tuna on the menus in local restaurants. It will be done sustainably, so we do not need to worry about that aspect. But it is, as I say, really important for us to make sure that we organise the marketing so that the fishermen get a top return, the restaurants have it when they want it, and that we do not mess it up for ourselves by flooding the market for 2 weeks here and then nothing for a period of time. The season is very small, the weather may play a part, but I am very excited about the possibility of doing it right. Doing it right is important. The way you catch tuna, the way they are treated on the boat once they are caught, how they are handled and especially what happens to those fish when they come to shore. All those parts from the minute that the fish is on the hook to the moment he gets on the plate, it is really important to get the whole thing right, because tuna are a very valuable fish when treated right. They very quickly turn into pet food if they are not looked after properly on the boat, if they are not landed and if they are not held in the right conditions.

Deputy H.L. Jeune:

Would this work pre-do this planning for a more wider sustainable fishing, which we have just talked about, about this onshore facility or this wider sustainability? Because this is coming sooner.

The Minister for the Environment:

This, I would hope, will all be part of it, but it may well be that the tuna fishery opens before we have got the facilities that we really need, but we will have to find a way around that. But certainly, as Francis says, my hope for the future will be a facility on the harbour where fishermen can land any sort of species they like, but it will go into the right health conditions, the right specification of ... not workshops, but areas for packing, and we will have freezers, and we will have quick freezers, and we will have the ability to treat those products as best to maximise the value. Because the added value is the most important thing here. We have all had some ideas about how we can increase participation in local people eating local shellfish and local fish, and we need to play our part. Some of that will be providing the facilities on the quay and maximising marketing potential by freezing, or

what have you. As Francis says, there is also a lot of work to be done about where we are going to send the excess. Are we going south, are we going north. But for my mind, while there is always going to be a market in Europe, there is no doubt to me that the Jersey brand, whether that is Jersey milk, Jersey potatoes, Jersey oysters, Jersey lobster, the word “Jersey” is synonymous with quality. I know any number of people in the U.K. who would be delighted to be selling Jersey shellfish because it is such good quality.

Deputy H.L. Jeune:

Thank you, Minister.

Deputy D.J. Warr:

I just want to pick up on Francis Binney's commentary earlier about market routes. I think a few weeks back, one of the fishers was complaining that they had sent a load of fish into the French market and the paperwork was not quite right, and as a result of that it all came back. Some of this is around risk, how are we managing some of this stuff? Is this Brexit related, is it just awkward officials in France? Because obviously you want to process, and I absolutely get that because that adds value, but if this is risk of you do not quite get the paperwork right and it all gets sent back, that is just of no consolation to anybody. How are we working to overcome some of this stuff?

The Minister for the Environment:

We are trying our best, and I cannot pretend that exporting produce aquaculture and marine produce to France has been easy since Brexit.

[11:00]

In the months immediately after Brexit, we continued to export as we used to, but the port of Granville became closed to exports, which meant we had to go to Saint-Malo. That added considerable cost. It also added considerable complications with unloading, because the boats were having to go into the inner harbour. There was difficulty as to whether the boats could unload themselves, whether they could unload to the fishermen's auction house, or whether they had to be unloaded on the quay. More recently we had, I can say, challenges from the veterinary inspection services in Saint-Malo, who appear in the last couple of years I guess but, even more recently, to take a more stringent approach than we have been used to. Certainly the case that you mentioned with a large load of valuable oysters, which were returned to Jersey, was because there was a single typo on the export paperwork. A lot of discussion happened very quickly when that was highlighted. We, from the Jersey end, offered to send down amended paperwork because obviously there was a mistake, however small it was, it was a mistake on the paperwork. The veterinary service in Jersey offered to prepare the paperwork, we offered the marine resources vessel to take the paperwork down, we

offered a vet to go to France to show and explain what happened, but the French vet said: "No, this is a mistake and the produce must go back."

Deputy D.J. Warr:

Why is there not that more constructive working with the French? It is such a major market why are we having this tension?

The Minister for the Environment:

I do not want to get into a diplomatic incident ...

Deputy D.J. Warr:

No, I understand.

The Minister for the Environment:

... so all I can say is that we have made extensive efforts to try to improve the smooth flow of exporting produce into France, and we have especially in the most recent months come up against some quite challenging interpretations of rules and regulations and laws to the point where you go one week and it appears that this is okay, and in the next week maybe they need another piece of paper or something else. I do not really want to go into it. But we have got into such detail as the refusal of the authorities in France to accept Jersey lobsters packed in ice because the ice has not been ... the water used to make the ice does not come with paperwork to say what it is. So things are getting quite difficult, I have to say. I have spent my time in office working hard on trying to get Granville reopened as an export port for aquaculture - in fact for all fisheries products - and I continue to do that. I am having meetings on a regular basis where I press that case. I believe the Island has made a number of concessions to the French fishing industry since Brexit. We have had 5 years of conceding here, there, and everywhere, but despite that we still do not find that Granville is open, which is something we have asked for in all that time. The main reason I went to see the Environment Minister in Paris in May was to stress the point that let us get Granville open, and when we get Granville open we can discuss some of the other concerns that she has about fishing moving forward. All I can say is it is very disappointing that we find ourselves where we are. We enjoyed pre-Brexit a really easy way of exporting, but since Brexit it has become increasingly challenging, and I believe it is also becoming increasingly challenging now for U.K. exports into France.

Deputy H.L. Jeune:

Thank you, Minister. Just watching the time, I think we need to move on, but thank you on that and we will move to Deputy Curtis.

Deputy A.F. Curtis:

Minister, we will take a bit of time talking about planning reform and the Bridging Island Plan. Starting with a look back to our July quarterly hearing, we discussed the Industry Partnership Board and delays surrounding the publication of its annual report. Is it possible to get an update on the Industry Partnership's annual report, whether it is published or where we are on the timeline for that?

The Minister for the Environment:

I am going to have to ask Kevin to help me on that one because I am I am not sighted, but what I can say is that we have decided to maintain the membership of the board until the 2 years is up. There was some discussion about we might change, but it would be remiss of me not to take the opportunity to say how well and pleased I am with the way the board has worked. There is no question that the industry, through this particular type of representation, have been really grateful and they have done some really good work. I feel that the input that they are having to planning reform, to the Planning Department, to policy, to all aspects has been really useful. It is proving to be a really good resource for us. We have increased the frequency that they meet. I think we thought originally we would meet quarterly, I think we are meeting, is it bi-monthly now? Certainly more frequently. But they input on any number of different subjects, and I may as well say it because it will come out in a fortnight's debate, for example, they have contributed a paper to me on the parking standards proposition of the Constable of St. Helier, because they are concerned about the effects on property prices by being made to add parking to any.

Group Director, Regulation:

I can offer the timings in terms of the annual Partnership Board. It is just going through a final sign-off, so it is imminently to be published. It is just going through final sign-off.

Deputy A.F. Curtis:

It was close to that period I think back in July. Are we looking at a ... because I feel like all the good stuff you are talking about, Minister, hopefully will be reported on in an annual report and then this panel, and obviously the public can understand the work going on behind the scenes. How close are we to getting that?

Group Director, Regulation:

Very close.

Deputy A.F. Curtis:

We are close.

The Minister for the Environment:

I have always said I will go to the Partnership Board as often as they want me to and I will, and I think they appreciate my attendance. I have not been very recently but I will go when they ask me. But I deliberately do not get too involved. The idea is not that I do not want to be influencing them, I want them to be coming forward with ideas from outside of the department, industry ideas and developer ideas and stuff and suggestions for how we can improve. So it is not for me to be sitting there looking over their shoulders, which is why I am not quite as well-sighted. But if Kelly says they are close they must be close.

Deputy A.F. Curtis:

Where does the final sign-off on that lie? What will make sure that we have got a clean passage because I think we are quite keen to see written down obviously how this works and how it is feeding into planning reform. So where will that final sign-off take place to know that we can then get a copy?

Group Director, Regulation:

It is waiting for sign-off for the chair and the vice-chair of the board, and then obviously for the Minister's sight and signature before publication. But we are very close.

Deputy A.F. Curtis:

We are at that point, okay. Looking to work on the next Island Plan, we held a standalone hearing with you, Minister, about this on 23rd July, and I think we would be quite keen to understand what work has progressed specifically around any planning for the next Island Plan since we last spoke.

The Minister for the Environment:

Well, I am trying to think, but off the top of my head, I suppose the piece of work in mind I have told you, is that the policy team under Kevin is now up to full speed for the first time in quite some time. In fact, I believe pretty much across Planning generally, we are now up to speed. It is not immediately recent, but we have got a planning manager, we have got an enforcement manager, the workload of Andrew Marx, as overall manager, has reduced because of that. So that is fantastic. Everybody can get on with their jobs. I am trying to think which S.P.G.s (Supplementary Planning Guidance) we are ... we are just thinking about starting the west of Island. We have concluded ... St. Saviour's Hospital has gone out. I am trying to think of the other bits of planning reform.

Deputy A.F. Curtis:

We will get to the S.P.G.s ...

The Minister for the Environment:

The phase one G.D.O. (General Development Order) work is progressing fast. We are out to consultation and the expectation is that the first part of the permitted development General Development Order will come in fairly quickly, but certainly before Christmas.

Deputy A.F. Curtis:

We do have some more detailed questions on those topic areas because those are obviously ... we will ask about the residential space standards S.P.G. as well. Maybe now.

The Minister for the Environment:

It is interesting that you ask me about that, because I was reading through some notes quite late last night, and I thought: "Oh, residential space standards, where are we?" I know what I am going to do, I just have not got round to putting it on paper and making the decision.

Head of Place and Spatial Planning:

Perhaps if I can pick that one up. A bit like the Industry Partnership Board, I know Deputy Coles has been very patiently awaiting the outcome from this and, as the Minister said, we have been a bit stretched for resource. We are now back in a position where we have some resource in the team, so a report has been prepared. There is a draft report which we need to review and then place in front of the Minister. That should be tabled back in the Assembly imminently. That is coming, Deputy. Apologies for the time taken for that to be progressed. But perhaps if I can just return to the scoping work for the next Island Plan review. The Minister has already touched on the West of Island Planning Framework. That was identified as a key proposal in the last Island Plan to start to explore the possibilities of development opportunities in the west of the Island. So we are preparing the terms of reference for that piece of work, and we will be engaging with Members in relation to the scope of that work. So that is a key issue. Another piece of work that the Minister has commenced, and that we are doing in partnership with Jersey Water, is to look at the issue of the resilience of the Island's water supply. You may have seen the publication recently that Jersey Water made of their water resource and drought management plan, which looks at some options for increasing the resilience of the Island's water supply. We are doing a piece of work to examine the options that they are putting forward.

The Minister for the Environment:

I said all along that I hoped during my tenure that we would come up with some definitive answers to where we would be going in the next 10, 20, 30 years with water resources. Certainly, the very short-term answer is obviously that we are going to increase the capacity of the desalination ... Jersey Water are going to increase the capacity of the desalination plant. So that is the first step that we take. But moving forward further, and certainly before the next Island Plan debate, I would like to think we would have made the decision about how they are going to increase the resource

further from that. I think it will probably come down to an increased capacity of an existing reservoir, a new reservoir or recycling. I have to say at the moment, certainly there is an amount of discussion about the potential to recycle water.

Deputy A.F. Curtis:

Okay, brilliant. The reason we will touch on all the different areas is because planning reform, and obviously the new Island Plan is quite a broad topic, so we will probably dive into individual ones as we go. But one area you mentioned, Minister, about making sure work continues was that some parts of work for the next Island Plan will be able to be done under purdah, or the period, or prorogue, whichever we are calling it now. Is it more understood what work can be done under prorogue? Perhaps do you, or Kevin, have an idea of what work you were talking about pursuing during that period?

The Minister for the Environment:

I think the challenges of purdah are more so for politicians than they are for civil servants, and certainly Kevin and his team are acutely aware of what will be required for the next Island Plan. There will be any number of workstreams which they are able to continue to work on. The important thing is if there is a decision to be taken at the end of that workstream, that decision has to wait until the Minister is in place and can take it, but there is no reason ... I do not think there is anything, Kevin, that you have to stop doing while I am or politicians are in purdah.

Head of Place and Spatial Planning:

No, I think that is right. Well, obviously the Minister is encumbered on taking any sort of major policy decisions but I think, as the Minister has suggested, we will continue to do that work that is necessary to work on the potential scope of the next Island Plan review, and to identify the key issues that the next plan will need to address. Then clearly that will then be an issue for the new Council of Ministers to determine how they want to address those issues and to what extent the plan might require review. We have informal discussions across Government looking at various challenges around key bits of infrastructure, for example. We are proposing to formalise those discussions with the establishment of some form of shadow programme board for the next Island Plan review to help those discussions across Government, so that Government can identify its requirements and talk to us about those so that they recognise that there is a planning implication and we can properly reflect that in the plan. We are all familiar with major bits of infrastructure that have come along that have been outside the scope of the plan; the hospital, Les Quennevais School. Government needs to work better together to identify what its requirements are in advance of a planning framework being put together.

[11:15]

The Minister for the Environment:

We have mentioned water but the other one, of course, which will be really important will be waste, and we know the Energy from Waste plant is starting to head into the second half of its useful life. I am sure that there will have to be a discussion about waste, not just solid waste but liquid waste as well. That may involve implications for the next Island Plan debate, depending on what we want to do. Certainly for myself, and this is not something that Kevin might do in purdah, but I see the next Island Plan as really important under a number of issues, but light industry is one, and providing areas of the Island for light industry, the parking of commercial vehicles, all sorts of things to do with the economy and business in the economy. I think that is going to be a vital part. Certainly that is going to be something any Minister will have to do work on, I hope, before the next Island Plan debate.

Deputy A.F. Curtis:

You may guess we will be touching on the economy. To go back to another area you mentioned that forms an evidence base, which is a Supplementary Planning Guidance. Very briefly, you mentioned engagement on the West of Island Planning Framework and that you would engage with Members. What is the timeline for that?

The Minister for the Environment:

We are right at the beginning of this work, but from my perspective, and I know from the perspective of the Minister for Sustainable Economic Development, the West of Island Planning Framework is going to be a really important and potentially exciting piece of work to get done. We are scoping, I suppose is the best way of saying it at the moment. But we intend to get started just as quickly as we can. Certainly I talk to the Minister for Sustainable Economic Development about this on a fairly regular basis, and we all accept that it is a big piece of work. It needs to be done properly. It will be scoped, and we will get on with it, because it has big implications. Obviously, the airport, the area around the airport, we have got our secondary primary location at Les Quennevais. We have one proposition, particularly from Deputy Miles, coming to us quite soon concerning Les Quennevais Precinct and the West of Island Planning Framework, but we also need to make sure that the areas around St. Peter's Village, St Ouen's Village and other potential sites are all considered, because it needs to be done. As I said, it may well be that there is some hope for the light industry in that; I do not know. Everything needs to be looked at.

Deputy A.F. Curtis:

Can Members expect to be engaged in 2025 and see work progress in 2026?

The Minister for the Environment:

Yes, absolutely, I would think so. If we are scoping now, I would very much hope. Resource, I do not know how many times we are going to talk about resource today. But we have struggled with resource financially and physically. The physical side is back up to speed. We now need some money to start working on some of these other projects.

Deputy A.F. Curtis:

Okay. I have got quite a few questions and not much time, so we will be succinct.

The Minister for the Environment:

I will try my best.

Deputy A.F. Curtis:

One more S.P.G. that I do want to raise was one that came out of the blue, which is a request for guidance on the Aviemore site. How does that fall into your prioritisation given the level of backlog you have had?

The Minister for the Environment:

I cannot say it is a high priority for me. In fact, I am not even quite sure where we are. I think we have progressed it. I do not think it is close to publication.

Head of Place and Spatial Planning:

We have a draft guidance note, which we are reviewing before we place in front of the Minister for the Minister's consideration. You will be aware, Deputy, that that came around as a consequence of the proposal to dispose of the site. So the idea about the planning guidance is to address some of the planning risks so that any developer of that site has some clarity around the planning parameters within which the site ought to be developed.

Deputy A.F. Curtis:

Okay. Moving on to some of the workstreams of the planning services reform. We obviously know that a consultation on 3 areas went out and concluded on 9th September. Could you share any details on those 3 workstreams from that consultation?

The Minister for the Environment:

Kevin will have to give you the details, but certainly, as I said earlier, the General Development Order work that we are doing falls into 2 parts. The first part is very straightforward, and I have got the details here somewhere but I will not bore you. I think it is non-controversial and I think we can get those results back and I can make some changes very quickly. The second part of the G.D.O. is a

little bit more out there, if you like, a bit more controversial maybe, and we need to see the results and I need to take some further decisions. Have you got anything to add there, Kevin?

Head of Place and Spatial Planning:

Yes, just to say that we are ... as you have said, the consultation closed at the beginning of September. We are working through the feedback that we have had, analysing all the responses and looking at the implications of some of the comments that have been made. We had 2 types of responses; people filled in a survey form, but we also had written responses as well. So we are just collating all of that information, reviewing it, and then we will discuss with the Minister the changes that he wants to take forward in light of the consultation response.

Deputy A.F. Curtis:

Okay, so the General Development Order had the 2 parts, you are still feeling the first element will be quite uncontentious and can enact perhaps in 2025?

The Minister for the Environment:

Yes.

Deputy A.F. Curtis:

Likewise on appeals, is there any update that you can provide on the review of appeals noting that it will probably need legislative change?

The Minister for the Environment:

Appeals, it will be very interesting to see the responses to the consultation. Because, as with all things planning, one person may see it as a benefit to change a system in a particular way, another person will see the complete opposite depending on the circumstances. I was Minister when we started the current appeal system that we have. We do have some changes to make. We have identified some little areas where we have not got an appeal where we should have. But similarly I am going to be interested to see whether people feel that we have actually gone too far. There is an appeal for just about everything you can do these days, and whether there should be a point in time when we say actually no more appeals, we go to a decision and that is it, and we move forward. The appeals consultation will be interesting to see because we started off thinking 10 years ago we would have hundreds of appeals; that did not happen. Three or 4 years ago I think we started to see a build-up in the number of appeals for a number of reasons but now, and certainly this year, the number of appeals is starting to fall off. That is, I believe, as a consequence of the hard work the team have put in to the planning reform. We have a system now with pre-application advice where the right advice is given before the application goes in, far more applications are being approved, and because of working with the applicants to come to the right conclusion, if the application goes

in most of them get approved. Consequently, we have a far smaller number of appeals starting to come through the system, which to me is great.

Head of Place and Spatial Planning:

Just on the issue of timescales, clearly the permitted development rights are set out in the General Development Order and clearly the Minister can amend the order by Ministerial Decision. So those changes can be given effect quite quickly in terms of the first stage of that work. If there is work that the Minister wants to take forward in the second stage, we will likely do some more consultation on those specific changes before the Minister might consider making a second round of change to the G.D.O. So that is the G.D.O. work, if you like, the permitted development right consultation. The other elements were change to the appeals process and also the plan-making process. They were the other parts of the consultation. Any change related to those would require primary law change. That is change to the Planning and Building Law, and that would require obviously lodging in the Assembly and approval of the Assembly.

The Minister for the Environment:

That will be an important decision because if we are to go back to doing Island Plan reviews, like we did in the past, that is a huge piece of work which involves a big resource financially and physically with staff. If we are going to change that we need to know, because certainly one of the first decisions that our new Government are going to have to make later in 2026 is what are they doing with the next Island Plan. As we all know, the Bridging Island Plan was supposed to be coming to an end right now. We should be going into a new Island Plan but we have the ability, because of the way the law was phrased, to continue, and we are continuing until we have the information. But nevertheless the new Government will have to make a decision on the next Island Plan review pretty smartly.

Deputy A.F. Curtis:

The panel would like to, I am sure, be kept up to date with all that work. I think we will have to, on that part, finish, and no doubt we would like to have, if we could, advance sight of changes to the General Development Order given that they are quite wide-ranging.

The Minister for the Environment:

Absolutely.

Deputy A.F. Curtis:

One last area that is important to touch on is the joint approach that yourself and Minister for Sustainable Economic Development issued in September on the economy, and we really would like just a brief update as to how that has come about and ultimately how your team and regulation are

looking at changing or what the impact on regulation is for the assessment of planning applications following both the joint approach and the planning hub run by Jersey Business.

The Minister for the Environment:

Okay, I will be as brief as I can, but I think we go back probably 12 months, maybe a bit less, when I felt that the responses on the economic side for large applications was very short, sweet, did not have much detail, and did not give the ability for those making the decisions, whether that was officers or whether that was the Planning Committee. There was not enough information on the economic response. So I said at the time I wanted more input, and that is what happened. We have worked with the Economy Department, Jersey Business, and we have come up with a scheme now whereby there is the ability for applicants to put the big schemes, schemes that affect the economy, to put forward a proper representation for the economic effect that that application could have. I do not believe there is a great deal of difference to what actually happens inside the Regulation Department because what we have done is created a system whereby the application now comes forward with the environmental impacts, the ecology impacts, all the impacts on everything, but it now comes forward hopefully with a proper Economic Impact Assessment, if you like, and, for want of a better phrase, so that the decision-maker can see everything in the round. We have not changed any rules inside policy about how the economy is valued. All we are doing is we are creating a process where a proper scheme can be put in front of the decision-makers so they have a real proper understanding of the potential benefits to the economy. I do not know if there is anything more to say.

Head of Place and Spatial Planning:

There is just one other additional element, and that is for larger schemes. The work that the Minister has talked about with the Economic Development Department is such that they would now look to provide some sort of critical appraisal on submissions for larger schemes, so that decision-makers will clearly have the applicant's view of their proposal and also some critical appraisal of that from Economic Development as a consultee effectively. So similar to the comments that you might get from colleagues in Historic Environment or Natural Environment on heritage impact statements or ecological statements.

Deputy A.F. Curtis:

I think what is key to understand is that the expectation is that the critical appraisal could be negative on applicants or it could be to say that insufficient evidence has been provided, and that then acts as a consult into regulation. So you are not expecting the Economy Department to come forward always singing glowing praises if an application does not necessarily provide the detail and the rigour behind it.

Head of Place and Spatial Planning:

That is right. It is simply there to make sure that you, as decision-makers, are best placed and you have got as much information - quality information - in front of you for you to actually make an informed decision.

Deputy A.F. Curtis:

Okay, lovely. Thank you.

Deputy T.A. Coles:

Sorry, can I just ask a couple of questions?

Deputy H.L. Jeune:

Yes, of course.

Deputy T.A. Coles:

One of the biggest challenges we face, especially with the Planning Committee, is about proof of redundancy. Is this intended that this hub will also make comment about whether an application, which is trying to have a change of use from one aspect for varying scales with a company - you mentioned light industry - we obviously have varying hospitality, we have storage requirements and changes. Is it the hope that this hub was also going to make comments on whether they believe that their proof of redundancy has been proven to suggest a change in the economics?

The Minister for the Environment:

I have not heard that mentioned but it could well be that they could. But discussions I have had over the years, over the months, in fact even in the last week, over proof of redundancy for change of use are interesting. It always occurred to me, and I did try 10 years ago to say when an application comes in for an agricultural shed, for example, for a change of use, to make sure that the agricultural shed had been advertised at a rate which was the market rate for the industry. I suppose I use agriculture shed, it could be anything, but the important thing for me is to make sure that whatever the use class is for said structure it needs to be advertised at about the right rate for that particular industry, otherwise you get to the situation where the owner advertises it at twice the price of what it should be, he gets no response as he comes to us and said: "I have advertised for 6 months, I have got no response, please can I have change of use." I think we need to be a little bit cleverer than that, a little bit tougher. Certainly moving forward is something we could discuss with the Partnership Board, it is something we could certainly discuss, like you say, moving forward with others. It may well be the Economy Department as well. But I think change of use is an interesting one but I think it is incumbent upon us to make sure that before we give change of use - I am trying

to pick my words carefully - but before we give change of use we are absolutely satisfied that there is not a market demand for the use class that that structure is specified for.

Deputy T.A. Coles:

Thank you.

[10:30]

The Connétable of St. Mary:

My question relates to the complaints process, and particularly as regards to statutory nuisance. The panel understands the Government has used what is called the Clapham Omnibus test of reasonableness, whether an ordinary, unreasonable person will be affected in relation to such nuisance complaints. For the benefit of the public, how do you determine the appropriateness of this test for complaints of such a nuisance in the context of Jersey?

The Minister for the Environment:

I think the first thing to say is that the Clapham omnibus test, it sort of acquired that name but it was not specific to Clapham and it was not specific to omnibuses. All is meant by that is to say that the Statutory Nuisances Law has to affect the average person in a particular way. This is one of the challenges we have with some of the cases where we have had to investigate statutory nuisance in recent months. Officers who are absolutely trained to do this work have to be satisfied that the average person would be adversely affected to a certain level. Kelly will probably use the right words and terminology, but this is the difficulty we face. Statutory nuisance is a criminal offence and consequently, because it is criminal, the bar to get to it is particularly high and particularly difficult to attain. We can talk about civil nuisance in the future, but I do not know if you want to talk about statutory ...

Group Director, Regulation:

I can answer the Constable's question. Specifically with statutory nuisance there are 2 key areas, if you will allow me to cover that. Broadly, the criteria to define statutory nuisance is that the nuisance itself has to substantially interfere with the use or enjoyment of land by an act or condition and that act has to be that which a reasonable person could find that harmful or offensive and, secondly, that it has to be prejudicial to health. The act has to be considered injurious or likely to result in a detriment to health, and that can include physical and mental well-being as well. The thresholds, as the Minister describes them - and there have been lots of discussion on what are the thresholds - again are a test of reasonableness for a reasonable person, that is the average and is the point that we are coming to. The factors have to be essentially across a range of frequency, so how regularly does the act or the condition occur and what is the regularity of the occurrence and how do things

like atmospheric conditions affect that frequency? Duration, how long a particular issue continues uninterrupted, so breaks in terms of duration are a factor. The offensiveness, how pleasant or unpleasant it is perceived by a reasonable person and not someone with hypersensitivity. The intensity, so how objectively intense the issue is for a reasonable person, so that could be decibel levels or it could be the perception of odour. Then the location, so that is really important. Nuisance is generally not considered an “in passing”, it has to be particularly for the enjoyment of a property and at a single point. There has to be evidence from those single points, so consideration is given to the location. We have described that in our odour report, which is tabled for the States Assembly as very, very specific and those are objective measures that trained environmental health practitioners spend many years in being able to assess against those factors of thresholds. Ultimately, it has to come down, the nuisance itself, to the substantial interference in the property and to be injurious to health, and those are the key criteria that defines it at that level. When we talk about a level and we talk about a threshold, those are the key criteria. It is complex, it is a difficult area of science and I hope that the odour report that the team produce you can see could withstand up to international best practice in terms of the assessment on statutory nuisance.

The Minister for the Environment:

The difficulty with odour, particularly out of all the nuisances that you could have, is that the best way to decide how strong it is, is to use your nose. We can have detectors which will tell us all sorts of stuff but they are not able to do smell in the way that we will smell with a human nose, which is why it is so important that our officers are qualified and trained in the way that we have to do that work. We have air detectors around schools for particulates and things like that but, when it comes to odour, itself there are not machines that can do what we need them to do and stand up to scrutiny when it comes to the evidence that those machines produce.

The Connétable of St. Mary:

Yes, thank you both for that. The term “Clapham omnibus test” that was used by the Complaints Panel, I think. They also referred to the site that you just described, there were other considerations which should have been applied, taking account of the context of site and saying that comparing London to the country might be somewhat different. You are confirming that, yes, the location of the smell or noise might be considered more injurious in some places than others?

Group Director, Regulation:

I can answer that one, Minister. I think the Minister’s response to the Complaints Board is that we refute the interpretation of the Clapham omnibus test that the Complaints Board made. It is not a reference to a geographical location and it is not in reference to location, as I described just recently. The Clapham omnibus is just an analogy. It is only a way in common law, it is a label in terms of the test of an average or reasonable person. Now, separately you can apply locational context to

certain odours, so there is a context in which ... in the middle of St. Helier there will be a context to certain noise, decibel levels, certain smells, dust, that is expected within a built-up area, as opposed to smells, noise and other factors in a rural area. There is a contextual argument to be made that that is distinct from the use of the analogy or the words "Clapham omnibus", which is only for a reasonable or average person test. Does that make sense? In terms of the context, yes, there is a contextual perspective as well.

The Connétable of St. Mary:

Thanks again. Just for the record, or as an aside, I had a complaint in the last 24 hours about a smell which might well be expected in a rural community. Again, your argument would be that is what you perhaps ought to expect if you live in a rural community?

The Minister for the Environment:

Well, yes. Anybody who lives in the countryside, some of us live close to dairy farms, for example, and that will involve the smell of slurry at times. Only yesterday driving through St. Martin, you know when dairy farmers are out spreading slurry; similarly some silage smells are not fantastic. In the not-too-distant past we had the smell of rotting cauliflowers in the middle of winter when we had a massive cauliflower industry in Jersey. Growing crops comes with smells sometimes and keeping animals comes with smells sometimes, and that is part of being in the countryside. I know there will be a challenge to say this is not a countryside smell but it is a smell that comes from growing crops.

Group Director, Regulation:

I think the key aspect for that, Minister, as well is again frequency, duration. If it breaks up, if it is not persistent, if it wafts with atmospheric conditions there are a whole range of tangibles that the expectation of an average person for smells, as the Minister described, in the countryside is considered reasonable. All of those factors have been demonstrated in the evidence provided with the odour report.

Deputy H.L. Jeune:

You were saying about the odour report, maybe I have missed it, has it been published?

Group Director, Regulation:

It is embedded within the Minister's response to the Complaints Board that was tabled for the States Assembly, and we have also sent a separate PDF copy to yourselves ahead of this meeting for your reference.

Deputy H.L. Jeune:

Thank you.

The Connétable of St. Mary:

On the same thing, the question I have here is as to whether the tests used to assess odour and noise remain relevant, given that they have been used for decades. You are saying that - I do not want to put words in your mouth - how relevant you consider they are and should there be or can there be other tests introduced which might be more relevant to today's market.

The Minister for the Environment:

I have said it in the States Chamber, and if I have not I have certainly said it publicly, it will be the subject of something that I address in the not-too-distant future. We have the statutory nuisance and I have explained about the height of the bar to get over. If you were in the U.K. you would have another avenue to go down, which would be civil nuisance, which is not as difficult to attain. We do not have that legislation in Jersey.

The Connétable of St. Mary:

I was coming on to that, yes.

The Minister for the Environment:

It would be my intention, if I get the opportunity or whoever, but certainly it is my view that that work needs to be done. If I was in a position to do it, I would certainly be looking to legislation and law drafting to see whether we need that in Jersey, but it does appear to me that that is a gap in our legislation that we should look to fill, especially given the difficulty that we have with attaining the bar for statutory nuisance.

The Connétable of St. Mary:

Yes, just to clarify, the high-bar test you refer to, essentially because it is a criminal sanction ...

The Minister for the Environment:

Yes, absolutely. You go away from criminal, come back to civil, you find that the amount of work your complainant needs to do, the difficulty of getting to a result is greatly reduced. I do not know ... it is probably unfair to ask you about civil law.

Group Director, Regulation:

No, that is all right. I think you have described it quite well, Minister. Obviously in the U.K. the legislation is far more mature, and so there are gaps currently in the Nuisance Law that we have here. We have said for a number of years that we would like to pursue amendments and changes to the Statutory Nuisance Law but again it has got to come within the new Government's priorities essentially.

The Connétable of St. Mary:

Well thanks for recognising that, but from what you say there is no question it will be done in the present term or even started or even flagged?

The Minister for the Environment:

I do not think so. I imagine that ...

Group Director, Regulation:

It is a whole review.

The Minister for the Environment:

... it will be quite a big piece of work.

Group Director, Regulation:

It is not an amendment, sorry, it is a whole review.

The Minister for the Environment:

Yes, so it would be a complete review of the statutory nuisance and what comes out of that. Certainly I think it would be fair to say that some of the instances we have had where we have been discussing statutory nuisance in the last 12 months would lead anybody to the conclusion, I would hope, that a review would not be a bad thing. Certainly it has been suggested to me officially that it is something I need to be looking at and, as I say, I will be commenting on that in the coming weeks.

The Connétable of St. Mary:

Thank you. Two final questions on this section, if I may. First of all being, the Complaints Board did give their opinion, and you gave your response to that, how has your own feedback been received by the Complaints Board?

The Minister for the Environment:

Obviously they issue an official report and we issue an official response. We have not had, to my knowledge, a further discussion about that on the complaint itself and how it has gone backwards and forwards. Certainly you will know because of my speech in the Assembly when I finished up talking about mediation, that is something I put in place because it was clear that we were really struggling to resolve these issues. As I said in the Assembly, Northern Leaf has changed hands. The new owners are really keen to try to find ways through these problems but I understand perfectly that - and I sympathise with them - the neighbours have issues, and they are ingrained, and they have been complaining for a long time and without resolution. The new owners are trying their best

but there is still a gap. We have gone down this road of mediation, which I really hope everybody will engage with, and we can see if we can use that working alongside the efforts the department will make with enforcement notices and appeals and all the complications that will go. We are working alongside, we have put mediation in place. I have said I will engage with mediation when I am requested to. I have not been asked thus far but I have told them very clearly I want to do whatever I can to help on the mediation. I hope that as many neighbours, if not all the neighbours, are engaging with the mediation so we can start discussing all these challenges in a proper context where we can have a grown-up conversation about how we move forward.

The Connétable of St. Mary:

Yes, accepting that mediation might be a way forward as regards existing complaints, as to the general complaints process we have at the moment, would you consider an alternative method such as ombudsman would be helpful and reduce conflict which there is at the moment?

The Minister for the Environment:

Well it could be, but I think I would only say that Deputy Scott is doing a review for the Chief Minister into complaints generally, and it will be very interesting to see what she comes back with. I think at the moment I would have to say in a personal capacity, it would look like we are moving towards an ombudsman situation but I am acutely aware that that will come with cost and resource and money needed. That will be probably for the next Government to decide but complaints are important. Complaints need to be heard, but they need to be heard in a fair and equitable way where both sides have the opportunity to put forward their case properly, so anything that allows us to move forward.

[11:45]

The Connétable of St. Mary:

Just picking up on one point, you talk about the costs and resources being relevant to any decision going forward, has the cost to departments such as yourselves in dealing with the present system been sufficiently taken into account in determining whether an ombudsman should be necessary?

The Minister for the Environment:

Costs, when it comes to answering complaints, is not a consideration for us certainly. The Northern Leaf situation has had an enormous cost to the department. We have had a large number of officers working pretty much every day for almost years on this; but I do not ask questions about the cost; that needs to be done. The reason I mention finances, if we were to set up an ombudsman that will come with a cost which somebody will have to find.

The Connétable of St. Mary:

I accept that.

The Minister for the Environment:

But certainly in-house, we would deal with it as business as usual.

The Connétable of St. Mary:

What I was getting at, in looking at costs overall, one should surely take account of the saving of your own resources if you are not dealing with complaints in the way you are at the moment. That is what I am getting at.

The Minister for the Environment:

Absolutely, it would be. I think we all hark after a world that it would be lovely to have a department where we get no complaints, but I think anybody who has anything to do with planning and enforcement realises that when you say yes to one person, you have somebody else that you are probably upsetting. That is one of the first things I certainly said to myself when I took on this job, is: "You need to accept that you cannot please everybody all the time." In fact, you cannot please anybody any other time in my particular job.

The Connétable of St. Mary:

I think we all know that, yes.

The Minister for the Environment:

But that goes with the territory. Yes, we would all love to have less complaints but I think we need to accept that whether it is a small, medium, large-scale application goes through, if the answer is yes, there will be neighbours or there will be somebody who is generally unhappy. That is always going to be the case.

The Connétable of St. Mary:

Thank you.

Deputy H.L. Jeune:

Thank you. Moving on to Deputy Warr.

Deputy D.J. Warr:

So this is around P.F.A.S. (Per- and polyfluoroalkyl substances) and water. Did the Minister or his department work with Jersey Water in developing the new water strategy and how were Government priorities reflected in that process? I will just split this out into 3 areas: where does Jersey Water's responsibility for water management and planning and where does Government's begin? Is there

anything the Minister believes is missing from Jersey Water's strategy that should be addressed through Government policy? Does the Minister consider it is still necessary for Government to develop its own water strategy to build on Jersey Water's work?

The Minister for the Environment:

Well, let us address the last question first. It certainly had been my intention during my term as Minister to come up with a Government strategy for water, and that was going to work very closely with the Jersey Water strategy which has recently been published. Very unfortunately, but due to illness within the department, I was not able to progress that work as quickly as I wanted to. Nevertheless, Jersey Water have come out with their own strategy, and I am grateful for that. We will need to review it, we will be reviewing it, and we will come up with our own additional bits of strategy we would like to add on. Many of the parts of the questions that you referred to, interaction between Government and Jersey Water on strategy, I am thinking to myself they are a private company. There is a Jersey Water Law and they go off and develop their strategies and, provided it is fine, we move with them. Certainly, there has been a lot of interaction in recent years between Jersey Water and the Environment Department on catchment areas. Ten years ago now we set up what was called then the Nitrate Working Group. It is now called the Action for Cleaner Water Group, which continues to meet on a regular basis. It is made up of representatives from the whole of the countryside who work with Jersey Water around the table to see how we can continue to improve the waters that flow into the reservoirs and the catchment areas that Jersey Water use to provide the mains water to us. As I said, initially that was nitrates, but in the more recent past we look at every chemical which farmers are using on the land to see which ones are appropriate, which ones are not appropriate. Certain areas, particularly Val de la Mare, for example, the catchment at Val de la Mare, there was a lot of sand in the surrounding area, chemicals move through that medium very, very quickly and find themselves in the reservoir. For example, at Val de la Mare, the industry have a number of chemicals which they do not use in the catchment area. Government, if you like, work with Jersey Water and the industry to do the best we can with that.

Group Director, Regulation:

I can provide a little bit more information to answer the Deputy's question specifically. In terms of what Jersey Water has just recently released, we understand that it is not necessarily a whole system strategy, it is only a short-term piece for public water supply itself, so it is not necessarily the strategy I think that you are referring to. The responsibilities are essentially where the company's obligations and the Government begin is the Water (Jersey) Law 1972. Further work that we are doing with Jersey Water, obviously as part of the Water Quality and Safety Programme, is that we have set up monthly steering groups. We have had 3 meetings so far with Jersey Water as a key stakeholder within that group, along with Ports and obviously government officials, so we are working quite closely with Jersey Water generally in the whole area of preserving water quality ...

The Minister for the Environment:

Yes, just to add very quickly that the water strategy I would have put together would encompass not only the mains water supply and Jersey Water work, but it would also have to include waste water and private boreholes so that everything water would come under one strategy because obviously everything has to work together.

Deputy H.L. Jeune:

Just linking back to what you mentioned earlier under the Bridging Island Plan and the work towards the next Island Plan, would that then be the area you would develop this extra review of the Jersey Water strategy but then add on to it this whole system?

The Minister for the Environment:

Yes, absolutely. As Kevin alluded to, if Jersey Water are going to do some significant piece of infrastructure work for the next 20, 30 years, whether that would be an extension to a reservoir or a new reservoir or indeed a recycling plant, I do not know what that would entail. But if they decided to recycle water, it is going to be really important to make sure that input is put into the next Island Plan. If they come forward with a piece of infrastructure which needs a large building somewhere in the countryside, we have already accounted for it, or at least we accept that it is going to come.

Deputy H.L. Jeune:

Thank you.

Deputy D.J. Warr:

Minister, were you aware of the level of planned investment of £48 million by Jersey Water on its infrastructure and the resulting 15.5 per cent increase in Islanders' water bills from January 2026 prior to publication of the Jersey Water strategy? What are your views on Jersey Water's proposals?

The Minister for the Environment:

Well the answer is I was aware prior to publication. I cannot remember exactly when I was made aware but I was aware before it was made public. I did say: "That is a large increase" and of course it is, in context with double-digit increases, certainly bigger than anybody would like. I am aware of the work that Jersey Water have to do, the infrastructure particularly they have to upgrade. We are trying to increase the number of mains connections, but of course they have work that they want to do, as highlighted in their strategy. Even though the leakage in Jersey Water system is very good, they want to continue with that, but most importantly they are looking to the future. You mentioned P.F.A.S.

Deputy D.J. Warr:

Yes, I will come on to that in a second.

The Minister for the Environment:

Irrespective of what is going to happen to the big P.F.A.S. picture, Jersey Water intend to up the game when it comes to treating for P.F.A.S. in the immediate short term. I think they are going to add further carbon or something to help reduce while we are working through the plan to go further with the levels of P.F.A.S. in mains water.

Deputy D.J. Warr:

I will come on to those in a second. To help Islanders reduce their bills, there are various ways to lower water consumption. Does the Minister believe that Jersey Water's new water strategy places sufficient emphasis on supporting Islanders to do this? What actions could the Government take to further help households reduce their water use?

The Minister for the Environment:

The first thing that Jersey Water have done in the recent years is, I believe everybody on the Island now is connected to a smart meter. I think that alone, everybody can see the consumption they are using, and I think they pay accordingly. If I am correct, I think that is the case, whereas in the past you would have had a standard charge and used what you like. Of course water will be, in the future, one of the most precious and fought-over commodities that we have. It is going to be vital that we use every bit of water, litre of water we have to best effect. I think metering is a really big step; leakage is another big step, and in both those cases Jersey Water are pretty good. When it comes to what you use your water for around your home, I think they have always been quite right in saying if you have got an outside tap and you use it watering your garden, that should be charged at a different rate. Certainly with sustainable things moving forward, people should be trying to retain as much of their rainwater off their roofs and this sort of stuff to use for gardening, washing or for things that they could. In certain instances, grey water, we could use different water to be recycled within the homes as well.

Deputy D.J. Warr:

There is probably work to be done.

The Minister for the Environment:

We do need to think really carefully about water moving forward. Jersey Water have highlighted through the work they have done that 2035 onwards, depending on the population, Jersey could be very, very tight for water in a very dry summer. We know that the climate is changing, we must expect longer and more frequent extremes of weather, whether that is wetter, hotter, drier. We have

had a dry summer; if we have a dry autumn now, we might already go into next year with a depleted picture.

Deputy D.J. Warr:

Thank you. I am going to move into the P.F.A.S. territory. Jersey Water has confirmed the development of a comprehensive P.F.A.S. treatment strategy. Have you engaged with Jersey Water on the development of this strategy?

The Minister for the Environment:

I have engaged with Jersey Water on a regular basis since P.F.A.S. came to the fore. Obviously they are very interested because they have levels which they need to attain and they are attaining. The U.K. and E.U. levels are reached by Jersey Water quite comfortably but they know, because I have told them, that the accepted levels will be changing. The P.F.A.S. international panel have indicated where I might look to go with those new levels; I have yet to make the decision. They have also indicated the amount of time I might give Jersey Water to reach a position where they could attain those levels because it is clear that there will be some significant pieces of infrastructure needed to be put in place in order for Jersey Water to reach these new levels, so that is all accepted. I have worked with them very extensively. One of the additional challenges they have had when we talk about the resource and have we got enough water in Jersey, one of the problems they have got is some of the water that we have in Jersey is contaminated with P.F.A.S. to a level where they cannot use it currently. The board that we have set up and the steering group that we have set up are specifically starting with the Pont Marquet area to see how we can clean up that water supply.

Deputy D.J. Warr:

I am going to stop you just there on exactly that point. My question really is, is why the public are being asked to foot the bill when in fact the Ports of Jersey are partly responsible for the shortage which we have been discussing here? Should the Ports of Jersey not bear the cost of securing alternative water supplies and/or fund the removal of treatment of P.F.A.S. in our water sources, not Islanders? Should there not be a principle around polluter pays be upheld?

Group Director, Regulation:

I can answer.

Deputy D.J. Warr:

Will Government itself be required to contribute funding towards the cleanup and, if so, where would the funding come from?

The Minister for the Environment:

Kelly is keen to say something.

Group Director, Regulation:

A point of clarification is, I do not believe Jersey Water's increase includes funding for a new treatment facility for the P.F.A.S. remediation. I do not think it is the case that Jersey Water's increases are inclusive of the ...

The Minister for the Environment:

No, absolutely not. The 15 per cent increase does not include P.F.A.S. from ...

Group Director, Regulation:

But it includes a small amount for an interim measure.

The Minister for the Environment:

Yes, it may include that short-term measure I was talking about increasing ...

Group Director, Regulation:

But it is not the long-term funding strategy. It is not the case that that increase is inclusive of the cleanup of other water, bringing other streams on that.

Deputy D.J. Warr:

Okay. But somebody must be paying for the cleanup.

The Minister for the Environment:

The other thing we could say, and I am sure we can argue around the houses on this one, because, yes, Ports are responsible now. But of course Ports took over the airport from the States and this problem was pre-dating Ports. Of course, the other issue is that Ports are 100 per cent owned by the States of Jersey and the public of Jersey. You could say it is a Ports' problem; I would like to think upon it as our problem. I think it is incumbent upon us to work with Jersey Water to see how we are going to finance that. Jersey Water is a private company; I accept exactly the point you are making. Yes, the States have a shareholding in it but it is, for all intents and purposes, a private company. Discussions will have to be had with them as to how they are going to finance this P.F.A.S. infrastructure which they will need to put in. The Chief Minister has in the past indicated that he wants to see if he can find a way to help Jersey Water with that.

[12:00]

Quite what he means by that, I am not sure exactly, but it may be in the form of a long-term loan or a low-interest loan or something. We are not at that stage yet and, certainly as the Minister for the Environment, it is not for me to tell Jersey Water how they finance their company. My interest will be on: "This is the P.F.A.S. level that I am going to want you to attain and this is the amount of time I am going to let you to get to that point. You need to go away and talk to the shareholder or talk to the Minister for Treasury and Resources, that is not my concern. My concern is, that is the level I want, this is when I want it by, please go away and make it so."

Deputy D.J. Warr:

Thank you. Can the Minister confirm, on the subject around the plume area, has there been any leaching out into the wider water network?

The Minister for the Environment:

We started with a plume area, as we all know it, and we had the Arcadis report, which was an extensive piece of work over ... I do not know how long they took; it was certainly more than 12 months.

Group Director, Regulation:

Two to 3 years.

The Minister for the Environment:

Because it is important with water to make sure that you get seasonality into the picture. There may be times of the year where P.F.A.S. in water moves further if there is a lot of water around or comes in if it is a drought condition, so anyway Arcadis came in. We have modified the area of the plume area, if you like. In certain areas it certainly extended a bit and we have changed the red line. We continue to test and are continuing to test. Of course, while I am certainly very confident the red line is not getting any wider because we are not doing any more pollution of water, I think it is important that we keep monitoring so we can see how things are moving. Now, there has been discussion about Simon's sandpit, for example, there is a large body of water there. There has been some discussion on what might happen if we filled that sandpit with sand again or with something else, would that disperse the P.F.A.S. further? I do not know, but all I can say is we continue to monitor and as part of the panel work we are continuing to monitor boreholes.

Group Director, Regulation:

I think the key area in terms of the survey work that Arcadis did was a wider area. The areas, how they defined the plume is obviously the area, understanding the complexities of how groundwater moves through the lower levels. They are quite confident that that area is defined as per the report

but it is a scientific study understanding the fate and movement of P.F.A.S. through groundwater. I think that is ...

Deputy D.J. Warr:

I think it is just reassuring Islanders of that point, yes.

Group Director, Regulation:

Absolutely. If I can reassure Islanders that the areas around have been tested and surveyed and it is lower levels, so it is clearly within the whole 400-page scientific report. It is well-evidenced that that is a contained ...

Deputy D.J. Warr:

That it is contained.

Group Director, Regulation:

Yes, to that area.

Deputy D.J. Warr:

That is great, thank you. I am conscious I am going over the top on some of this stuff but there are just some really critical questions. Can the Minister tell the panel how his department is managing the concerns of Islanders who are worried about the levels of P.F.A.S. and P.F.O.S. (Perfluorooctane sulfonate) in the environment?

The Minister for the Environment:

I will try and be as quick as I can because I know time is moving on. P.F.A.S. is a global issue, it is everywhere. Jersey, however, are going to be world leaders in the amount of work and what we are doing: the report, the reviews, the outcomes, people will be looking to us to see what we are saying because we are doing a lot of work that nobody has done before.

Group Director, Regulation:

I can also say the Water Quality and Safety Programme has a dedicated email. All Islanders that have concerns, we have spent considerable officer time, contacting them, speaking through the concerns that they have, giving them reassurances, taking tests and anything that we can to support Islanders through that. We have had a lot of contact; we have that one-on-one time with individuals.

The Minister for the Environment:

I am confident by the time we get to the end of report 4 - or confident by Christmas - that people will be able to look at the work we have done and see that everything is top-notch, international, scientific

work. They will see that no stone has been left unturned. We are doing work at the moment on local food. We are talking about analysing rainwater, seawater spray, all sorts of stuff. Foam that accumulates on beaches, all the local produce, produce that comes in from the U.K., we are looking at all aspects of where P.F.A.S. may be coming from so that Islanders can make their own minds up.

Group Director, Regulation:

I would also add that all of those meetings are in public and are available on YouTube for Islanders to be able to see, as we go, progresses. Not waiting for December either; they are able to access that information every 2 weeks as these meetings are held in public.

Deputy D.J. Warr:

That is great. I think I will stop there because, as I say, there are a number of points but ...

Deputy H.L. Jeune:

Yes, and a lot of them I think you just covered.

Deputy D.J. Warr:

Are similar; you have covered most of those.

Deputy H.L. Jeune:

Just to confirm that we are on track to have that report published by December?

Group Director, Regulation:

The report published in December will be a second interim report, similar to the water chapters that were released in draft in August. There will be additional chapters released in December out for consultation as well, and then the final report will be concluded by end of March 2026.

The Minister for the Environment:

It is important to say the December report will have the information about food and will have information about all sorts of important things which will allow me, I believe, to make the decision on the definitive level which we will be talking to Jersey Water about. It will allow me to give them a timescale.

Deputy H.L. Jeune:

That will be before March?

Group Director, Regulation:

Yes.

The Minister for the Environment:

While the finished report will be March, it is very much a tidying-up and making sure everything is right. There is going to be a lot of really important information that comes out in this interim report in December.

Group Director, Regulation:

Yes, that is correct.

Deputy H.L. Jeune:

Thank you, Minister. That is useful because for us at Scrutiny, we have already announced we want to do a standalone hearing on P.F.A.S. encompassing all the things that we have discussed, and it is just to get that timing right to understand ...

The Minister for the Environment:

I do not want to over-egg the pudding but I am really looking forward to - it is the wrong phrase - I am waiting for this report in December.

Deputy H.L. Jeune:

Understood.

The Minister for the Environment:

I think it is possibly the most vital part of the whole thing because it will give the context to everything else. The amount of P.F.A.S. you have in your body gets there from various ways and water is just one. There are many, many other ways that you find P.F.A.S. levels in your body. which is why this December report is going to be so interesting and important.

Deputy H.L. Jeune:

Thank you, Minister. We are moving on to Deputy Coles.

Deputy T.A. Coles:

Thank you. We are moving on about the Carbon Neutral Roadmap. The 2025 progress report was published at the end of July. The report sets the R.A.G. (red, amber, green) ratings for each of the policy areas, including those high-level strategic policies. The R.A.G. status for Strategic Policy 1 of Jersey's net zero emissions pathway is amber, citing a risk of not meeting the 2030 target. What specific policies and delivery gaps are putting this target at risk and what corrective actions have been taken?

The Minister for the Environment:

Jeepers, how long have we got?

Deputy T.A. Coles:

Twenty minutes.

The Minister for the Environment:

Not very long; I will try to be brief. We know recently we saw the official figures from 2023. We have also had recently some indicative figures for 2024. It is unfortunate but it is clear to me that we are not moving at the speed we should do in reducing our carbon, and it is going to be increasingly a challenge. We know heating and transport are the 2 places we have really got to go. We have tried some initiatives in the last 18 months to increase the take-up on electric cars, electric bikes and electric vans. The cars and vans went really well, bikes not so well, but we are moving now into trying to encourage people with incentives to change their heating from carbon-burning heating to electrical heating. We have modified the incentives that we can give to do that but, the long and the short of it is, we are going to have to do better still. The Climate Council have been meeting this week and they came over - they started work Monday and yesterday - and they are going to be reporting to us after Christmas as to how we are getting on. I am really hopeful that they will be able to try and help guide us and steer us in maybe some new initiatives; I do not know. We are going to have to up the game a bit if we are going to meet our targets. We signed up to these targets for 2030 and we are going to have to do a bit better. I have to say, I am a bit disappointed that the numbers are not coming down quicker. Compared to others, we are in a fortunate position. We did not have to worry about decarbonising our electricity but we do have to think harder about transport and heating. I do not know if you want to say a bit more, Lisette, quickly.

Head of Environment and Climate:

Yes, I think one of the key things is that because our greenhouse gas inventory is 2 years essentially in arrears, the 2023 data is the most recent emissions numbers that we have to go on and some of the key policies of the first delivery phase of the Carbon Neutral Roadmap. Our incentive schemes only started in mid-to-late 2023, so we would not have expected to see the impact of those policies in full in the 2023 emissions. Until we have got that data, we will not be able to quantify how much difference these policies are making, hence the abundance of caution in terms of R.A.G. rating the Strategic Policy 1 as amber.

Deputy T.A. Coles:

The update also acknowledges that the Climate Emergency Fund will be insufficient to fund all the policies required to achieve Jersey's carbon neutral targets. What is the current funding gap and how will it be met?

The Minister for the Environment:

Well, I am not sure about the funding gap inasmuch as if I had the ability to say: "I want to do all this work" and I could cost it out, I could then tell you what the gap is. But at the moment we are working within our means and it is important to make sure that we do not diminish the fund completely, so we have a certain amount of money available. We are working on the bigger picture but the number that came out at the start of this journey was several hundred millions of pounds to get to 2050. Try as hard as I could, I could not encourage other changes in the Budget to increase the income to the fund more than the proposed increases in vehicle emissions and the standard 9 pence on fuel. I did look to see whether I could go further on fuel, and I had some ideas on that, but that was not successful. The Government is very keen to try to maintain prices for people on the Island, not to increase the cost of living any further. We have a certain amount of money coming into the fund; we are going to have to be very careful how we spend it. There is £23 million in the fund currently, and money comes in and money goes out, but we know as we start to increase ways we are going to incentivise people to change, we are going to need more money. There is no question, it has never, ever been anything other than that. We know we will need a lot more money to decarbonise the Island because it will become more challenging as we go.

Deputy T.A. Coles:

Taking these together, the risk of missing the 2030 target and the funding being difficult, do you consider, Minister, Jersey's current net zero pathway to be credible? What assurances can you give that it remains deliverable?

The Minister for the Environment:

Well I cannot give any categorical assurances that it remains deliverable but there are some things I do know. The motor industry is delivering fleets of vehicles and ranges of vehicles across all makes and models which will be electric, which will be low carbon, and my hope is that that will continue. We have our own plans at the moment: there will be a restriction on bringing in petrol and diesel vehicles in 2030. We want to maintain that if we can. Unless things change outside of the Island the challenge will be more so on the heating but again we are looking to a future where we want electric to be the way we heat our properties. We know the historic houses are the ones that are going to be more challenging. It is going to be up to us to find ways to incentivise those changes and it will have to be financial incentives. We need to find more money to reduce our carbon, we need to play our part in the global picture and we have to find ways to do it.

Deputy T.A. Coles:

Final question then because you mentioned it in your response there about the fossil fuel boilers. The panel notes that the take-up of this incentive has been low, so what incentives have been made and what improvements can make the scheme more attractive?

The Minister for the Environment:

Very briefly, one could throw the kitchen sink at this. It was apparent to us that one of the problems, or one of the challenges we have, is that we do not have enough of a service industry to fit, to maintain, to design these boilers, so we are doing 2 things.

[12:15]

We have increased the amount of subsidy for heat pumps to £9,000 over the flow boilers because heat pumps are more expensive to buy upfront but cost a lot less to run once they are installed. We want people to go for the heat pumps, so we have increased that. What we have done, which you do not hear a lot about but which will make a big difference in the future, is we have engaged with the industry about skills. We are engaging with Skills Jersey, with Highlands, with the whole of the industry to make sure they are getting geared up to fit, to design and to maintain these sustainable electric heating systems in houses. What I do not want to do - as much as I would love to - is to open the door and say: "Right, everybody. Here is an easy and cheap way of going electric" and within 10 days people are coming back and saying: "Yes, I want to sign up but I cannot find anybody to design a system or fit a system or maintain a system." We have got to make sure the industry are ready. We are talking to them on a regular basis and we are really upping the game when it comes to that side of it. Once they are ready to do, then in conjunction with them we will find ways to increase the incentives or, if necessary, it will not just be carrots, it will be carrots and sticks. We have got to go in this direction but I cannot force people to go, knowing in my heart that the industry are not ready to take up the slack.

Deputy H.L. Jeune:

Minister, just the last on that, we have talked before in hearings about utilising the Better Business Support Package to support industry with their ideas within this area of skills, but also the green initiatives. Have you seen any uptake on that within I think it has been the first year of the Better Business Support Package?

The Minister for the Environment:

I am not aware myself but we are working very hard, along with Jersey Electricity as well. I must stress that they have been with us on this journey, but we are making associations and collaborations with industry between small business and big business and medium-sized business.

We are a 2 or 3-man band, for example, to struggle to do the whole job. They are able to suck in some resource and expertise from other parts of the industry to help them with that. On Friday I am visiting, as it turns out, I think I am going to 4 or 5 historic, old properties in Jersey where they have had these systems installed. The good, the bad, the ugly, the whole lot, I want a better understanding of the challenges out there. I cannot stress enough one of our big efforts in the last 12 months is to co-ordinate between the industry and private individuals and everybody in between to make sure that we understand all the challenges and that we are moving ahead in all departments together so that we do not create a vacuum that brings everything crashing down.

Deputy H.L. Jeune:

Thank you, Minister. Just moving on the last 15 minutes, there are a few legislative areas that you are going to be bringing to the Assembly soon; one of them is the Animal Welfare Law. Following the conclusion of the consultation on 8th July, please can you provide details of how the public consultation shaped the version of the draft law that you intend to lodge?

The Minister for the Environment:

That is a bit difficult for me because I am not sure that I have been given that information. Certainly, I have seen drafts and I know I have asked - in fact, only this morning - for the very latest draft to be provided to you so you can see that. I am fully aware of what is in the draft at the moment. I have got the list in here; the meaning of animal, causes of unnecessary suffering, restriction procedures. I am sure you are all aware of them; exceptional measures that could be taken by our vets, animals in distress, straying livestock. There is a lot in there. I cannot put my hand on my heart and say I am aware of the responses and where we made changes. If we want, Susana is here and I think she could tell us how the consultees reacted.

Deputy H.L. Jeune:

Yes, thank you.

States Vet:

Good afternoon. Yes, we did not have a very large amount of consultation response, if I can start by saying. There were some commentaries about straying livestock, for example, and some concerns that we were asking for too much, but I think we were able to clarify that. There were some situations where people were worried that we were not going too far in certain circumstances, for example, in situations where there is really simple warning of livestock and situations like that. That is the majority of the comments we had. There were some smaller comments about ownerships and definition of owner versus keeper, some little more detailed things which I think we took into consideration, but I do not think it caused any changes. I think an important thing to say about this new proposed Animal Welfare Law is it is very wide but it is not very detailed. The idea is to have a

law that gives you the principles to then be able to have different orders underneath it, that it will give you some more detail for some more detailed subjects. That is the idea behind it. The law itself sets out the precedents and the main issues we want to control and set up some main conditions. The idea is to have proposed orders that are more specific to certain issues. For example, under licensing you will have a licensing order where we would look at the licensing required under the Animal Welfare Law. That is just an example of what we are trying to achieve here. If the Minister wishes for me to at a later share some of the responses, I am happy to share that with the Minister and that can be enough specifics.

Deputy H.L. Jeune:

Thank you. I think it is mainly to ask - we have had a briefing from your officers while the consultation was going on and it was just to understand - if, from the consultation, there has been any substantive changes that we are ...

The Minister for the Environment:

It sounds like the reason I am not aware of the consultation responses is there were not any really controversial ones, and the ones that came back were fairly sensible. I have looked through this as it has progressed and for me some of the really important stuff is the Article 5 around causing unnecessary suffering and then further down the ability for veterinary or officers to get into property or to get into vehicles to access the places where the suffering ... we have been deficient in some of these. I know Susana mentioned straying livestock, but taking possession of animals in distress and protecting animal welfare, access to premises and stopping unnecessary suffering of animals, that is the fundamental thing we are doing here.

Deputy H.L. Jeune:

In our last quarterly it was stated that there are a large number of animal welfare complaints that are received but only a small proportion result in confirmed cases of suffering. What are the reasons for that gap and do you propose any amendments to address this issue between the complaints and finding that they are suffering and going to court?

The Minister for the Environment:

I am hoping that these changes to the Animal Welfare Law will come in fairly swiftly and I am hoping that they will address some of the concerns that you raise in that particular instance. I think you will find there have been a lot of complaints but it is a big challenge for the vet or our officers because of the discrepancy or the lack of power in some of these laws. We have not had the ability to enter properties as easily as we should, we have not had the ability to stop unnecessary suffering as we should. My understanding is that is one of the reasons we are coming ... I do not know if Susana wants to add a bit.

States Vet:

Yes, so it is different because if I have got it correctly, I think what the panel asks is why is there a discrepancy between numbers of complaints received and ones that result in any enforcement or any actual suffering. It is because a lot of the time people complained without understanding the background and the exact situation that is surrounding the animal or whatever we are talking about. Public perception is sometimes different from reality, so there are a number of complaints that are not a problem or assessed as not being a problem depending on the current legislation. Then you have others where the new law should help to speed the processes. I do not believe we are missing or not acting on any animals that potentially are suffering with the current law but the new law will give us much better mechanisms to be able to act swifter and in a way much more coherently, that is what I think.

Deputy H.L. Jeune:

Yes, and I think that goes on to my next question. We have received a letter from the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) stating that in the past seized animals have been left in limbo in kennels because it is taking a long time to bring cases to trial. Are you aware of those issues and will these amendments to the Animal Welfare Law address this being able to reduce that length of time?

The Minister for the Environment:

I might let Susana answer that. I am not aware of animals being kept in quarantine for a long period of time. Having said that, it would be wrong of me not to say, Susana and I have been down and visited the J.S.P.C.A. quite recently and we are increasing our working relationship with them. We are doing more with them, I think we have got a good rapport, and I will say no more than that, but we certainly work very well with them. Have we had any cases where animals have been kept in quarantine?

States Vet:

We have not had any cases since I have been into post. I think they are probably talking about historical cases and there is also a difference between animals that are at the J.S.P.C.A. because of welfare concerns or that they are there for any other reason, so any other quarantine or seizure taken by others than ourselves. Sometimes the police do that as well in other terms. Since I am here there has not been any issues with animals being at J.S.P.C.A. for welfare reasons that we were not able to act quickly. I think the new legislation will allow us to act quicker in protecting the animal welfare of the animal itself but obviously the new legislation will not speed courts. You have that thing I cannot change, I am afraid; I do not think any law can but I think it will give us much better instruments to be able to act quicker when there is a suspicion of animal welfare and ensure

that an animal no longer has the potential for suffering, even if temporarily. I cannot obviously comment on how long courts are going to decide on a specific case but the law will also give us better tools to deal with that for sure.

Deputy H.L. Jeune:

Thank you. Also the J.S.P.C.A.'s letter highlighted that terms such as "stray", "feral" and "wild" are often misunderstood and that the public understanding is key because they frequently first raise the welfare concerns. Understanding these different terminologies is quite important, so will there be accompanying guidance or clear definitions of these terms to ensure there is consistency in enforcement, et cetera?

The Minister for the Environment:

Again, that is one for Susana. I just about understand the difference between those 3 but I do not know if there ... certainly we can issue guidance, it is not difficult to do that, because it is quite clear what the difference is between the 3 and people just need to be advised.

States Vet:

Yes, we can. Or we can also look at working with others like J.S.P.C.A. and do some comms pieces when it is required to do so. Yes, we can certainly look into that, that would not be an issue.

Deputy H.L. Jeune:

Thank you. You have talked, Minister, and also, Susana, you have mentioned that this law is really overarching and a lot of it will go into secondary legislation and also into Ministerial Orders. With the term coming to a close, can you confirm that the secondary legislation will come to this current States Assembly or will it be left to the next if this is passed?

The Minister for the Environment:

I think it will be the next Assembly because this law is still with Law Officers. We are still getting to the end but we are still not in a position to lodge. We are hoping we are going to be in a position to lodge very soon but we need to get this to the Assembly, we need to get it through, and then we can start working on the secondary stuff. I have to say I do not think it will be ...

States Vet:

If I can add, there are 3 pieces of the secondary legislation that will have to come into place at the same time as the law comes into place, so they are the ones that we are concentrating on at the moment. Then there is a raft of other bits of secondary legislation that will come steadily. So that is the plan: concentrate first on the 3 pieces that are essential to follow up with the legislation.

Deputy H.L. Jeune:

Do you have a date of when this will be lodged? We had an initial date but now ...

The Minister for the Environment:

I pester the department on a regular basis but we are waiting for the paperwork to come back from Morier House at the moment, I believe.

States Vet:

We are waiting for final checks, yes, and the intention is to lodge it for the December debate but it is currently not in my hands.

Deputy H.L. Jeune:

December. Just finally, because the panel had looked at the Dogs Law which of course does not sit in with you, Minister, and that has now been deferred. We can, as a panel, look a bit further into that and we wanted to see how it is related to ensure that there are no gaps that can be seen within the Dogs Law or the Animal Welfare Law. Are you yourself looking at those issues to ensure that you feel there is no gap?

The Minister for the Environment:

I have not personally looked at it but I would feel confident that had the vet seen some gaps, given the opportunity to work either on the Dogs Law, on the Animal Welfare, that those gaps would have been filled.

[12:30]

I came into office thinking Dogs Law was mine and I started telling people: "I want this XL Bully situation resolved, I am not prepared to have an accident while I am Minister." Then of course we discovered that it sits with the Connétable and it is under the Dogs Law, so while I pressurised as much as I can, it has been a Comité decision to move this forward. Susana has had a lot of input with them and ... are we confident there are no gaps between Dogs Law and Animal Welfare?

States Vet:

I think what we can say is that the Animal Welfare Law looks at animal welfare. It certainly fits in the animal welfare remit and again with the ability of doing orders in the future. If there are gaps identified that do sit within Animal Welfare Law, they can be addressed. But if these gaps do not fit within the spirit of the Animal Welfare Law then they would have to be looked at elsewhere.

The Minister for the Environment:

I think the answer is, we will get you the final version as well; a version of where exactly we are now. If you need any consultation or discussion, if there are any gaps, let us see what we can do.

Deputy H.L. Jeune:

Thank you, Minister. Though we have just come to the end of our time, I was hoping just to give a few more minutes because we need to touch on the Food Law. Really, Minister, the consultation ends tomorrow, how many responses have you received, have you ...

The Minister for the Environment:

I have had updates on responses to the Food Law, because it is quite close to my heart, on a regular basis. All the way through I was a little bit disappointed that we were not getting more responses, mainly from the industry, but as of Monday we are up to over 100. I think we have certainly ... well we proactively, because I have told the team: "We need to get out there and get more responses", which is what we have done. We have got more responses back from business, from industry. We are over 100 responses, consultation has closed, we want to move forward. We have explained why it has taken so long to get where we are and we need the 3 feet of the stool all to work together; we are just about there.

Group Director, Regulation:

Yes, absolutely we are working at pace to analyse the consultation responses as soon as possible, make any changes and we are on track to try to lodge in December for a debate in January/early February, and we have offered a specific briefing to Scrutiny on that as well.

Deputy H.L. Jeune:

Great, thank you. Those were my questions to follow on to make sure that we are briefed in the future and ready to work on this.

Group Director, Regulation:

Yes, we have requested a date.

The Minister for the Environment:

You can be assured that it is an absolute priority for me. This is not going to get lost before the election, a really important piece of work. I am disappointed we have not been able to do it quicker but it is going to be done properly, it will be in place.

Group Director, Regulation:

I think as well on top of the over-100 responses, we did 3 industry stakeholder sessions, and we had about 80 to 90 attendance there as well, so we have had a good coverage with the consultation period.

Deputy H.L. Jeune:

Thank you. With that I think we should close. We have done 2 hours, Minister, so thank you very much for that. Thank you very much, officers in the room and online, and thank you, panel, as well.

The Minister for the Environment:

Thank you as well.

Group Director, Regulation:

Thank you.

The Minister for the Environment:

Thank you very much.

[12:33]