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Environment, Housing and Infrastructure Scrutiny Panel

Quarterly Hearing

Witnesses: The Minister for Planning and Regulation and the Minister for the Environment, Agriculture and Fisheries

Wednesday, 23rd September 2026

Panel:

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

Deputy A.F. Curtis of St. Clement

Deputy A. Maltman of St. Mary, St. Ouen and St. Peter

Connétable D.G. Curtis of St. Saviour

Witnesses:

Senator Sir M.J. Boleat, The Minister for Planning and Regulation

Deputy P.J. Romeril of St. John, St. Lawrence and Trinity, Assistant Minister for Planning and Regulation

Senator M.R. Le Hegarat, The Minister for the Environment, Agriculture and Fisheries

Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Assistant Minister for the Environment, Agriculture and Fisheries

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

Ms. L. Jones, Head of Environment and Climate

Mr. A. Marx, Head of Development and Land

Mr. W. Peggie, Group Director of Natural Environment

Mr. F. Binney, Head of Marine Resources and Management

[13:01]

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair):
Welcome to this public hearing of the Environment, Housing and Infrastructure Scrutiny Panel. Today is 23rd September 2026 and this is our first quarterly hearing with both the Minister for the Environment and the Minister for Planning and Regulation. Welcome. I would just 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 can we ensure that all devices are switched to silent, both computers and also mobile phones, to ensure we do not disrupt today's proceedings. For the purpose of the recording and transcript, I would like everyone to introduce themselves, so we will start with the panel. I am Deputy Hilary Jeune and I am the chair of the Environment, Housing and Infrastructure Scrutiny Panel.

Connétable D.G. Curtis of St. Saviour:
David Curtis, Connétable of St. Saviour.

Deputy A.F. Curtis of St. Clement:
Deputy Alex Curtis, panel member.

Deputy A. Maltman of St. Mary, St. Ouen and St. Peter:
Deputy Arlene Maltman, panel member.

Deputy H.L. Jeune:
Ministers, over to you.

The Minister for Planning and Regulation:
Senator Mark Boleat, Minister for Planning and Regulation.

The Minister for the Environment, Agriculture and Fisheries:
Senator Mary Le Hegarat, Minister for the Environment, Agriculture and Fisheries.

Assistant Minister for the Environment, Agriculture and Fisheries:
Deputy Kirsten Morel, Assistant Minister for the Environment, Agriculture and Fisheries.

Assistant Minister for Planning and Regulation:
Deputy Phil Romeril, Assistant Minister for Planning and Regulation.

Head of Place and Spatial Planning:

Kevin Pilley, Head of Place and Spatial Planning.

Head of Environment and Climate:
Lisette Jones, Head of Environment and Climate.

Head of Development and Land:
Andrew Marx, Head of Development and Land.

Group Director of Natural Environment:
Willie Peggie, Director of Environment.

Deputy H.L. Jeune:
Thank you. I know that later we may have someone joining us as well from Marine Resources and Management. That is what we have been told. So this is a bit of an unusual hearing because we have the pleasure of 2 Ministers. Of course, we put this together at the beginning of understanding that in the past this has been one portfolio that we, as a Scrutiny Panel, have been scrutinising and now, of course, there are 2. Hopefully if it is okay for everyone, we will then first start with the Minister for Planning and Regulation with some very specific questions for yourself. We will turn to the Minister for the Environment and then at the end - and we will ensure we have time for this - we will then talk about some cross-Ministerial responsibilities that we wanted to understand a little bit more about how you are working together on some of the things that we see as cross-Ministerial priorities and you will tell us whether our assumptions are correct or not. But first of all, Minister for Planning and Regulation, in your letter to us you identified planning and regulatory reform, a review of the Island Plan, updates to planning and building legislation as your key priorities for this Assembly. Of those priorities you have identified, what are your highest priorities for this Assembly term and what do you want to see at the end of the term?

The Minister for Planning and Regulation:
I think the overriding priority is to ensure that the planning system works well for Islanders, that it operates efficiently, it produces good results. So a lot of that is about changes to how we do things. It is necessarily about changes to laws, policies and guidance and so on. There are some things that we have been doing and do need to do more of. That work was commenced before I became Minister for Planning and Regulation, and indeed people have been telling me when I meet them of how well the planning system is performing. I say: "Since I became Minister?" and they say: "No, going well before you became Minister." This reflects the planning reform programme that was instituted a few years ago and I can see that in the performance statistics that decisions are now increasingly done on time and the appeal statistics as well. So getting the system working well is one priority. Then we need to look at policies that are inhibiting economic growth or inhibiting the

way that people are able to improve their homes. We are looking at supplementary planning guidance on space standards, on car parking and on heritage issues.

Deputy H.L. Jeune:

You also, of course, have regulation in there as well. Is there a priority with that or your focus really is on planning at this stage?

The Minister for Planning and Regulation:

I do not say one is a priority. Today my next meeting is on regulation and yesterday I was having meetings on housing, partly connected with regulation and partly planning. I do not divide them in that sort of way. On regulation, the Chief Minister has been clear that we are regulating too much and we are regulating like a big country. We need regulation that is proportionate, appropriate to Jersey, and so I am working on both policy on regulation. I have some specific regulatory responsibilities and also one or 2 regulators, like the Jersey Care Commission, come under my responsibility. One of the issues with regulation is it is all being done piecemeal. There is no overarching policy. There is no consistency about whether an activity is regulated within a government department or by an independent regulator. Between the regulators there is little consistency about how they were appointed, their remits, their responsibilities. We are not going to get everything 100 per cent co-ordinated but we need to do much better than we are.

Deputy H.L. Jeune:

So the focus at the moment will be on that co-ordination and the overarching rather than going specifically into specific regulatory areas, I suppose?

The Minister for Planning and Regulation:

Yes, I think that is right. Indeed, that is the meeting we have got later this afternoon to begin work on an overarching regulatory policy. Everybody agrees on the broad principles, that we need to be proportionate. People only disagree about what proportion it needs. We are really keen that new regulatory measures at least have some justification, so a statement of: what is the problem we are dealing with, what are we doing, what is the expected outcome, what are the benefits and who benefits and what are the costs and who is paying for them? So we think that should be the plan across the piece and as Government we will endeavour to do it ourselves on our initiatives.

Deputy H.L. Jeune:

Of course, all the departments and the Government as a whole have a risk register. Have you had sight of this risk register, had a briefing around it specifically for your department areas and taken that on board when you were thinking about these priorities?

The Minister for Planning and Regulation:

I think one takes on board risk automatically in everything that one does and then looking at specific issues, the risks can be written down and identified but I think on the whole we understand what the risks are. One of the key risks is the inability to deliver because of the time it takes to do things in the Government of Jersey where you are doing things.

Deputy H.L. Jeune:

Specifically, have you seen the risk register for your department and been able to ...

The Minister for Planning and Regulation:

The department has only just been created, so is there a specific risk register for it? I am sure there is one for planning but is there one for the whole department given that we have only just been created? I anticipate ... I expect there is not.

Deputy H.L. Jeune:

I think in the past I believe that there has been a risk register focusing on the different areas that the Minister for the Environment held in the past, which were there. As you have just done a clean cut, there would be one.

The Minister for Planning and Regulation:

Yes, that would be appropriate, I am sure. Andrew can help on that in respect of planning.

Head of Development and Land:

Thank you, Minister. Yes, in terms of planning, we obviously do have a risk register with a number of risks on there. We have got one for regulation as a whole and that encompasses the different services. For instance, for planning the main one at the minute is about income and resources. So, yes, we do have a risk register.

Deputy H.L. Jeune:

Minister, you have yet to have a discussion about the risk register. Is that my understanding?

The Minister for Planning and Regulation:

Having a look at a risk register for the whole of my responsibilities, no. It is still early days but, yes, that is something I will take on board, but with everything we do we inherently take account of risk.

Deputy H.L. Jeune:

Thank you, Minister. I will just pass you over to Deputy Curtis.

Deputy A.F. Curtis:

Thank you. Minister, I am going to ask a few questions on planning and I think fellow panel members will dive into a few areas such as the Island Plan reforms in the areas you have already mentioned. In doing so, just noting I hold a role within the planning system as chair of the Planning Committee and I am here today in a Scrutiny capacity, wearing a slightly different hat. Starting with where the Chair left off, which was the high level focus on planning, what are the principal specific reforms you are currently trying to address first within the planning system? What are the outcomes beyond the high level ones you described you aim to achieve?

The Minister for Planning and Regulation:

The one has been, the first phase of which is completed, the validation requirements with planning applications, I worked again on that well before I became Minister. It was introduced in July. It has been, I think, very well received in the industry. Basically it has cut down the amount of information that needs to be provided with planning applications, with some of that work being shifted to conditions that are being made. That has been done. We are committed to reviewing it after 3 months, so that will be next month, and then 6 months. So we will be keen to hear the views of the industry. We have a partnership board meeting tomorrow and I am sure that there will be some comments on that. The second area would be permitted developments. As you are aware, there was a consultation last year on that. The first phase has been ... stage 1 was implemented earlier this year and we have now agreed more or less what should be in stage 2, and I am sure Kevin can expand a bit on that and the timing.

Head of Place and Spatial Planning:

Yes, thanks, Minister. As the Minister said, we have been working to take forward the stage 2 changes with the Minister's engagement on that and the Minister will shortly be publishing the response to the consultation that was undertaken on the proposed changes to stage 2, changes to the permitted development rights. The Minister would like to do some targeted consultation with the development industry and with the Scrutiny Panel, the Planning Committee, in relation to those proposed changes. That material is being prepared now and will be issued shortly.

Deputy A.F. Curtis:

Looking at the outcomes from that, you mentioned in some ways some planning improvements would improve economic activity and I think you said the ability for householders to make improvements. When it comes from permitted development, where do you see the focus being? Will it be focused on those aspects of household improvement or economic activity that will be supported through permitted development changes?

The Minister for Planning and Regulation:

I think Kevin is better placed than me but I am going to give an answer that he will amplify, I hope. It is not on large-scale developments. Inevitably, permitted development by definition cannot be large-scale, so a lot of it is small-scale about households, but Kevin can add a bit.

Head of Place and Spatial Planning:

Yes, that is right. As the Minister said, this is around looking to ensure that generally minor development can take place without causing harm. Clearly if there is the potential for harm then that should require planning application and be regulated through the planning system. So I think most of the thrust is around householder improvements. I would add that in doing some of this work, some of the proposals that were put forward and considered have been... well, the potential for them to be taken forward at this time is potentially constrained by the existing policy framework provided by the Island Plan in that the law stipulates that the Minister cannot grant planning permission for something using an order that the Island Plan seeks to regulate, effectively. So there are some areas of change that would have had greater economic implications, if you like. Things such as the potential for a commercial use class, a wider commercial use class is presently constrained by the policy framework provided by the Island Plan, which seeks to protect various employment uses, for example.

The Minister for Planning and Regulation:

That is one I found a bit frustrating. We had done a consultation and I think there was support for liberalising the rules and I was assured that this was not possible. We had some vigorous debate and I lost. Quite rightly, we cannot do it. The area we are now looking at is some of the supplementary guidance on space standards, car parking and historic windows and doors. We are looking at them.

[13:15]

Deputy A.F. Curtis:

I have got a few questions I want to ask on a couple of those but before we get there, you mentioned things like permitted development rights, the validation checklist, that follow existing work that you have in some way inherited and you are pursuing. Could you explain how you were briefed and approached about the existing reforms that were being done - largely those came out of the McKinnon Report - and maybe how you have reflected on the direction planning was going? Secondly, if officers could touch on the current status of the McKinnon Report implementations.

The Minister for Planning and Regulation:

I did not come to this absolutely ignorant of planning. I had carefully studied the McKinnon Report at the time, and subsequent reports, and I did a bit of work for the government last year on planning

and I know many people in the industry. So I think I was fairly well briefed before I became Minister and, as you know, it took a couple of weeks for the actual appointment to take effect. The Chief Minister had indicated to me early on what he had in mind. The briefing I had on becoming a Minister I thought was excellent from colleagues. It was both written documents, which personally I prefer in a way. I like things written down that I can read, but also where I had questions I wanted to probe, the officers were very helpful on that. I regarded the briefing as absolutely excellent and if I am not up to speed, it is my fault.

Deputy A.F. Curtis:

So perhaps to officers then, on the McKinnon Report, you may have provided the Minister with the most up-to-date position on the implementation of the 17 recommendations. Where are we on addressing those areas of improvement?

Head of Development and Land:

Thanks, Deputy Curtis. We have implemented, I would say, over 80 per cent of the recommendations, even some of the more difficult ones around culture change, for instance. The significant gains we have made are in the planning application space around planning application throughput in terms of making decisions quickly where we are hitting almost 90 per cent of the targets now and then also improving the outcomes. We grant planning permission over 90 per cent of the time now. Then I think most significantly in terms of interaction with applicants and developers, the pre-application service that we have provided has increased significantly with take-up. I would say that that is the reason for the improved approval rates. There is a couple of things that remain. One of them is a compliance strategy, which is in draft form at the moment, which we will deliver to the Minister at some stage. That is one of the main outstanding ones and then, like the Minister mentioned, the industry partnership board is something that we are especially proud of and the interaction with them is working really well. The Minister has agreed 3 additional members to that board, which will be meeting in its full capacity tomorrow for the first time.

Deputy A.F. Curtis:

Is there anything blocking that remaining 20 per cent or is that just a part of continuous improvement you foresee?

Head of Development and Land:

It is part of continuous improvement. Like I say, the only thing that is outstanding as a piece of work to be delivered is the compliance strategy.

Deputy A.F. Curtis:

Compliance, okay. Turning to supplementary planning guidance, you have mentioned 2 in particular that are quite recent, which are the parking standards and minimum space standards that you would like to revisit at an early period. Could you outline why and what the rationale for seeking change in those would be?

The Minister for Planning and Regulation:

I think the first thing is: what is the effect of them? That is something that we need to understand. I have got some anecdotal evidence from developers about what they think about it and we have to take that into account. If developers are telling us that because of the space standards there is something for which there is a market demand that they are not able to do, that is a point we have to take account of. The development industry partnership board highlighted this as one of their quick wins, which they presented to Ministers, or to me as soon as I became a Minister. Our standards, as you know, particularly for one-bedroomed apartments, are higher than the U.K. (United Kingdom) standard. I think people understand that the bigger the unit, the more it costs and we have to say is this what people want; would people prefer a smaller unit at lower cost? We are very prescriptive on what has to be inside units. For example, there is a requirement that I think all new units have to accommodate home working, including space for a desk and a chair and a filing cabinet or a bookcase. That strikes me as a bit over the top. I see somebody looking very surprised at this, as I am. It is almost telling people: "This is how your house is going to be designed. We, the Government, are doing it." A developer of new properties is competing with existing properties. That is what they have to compete against. New properties command a price premium. That is inevitable; it happens almost everywhere; it is not given. But if a developer is saying: "Given the standards, it is going to cost me X and yet existing properties are on the market at 30 per cent, 40 per cent, 50 per cent cheaper, I cannot compete with that." So I think, if you like, the Government, the system has to be very wary of specifying too much about what should be inside dwellings. It is predominantly a matter of what do people want and I think our developers are the people who have to make it work financially. So that is what we are looking at. We have not reached a conclusion. We have not begun any formal consultation but we are responding to what people are telling us. It was also a point that came up in the Fiscal Policy Panel report, the implications of what Jersey had done, so that is why we are looking at it.

Deputy A.F. Curtis:

Presumably you plan to consult on that, on both of those?

The Minister for Planning and Regulation:

Absolutely.

Deputy A.F. Curtis:

To what extent do you want to see articulate explanations? Anecdotes from industry help maybe to set a direction to investigate but it takes evidence to explain what is right and what is not working. Are you keen when you make a change of policy, those who have a stake in the game turn up and bring the best description and explanation as to why they need the change in fact to that rationale rather than ...

The Minister for Planning and Regulation:
Nobody is more dedicated to evidence-based policymaking than me.

Deputy A.F. Curtis:
So that is something you are committed to in all the planning?

The Minister for Planning and Regulation:
Absolutely. I see a lot of things that have been done in the past that did not have robust evidence.

Deputy A.F. Curtis:
Okay. Those are areas you have mentioned. Are there any other areas that you would say are more urgent when it comes to planning reform? What would you say is the most urgent that you want to tackle as Minister for this area?

The Minister for Planning and Regulation:
I think the urgent one is some of the points that Andrew has covered. It is getting the system working right. The complaints we were predominantly getting a few years ago were not about the policies. They were about the time that it was taking and the cost, and I am not certain the cost is always fully appreciated by those in the system. It is easy for a planning officer or a committee to say: "We think we would like a bit more" or " we will defer it for 2 months." That can cost an awful lot of money. So getting the system working efficiently, people being able to make an application without difficulty, it is considered promptly and well, that is the first priority.

Deputy H.L. Jeune:
This obviously was very much recognised already and why the McKinnon whole report and follow-ups were put so that there could be these changes. As we have heard, 80 per cent have already been implemented. I think the question from the panel would be: what else do you see? You are talking about the cost and the time and the delays but do you see that that needs to be more than the McKinnon Report to be changed?

The Minister for Planning and Regulation:

I think in terms of getting the system working efficiently, I think Andrew's point about there is some work to be done with our resources but I would have said that is largely done. But always we want continuous improvement. Always we can do more using technology better, but I think the real problems McKinnon had identified - and they were, frankly, really substantial - and the fact they have been dealt with ... and I say even before I became a Minister I had people in the industry telling me how well the system was now operating and indeed I have had people telling me that since. I think we have largely done that, but are we complacent and satisfied that we cannot do better? Absolutely not.

Deputy H.L. Jeune:
No, but you feel that then it is going to be about tweaking rather than about going further with further reforms and processes that we hear are largely being resolved?

The Minister for Planning and Regulation:
Yes. We have a new computer system. Andrew can explain it, because I cannot.

Deputy H.L. Jeune:
We have done that.

The Minister for Planning and Regulation:
You have done it? Good, because previously that was a real problem. For example, you talked about evidence. I am keen on data, so I would like to know how many houses have been built in a period or how many applications we have approved for housing. At the moment it is done a bit manually and that is something that really should be coming out of the system automatically.

Deputy A.F. Curtis:
We will probably push you, Minister, to make that happen then, if it is something you want as well. Touching on resource, you felt that one of the areas that needed to be addressed was resource and I think you just said you were getting there. Andrew mentioned earlier when it comes to risks in the department there might be ones around ... that is something that they track, which is resource availability to deliver. You have got 2 planning departments. You have got one that delivers policy, that I am sure colleagues will touch on, and you have got regulation providing that function. Are you seeing that you are adequately staffed, that you have got the operational capacity to deliver both the run and the change elements of the business?

The Minister for Planning and Regulation:
I would love to have more resource, would you not, inevitably, but we are operating under constraints, so we understand that. Also I keep raising issues, as my colleagues will know, but I am

very clear with officers I am not demanding that things be done. I might ask a question and say can we look at it, but I do not want a lot of work to be done. I do not want to divert you away from your principal tasks and I think I have got a very good relationship with officers. They will tell me where there is resource constraint, where there are some things that need to be done now and there are nice to haves. I must say, I have been very impressed with the support I have had from all the officers. I cannot complain in any way about that.

Deputy A.F. Curtis:

The resourcing for in particular perhaps the policy department is an interesting area. You have mentioned improved time for policy. We heard from the last Minister the effort there would be to make a new Island Plan, the resource time, the cost. From a direction view, would you rather work within the policy capacity you have and deliver the change at that rate or would you like to at some point go to the Council of Ministers and say: "I need more resource because I want to deliver faster"? What is your approach to policy: work with what you have got or get more?

The Minister for Planning and Regulation:

I am realistic. I am not certain an approach to the Council of Ministers would be met with overwhelming support, would it, Mary?

The Minister for the Environment, Agriculture and Fisheries:

I think everybody is under the same constraints.

The Minister for Planning and Regulation:

I think on the Island Plan we are going to do a revision to the plan. A new Island Plan is a monumental challenge but I think that is a question we need to ask ourselves. We are a small Island.

Deputy H.L. Jeune:

We are going to come to Island Plan questions in a minute, Minister, but you just finish off on this and then we will get to those.

Deputy A.F. Curtis:

There is one area at a higher level to touch on, which is beyond planning. You have also got building services, which has building control in it. How is the delivery of that being maintained throughout any restructuring, reform? Is there any work in that area that you also want to see reform of? Of course, how one builds a house and how one builds structures is as much a function of cost as the planning system itself, if not more.

The Minister for Planning and Regulation:

This is something which I have asked for a briefing on but it just has not happened yet. I think I have concentrated on the planning issues. I am not aware of huge problems on building control but I need to understand more about it. I just have not got to that. That is not something I have yet managed.

Deputy A.F. Curtis:

If areas arise again from industry, from those big things, there are elements of the building control systems, perhaps the structural areas, that are implementing cost. Is it an area that you would equally then provide a focus to as well as the planning system? Is the outcome ultimately deliver better planning, regulation, building, it does not matter?

The Minister for Planning and Regulation:

I am keen to do an awful lot planning and regulation, and I would love to do more. I have got a whole lot of things I would like to take on but I have got to get the day-to-day job done properly and do the urgent things and then look at others later, but actually do what you have said. If there are improvements that need to be made, we will make them. The partnership board is really useful. I was able to attend the first meeting. They invited me to speak for a bit but most of the time I listened. We have another meeting tomorrow and again I will be listening. I meet people from the industry all the time. This is Jersey.

Deputy A.F. Curtis:

We will ask for an update on how you interact with industry I think the next time we see you.

Deputy H.L. Jeune:

The Connétable will take a bit more of the planning looking forward specific questions.

The Connétable of St. Saviour:

Yes, planning reform and conditions, Minister, which you touched on earlier and how you will monitor it. I think the panel's question is: how will you assess its impact on environmental protection and planning efficiency?

The Minister for Planning and Regulation:

To me, environmental protection is absolutely vital. It is a question of how we do it. I think what we were previously doing is asking for a lot of information with planning applications, even if the application subsequently failed. Remember a planning application does not mean anything will be built. The planning application will last for 2 years and you can ask for another one. Often it is better to ask for the necessary information to be provided before commencement and in some cases before

occupation. So I think what we were doing before was asking for too much upfront with planning applications and the information is better provided at a more suitable time.

The Connétable of St. Saviour:
Thank you. Some stakeholders have expressed concern that addressing environmental matters through planning conditions could result in issues being identified later in the process. What assessment has the department made of the potential impact on application timescales at project delivery?

The Minister for Planning and Regulation:
Sorry, I missed that one.

The Connétable of St. Saviour:
Some stakeholders have expressed concern that addressing environmental matters through planning conditions could result in issues being identified later in the process.

The Minister for Planning and Regulation:
It does not matter if they are identified later as long as they are dealt with. What we are trying to ensure is that the issues are identified at the appropriate time and that we can deal with them.

[13:30]

Officers will be monitoring what we have done very carefully. The last thing we want to do is to damage environmental protection in any way. That is not what we are trying to do. We are trying to produce a system that works more effectively.

The Connétable of St. Saviour:
I think identifying environmental issues later puts an impact on a project and obviously the timescale and the delivery of a project and also the cost of the project if those environmental issues are identified too late.

The Minister for Planning and Regulation:
For example, the previous requirements in making a planning application referred to ecological surveys and it said they are best done between April and October. I think this wrongly got interpreted by some as it can only be done between April and October, so you can imagine the consequences of that. We are looking to make the system work more effectively for applicants and reduce the cost while getting the same outcome. I do not think anything we have done should be changing the outcomes. What I hope it is doing is getting to the outcomes quicker and cheaper for the applicant.

We need to remember that for planning applications, we are talking hundreds of thousands of pounds can be spent on a major development. I have even had householders talking about the huge cost that they have to face simply on consultants' reports, particularly when it is dealing with window and door replacements.

The Connétable of St. Saviour:

What role do heritage considerations then play within your wider planning and development priorities?

The Minister for Planning and Regulation:

They have a major role as the application is considering the heritage aspect and that is actually what we are doing.

The Connétable of St. Saviour:

Moving on to the Island Plan and the new strategic policy, when do you expect the work on the new Island Plan to commence?

The Minister for Planning and Regulation:

In terms of a new Island Plan, the answer is I do not know. What we are doing in the short term is the revisions to the existing plan and in doing that work, that will identify some issues that need to be taken into account in a new Island Plan, as Kevin will frequently remind me. What we cannot do in the amendments to the plan is, if you like, change the nature of the plan. We cannot produce a new plan by amendments to the existing one, so it is operating within the broad parameters of the existing plan. That is quicker than doing a new Island Plan, but if I can make a comment here, and it is something I have thought about over the last few days, we are a small Island. We need to be able to do things quickly. The *Time to Win* report is applicable to everything we do in the Island and here we are saying a new Island Plan is going to take, to come into effect, 4 years. That is the sort of timeframe we are looking at for now and we have to ask ourselves - and I think we will go back and will think about it - should we be doing things a bit differently? Does the Island Plan have to be a huge document covering everything? I have nothing to propose on that. I am just saying I want to think about it, but at the moment it is very clear what we want to do. We want targeted changes to the existing plan within the broad framework. When we have done that, we can then look at the longer term and a new plan, the timeframe for that, but at the beginning of that process we want to ask ourselves, with you and others, what sort of Island Plan do we want?

Deputy A.F. Curtis:

Could I just ask, it is interesting you are saying your last week's reflections have been on the Island being a small Island and the plan being complex. Do you in some way see that the Island's size

and the fact that we are a heavily populated, constrained Island leads to this kind of inherent complexity that we do not have swathes of land to rezone or areas with great distances between neighbours and our size and shape has led to the requirement to balance policy tighter than you might in other jurisdictions?

The Minister for Planning and Regulation:

Yes, I am sure that is right. It is a question of to what extent. I have not looked at other jurisdictions. I will do that at some stage when I have got time. I would love to see how other high density jurisdictions manage their planning.

The Connétable of St. Saviour:

Minister, would you then support a mechanism for introducing a partial review of the Island Plan?

The Minister for Planning and Regulation:

Well, I think that is what we are doing but it is a partial review while retaining the structure of the plan itself. The plan does an awful lot beyond the planning plan, if I can say that. It is seen to cover a lot of other things as well. It was based on assumptions which have proved not to be correct, particularly on population growth. Indeed, for those who have not been capturing the news this morning, the population of Jersey fell by 20 people last year. We have had a stable population for the last 2 years. Does that affect the plan itself? Does it make the plan invalid? No, it does not and indeed there is a perfectly good argument that as much of the plan is about zoning land for housing, the fact that the population has grown much less than anticipated means that the land that was zoned for housing will last rather longer than the original period envisaged.

The Connétable of St. Saviour:

Thank you. The final question: are there any existing Island Plan policies that you believe should be reviewed urgently?

The Minister for Planning and Regulation:

Yes, and we are doing them. Space standards is referenced in the Island Plan, so that is one I would be looking at. Greenhouse sites is another one we would like to look at. I keep saying “look at”. All of these require work and sometimes the work will say actually nothing needs to be done, the existing arrangements are adequate. So it is looking at and reviewing. What we try to do is identify the ones that people are telling us are causing most problems. Can I mention a specific point? Governments frequently talk about the need for more homes for families and I say: “What about single people?” The recent projections done by Statistics Jersey identified a need for many more one-bedroom units. There is also a question mark about co-living arrangements, which are done in other places. Should we be looking at that? Those are the sort of points I want to look at.

Deputy H.L. Jeune:

Minister, just as a final one on this, you are saying that some of the areas and policies of the current Bridging Island Plan would be looked at and you could decide to do it or not. There is a number, and we both have a hard copy of it, so we know how thick it is. How will that process happen where you decide which policies to choose? Will that be more of a formal ... how will you take that and the different range of opinions on different policies into account when you decide which ones to look at?

The Minister for Planning and Regulation:

I have given what I called a shopping list to Kevin but it is very high level. It is not something I would wish to publish without doing a lot of refinement, indeed without the work that Kevin will do of saying: "Can't be done, can't be done, yes, can look at." They will be issues that the department is aware of because it has been operating the plan and they will be issues that stakeholders will raise. I think an initial bit of work is to put all of these together and then to identify the areas that we want to explore and that will be done over the next few months. We cannot do anything formally until the regulations about amending the plan are approved, but that is the process.

Deputy H.L. Jeune:

Will there be a chance for a wider consultation to understand what areas you will be reforming rather than it just being an internal exercise?

The Minister for Planning and Regulation:

Absolutely. We want to make sure that when this goes to the Assembly, everything has been discussed and properly consulted, otherwise the Assembly will do what the Assembly will do. The consultation is absolutely vital and we will do that.

Deputy H.L. Jeune:

Turning to regulation now, of course we have had the departure of the Group Director for Regulation and this has been publicly attributed to a new strategic direction. Could you explain the reasons for this change and what specific briefing and training did you receive beforehand on how the regulations directorate operates its functions, statutory duties and operational challenges, sufficient to make that informed decision of whether you agree with that strategic direction?

The Minister for Planning and Regulation:

As has, I think, been made clear, where regulation should sit was ... the review began, I think, a year ago and the point was made that international best practice is that you do not have regulation in a delivery department. The policy on regulation has been done from within the Cabinet Office. Specific regulation is done all over the place. I was not party to decisions that had been taken when

I was invited to take on the role by the Chief Minister. It was to be the Minister for Planning and to be the Minister for Regulation, both to have some specific responsibilities and to have a more wide-ranging brief on regulation across the whole of government, working with other Ministers, and that is what I have been doing. As for the structure, I am struggling to get used to the Jersey silo way of doing things. I used to run an organisation where people worked together regardless of what department they are in. At the regular meetings, I have had Kevin in the Cabinet Office, Andrew has been in the Planning Department. We sit round the table every Monday morning to discuss issues. I have other meetings with people from different departments and I do not differentiate between them. The point to me is: is the work being done efficiently? As far as regulation is concerned, again I have been very impressed with the work of officers.

Deputy H.L. Jeune:

But of course regulation is not only about policy. It is also about boots on the ground, described as detective work to be able to help support compliance. Could you then say at the moment who holds responsibility for the regulation directorate? I believe it has not yet moved to the Cabinet Office. Who holds responsibility for that oversight function?

The Minister for Planning and Regulation:

You mean officials, Ministers?

Deputy H.L. Jeune:

No, the officials because the group director has left.

The Minister for Planning and Regulation:

I think the temporary reporting line is to Louise Magris.

Deputy H.L. Jeune:

Given the directorate's independence from Ministerial and corporate direction, the whole point of the original, there was a protocol that was set up to delegate that statutory independence. How will this independent operational effectiveness and public confidence be maintained if that function is moved to the Cabinet Office? The Cabinet Office at the moment is not a body that is traditionally responsible for operational functions.

The Minister for Planning and Regulation:

But it is the same people doing the work.

Deputy H.L. Jeune:

At the moment, there is a protocol that says that the group director holds that statutory responsibility and there is no deputisation within that protocol. Who at the moment is holding that?

The Minister for Planning and Regulation:
I think these are sort of standard arrangements that happen in any organisation. When one person departs you have temporary arrangements put in place so that there is no ... the system continues operating. I am not aware of any difficulties there.

Deputy H.L. Jeune:
Are you aware of the protocol?

The Minister for Planning and Regulation:
I am aware of the protocol. Can you test me on it? No, you cannot, or you can but I could not answer. Everything I can see is that the system is working effectively and I think that is the responsibility of officers. I need to satisfy myself that it is working effectively.

Deputy H.L. Jeune:
I think where we are trying to see is that ethical rule between the ... the rule that the protocol is being concerned about where there are other departments - and as you said, it is not necessarily just Infrastructure but there are other departments - delivering more operational. Then the Regulation Department had to have somebody who has that more independence away from decision-making because the Government also have to comply with regulation as well. We are wondering at the moment who is holding that independent statutory responsibility?

The Minister for Planning and Regulation:
I am saying I believe it is Louise Magris. I am not aware of a problem in practice. If there was a problem, it would come my way. A Minister cannot interfere in operational decisions or indeed in planning decisions unless it comes my way to do so.

Assistant Minister for Planning and Regulation:
Can I just add, I think this authority sits with Andy Scate at the moment and will transfer to Louise Magris in due course.

The Minister for Planning and Regulation:
Ultimately, yes.

Deputy H.L. Jeune:

The problem with that and why the protocol was set up in the first place was that Andy Scate is head of Infrastructure. He then obviously has to follow planning and regulatory protocol, the same as any Jersey citizen. Therefore, the Group Director for Regulation was given an independent statutory responsibility to be able to call and hold the rest of the government to account as and when they come against regulation or come against the Planning Department. Where we are concerned about is that protocol only names the Group Director for Regulation as the name responsible for that independence. We are trying to find out who holds that. Why we are asking that is because we are concerned that if there is a gap and, therefore, maybe there is delay to regulatory decisions but also there could be legal exposure to the department. Has that analysis happened? Is that being recognised in any way?

The Minister for Planning and Regulation:
The answer is I am sure that it has been. I will write to you on that. The transfer has not yet happened, as you know. It is on its way.

Deputy H.L. Jeune:
There is no group director, so therefore it means that we do not have anybody who is holding that responsibility to be able to ...

The Minister for Planning and Regulation:
The best thing is if I make enquiries and write to you about who is holding it. I am not aware of any regulatory decisions being delayed.

Deputy H.L. Jeune:
Just to make sure, not only just who is holding that but if there is a gap, has that gap ... was that analysis being done ahead of not having a group director to ensure that we do not have any ...

The Minister for Planning and Regulation:
I am perfectly satisfied the officials have done all of that, but I will write to confirm the arrangements.

[13:45]

Deputy H.L. Jeune:
You talked, Minister, about the fact that this process of moving the regulatory department happened last year but, of course, the C. &.A.G. (Comptroller and Auditor General) had launched a review on the effectiveness of Jersey's regulatory landscape. Why was there not necessarily delay to try to balance the 2 so that we hear from the C. & A.G. and her findings ahead of making any changes to the regulatory structure?

The Minister for Planning and Regulation:

This was looked at by officers a year ago. They reached a view, which I believe is absolutely correct, about what needed to be done and that decision was taken. The C. & A.G. decided subsequently to do a view. I have had a session with them. I did warn them that they are aiming at a moving target but we will take account of what it has to say. I imagine it will ... I hope it will be quite similar to what is being done, but obviously we will take full account of what they were doing. I just have no enthusiasm for delaying until there is another report.

Deputy H.L. Jeune:

Is the idea to keep the regulatory department in the Cabinet Office or is there future plans?

The Minister for Planning and Regulation:

It is moving to the Cabinet Office. Longer term there is a case for a different arrangement, but let us just move it to the Cabinet Office, see how it is working, look at options for the longer term. There is clearly the option of having a separate regulatory function outside of the Cabinet Office.

Deputy H.L. Jeune:

We heard from the Chief Minister at his hearing last Friday that there is a consultation happening with staff at the moment. When is the closing date for that and how would the outcomes impact how this structure has changed?

The Minister for Planning and Regulation:

The closing date must be ... Andrew?

Head of Development and Land:

It is towards the end of the month, so we are about 2 weeks away.

The Minister for Planning and Regulation:

Yes, and clearly we will take account of the results of that consultation.

Deputy H.L. Jeune:

Would you be able to share with the panel the feedback from that consultation?

The Minister for Planning and Regulation:

Assuming that that is in order to do that on a staff matter, we will do whatever we can that is permitted under the arrangements.

Deputy H.L. Jeune:

Thank you. Are you happy with the capacity at the moment of the staff in the regulatory department to be able to carry out its core mandate?

The Minister for Planning and Regulation:

Obviously I would like more staff. There is much more we would like to do but bearing in mind the constraints under which the Government have to operate, yes, I am satisfied.

Deputy H.L. Jeune:

Thank you. Moving on to more specific regulatory areas, the former Minister for the Environment raised concerns regarding the limitations of the Statutory Nuisances (Jersey) Law 1999 and called in the States Assembly for more clear, modern and fit-for-purpose law. I am wondering, Minister, if you would agree with him that that is something that you see could come on to your Ministerial agenda?

The Minister for Planning and Regulation:

It has not come on to my Ministerial agenda yet. Anything that involves amending law, which as you know takes a great deal of time ... there are a lot of desirable amendments to laws that I would like to make, even on the planning and building law but, no, that has not come my way.

Deputy H.L. Jeune:

How do you view at the moment the balance between the implementation, compliance and enforcement aspects of regulation? For example, we hear a lot in this panel about the 4 Es of the approach: the engagement, enable, encourage and enforce. Do you feel that that balance is right at the moment? Do you feel that there needs to be a change to the balance and how the department approaches it?

The Minister for Planning and Regulation:

I think that balance is right. I have been a regulator. I have been on the elected board. Enforcement is very expensive to do and most regulators are constrained about how many enforcement actions they can do at a given time. It should be the last resort. There is an issue that there are any number of penalties in legislation and you see headlines all of the time: “People will go to prison if ...” It never ever happens.

Deputy H.L. Jeune:

That is why we are asking about the Statutory Nuisances (Jersey) Law because unfortunately the Minister for the Environment in the past Assembly was taken to the complaints board a number of

times because of the ruling related to that. So I suppose in answer to what you are saying, Minister, that is exactly why the panel is asking you that question.

The Minister for Planning and Regulation:
I think it is a really good point and I have been discussing some of these issues with officers over the last few days. If I can go back to an experience of mine when I was a tenant in Castle Quay, I had a rather frightening letter about renting out parking spaces, telling me this was a serious matter and action would be taken. Why? It was my parking space and I paid for it. If somebody wants one, why cannot I do it? It is that sort of ... I get letters all the time.

Deputy H.L. Jeune:
I think we are mainly focusing on regulation.

The Minister for Planning and Regulation:
Some people are frightened by official letters and we need to ensure that they are drafted appropriately, and again there is always scope for review and improvement.

Deputy H.L. Jeune:
Just moving on to the rented dwelling licence, we are probably due another report. Do you know when this will happen and could you tell us any significant data from it, if you are able to, or at least when we will know when the report will be?

The Minister for Planning and Regulation:
I hope it is due fairly soon. I have seen a number of drafts. A year ago when it was published I was staggered that it had a total of one statistic. There is no point in having a registration scheme if you do not produce data and it gave one figure for the total number of licensed dwellings. Subsequently the Chief Statistician has been able to produce a table showing how many private rented properties are owned by a landlord with one, 2 to 5 and so on. This time I have asked for more data, for example a parish breakdown. Also we need to use that data to try to get a better handle on the flow of properties into and out of the sector.

Deputy H.L. Jeune:
We will see a bit more also about how many ... if any landlords have been issued with compliance notices or had their licence ...

The Minister for Planning and Regulation:
Yes, all of that is in the draft. We need to get it right and we need to ... within a month you will see that report.

Deputy H.L. Jeune:

Thank you. Of course at the last States sitting we voted for the Food (Jersey) Law to come into force and this obviously sits with you. When can we expect a date for the Food (Jersey) Law commencement, because it is sitting with you, Minister?

The Minister for Planning and Regulation:

I will write to you. Sorry, I just do not know. It is not something that has come way recently. I am aware it has to be done but I do not know when the date is.

Deputy H.L. Jeune:

Thank you. Moving on to the Minister for the Environment. Thank you so much. Thank you, Minister, and thank you for being patient. I will over to Deputy Maltman to lead this.

Deputy A. Maltman:

We note that your title now, Minister, is Minister for the Environment, Agriculture and Fisheries. Thank you for your letter to us outlining your Ministerial priorities. You have mentioned a number of priorities in there, including water quality and safety, biodiversity as key priorities for your term of office. Could you explain a little bit what kind of outcomes you would expect to see by 2028? We are interested to know why you selected these priorities above others in your portfolio.

The Minister for the Environment, Agriculture and Fisheries:

Obviously it is a very broad portfolio, as you rightly said, and from my perspective I think it is important that with 12 weeks in we are not changing everything that was already happening. From my perspective in relation to obviously the net zero piece of work, it is important that we continue with that piece of work, moving towards 2050. It is obvious that we are not going to make all of the necessary changes in relation to what we were anticipating up to 2030. In relation to the other elements, and you have to forgive me, can you just repeat the other elements that you asked me?

Deputy A. Maltman:

Yes. In your letter you outline some of your key priorities being the water strategy, the water quality and safety, the biodiversity strategy you specifically mention.

The Minister for the Environment, Agriculture and Fisheries:

Okay. In relation to the water, obviously the water strategy is exceptionally important from the point of the concerns that have been raised by some of the public in relation to P.F.A.S. (per- and polyfluoroalkyl substances) and that is obviously an ongoing piece of work. We are working obviously very closely with the water company in relation to that matter, but that will need to continue

and the work will need to continue as all stakeholders in relation to that. Obviously Deputy Morel was part of the group that, although it was not the lead on it, was present at the P.F.A.S. meetings in relation to that. Of course with biodiversity and also we are very keen to look at invasive species as well, moving forward. There is an awful lot to do and both myself and Deputy Morel have been ... how can I say? Our feet have not touched the ground in the last 12 weeks apart from a very short holiday both of us had - not together, by the way. We have obviously been meeting a cross-section of stakeholders. We have been meeting obviously the teams and we have been briefed twice a week but it is, as you can appreciate, an exceptionally broad portfolio because you have not only got the environment but you have also got agriculture and fisheries. We have got a significant number of other agencies that work in all of those remits.

Deputy A. Maltman:

Thank you, Minister. It is really gauging ... you have really touched on the separate workstreams and the merger or the combination between the environment and the economy. Just on that, and I know the Chair has asked this of the Minister for Planning and Regulation, are you aware of the department's risk register as well as the Government's overarching risk register? Ahead of all of these changes, do you have sight of that?

The Minister for the Environment, Agriculture and Fisheries:

I have not actually had a sight ... well, I probably have had sight of the risk register but, of course, each department will have a risk register. The department was in what was Environment and Planning and would have had a risk register jointly. Obviously this will now be split but obviously there is risk ... in relation to the risks that I would foresee in relation to this particular, environment for example, will be the climate changes, the fact that we are likely to get adverse weather, both storms and also dry, as we have seen throughout the summer. That is a real risk for us, particularly if you look at it from the agricultural industry. That will be a big risk because obviously in the times of drought then it is not only going to be the growing of food but it is obviously going to be the cattle and all of the other livestock that we have got on the Island. Those for me are going to be fairly high risks. As I said, there is flooding and there is obviously excess storms. So that is why from my perspective it is also important to continue the work with our policies in relation to climate change and making sure that we as an Island ... and I know there is a lot that will say that in the rest of the world some people, larger countries than ourselves, have pulled back. From my perspective, I think it is important to continue on this journey because those changes that we make will help change our landscape. It will make our environment better for our community. We may only be 100,000 people but I think it is important that we continue in that way.

Deputy A. Maltman:

Thank you, Minister. I was thinking, as well as the macro picture, the micro picture in terms of your department, defining your priorities and your input into the C.S.P. (Common Strategic Policy) for example. How do you feel that those risks are being addressed in that kind of workstream?

The Minister for the Environment, Agriculture and Fisheries:
I think obviously the C.S.P. has not been published yet, it has not been completed yet, but I think it is important that we ... we sometimes focus very much on the C.S.P. but I think it is also business as usual for each department because there will always be things that at a particular time will take priority but I think it is important for us that we will continue the work in relation to to our net zero moving forward. So I think, as I said, I am quite confident that the people around the table at the Council of Ministers are very supportive of the environment as much as we are around this table.

Deputy A. Maltman:
Thank you. That was pretty much relating to the funding, the staffing and the operational capability in order to do that kind of work that you have outlined.

The Minister for the Environment, Agriculture and Fisheries:
If you look at the way that it has transpired, environment is now separate from ... you have now got environment which now includes agriculture. Agriculture was sitting under the Minister for Sustainable Economic Development, so obviously there is a transition of people and there will be a transition of funding. There will obviously be funding that will ... the funding between planning and environment will be split and obviously then you can sort of sit down and see where everybody is and your resources and everything else. I think what is also important to say is that sometimes there is a misconception that everything is in silo working. That to me is not true from the point of view that I think the planning part of it will be sitting alongside the environmental part of it and they all talk to each other.

[14:00]

So from my point of view, once the chairs have all moved and all stayed, through obviously having Deputy Morel as the Assistant Minister has made a significant difference from the point of view of the legislation but also knowing what people were doing what. So there were people that were going to be very necessary for the Department of Agriculture and Fisheries and the Environment to have, so that we knew who we were going to have. So I think those parts of it are very important. Obviously when things have settled we will then look at the resourcing and whether there is any gaps.

Deputy H.L. Jeune:

Thank you, Minister. Any gaps, but of course we know that next week will be the launch of the Budget, so we would have hoped that some gaps would have been identified. My question on that and something the panel ... I know we will talk to you in a detailed Budget hearing later in the year but one of the things that we found, looking last year, was the fact that because ... and we have heard from Andrew about one of the big risks of planning is the reduction in the amount of planning applications was a reduction in the amount of resources and anticipated income into the department, which led to the fact that then sometimes the Environment Department bit had to subsidise or had to give money towards planning and regulation because that was seen, of course, as more important and something that needed to be done. Now it is split, are you going to be confident that you have the money that the Environment Department needs and the amount that was designated before for that? The way before it was moved in the department between the 3 areas and now it will not be. You will be stuck.

The Minister for the Environment, Agriculture and Fisheries:
I think the thing is that when the planning did not have sufficient funding it was taken from the environment and that now the environment will have their budget and planning will have their budget, which is totally going to be separate. When I said about the gaps, it is more about the fact that with the way the system worked before, potentially, you may have had potential for filling a position, which you may have been hesitant to fill because you did not know whether your funding was secure, whereas now the funding is secure but come January, if you like, when I say gaps, there might be members of staff that will move from the department and you will then be confident that you are going to be able to replace those staff. I think before it was probably a little bit more uncertain, whereas from my perspective these 2 pieces, having being split, means the environmental budget is more secure. People might disagree with me but that is my opinion.

Assistant Minister for the Environment, Agriculture and Fisheries:
Could I just add something there as well?

The Minister for the Environment, Agriculture and Fisheries:
Yes.

Assistant Minister for the Environment, Agriculture and Fisheries:
I think with regard to resources, particularly in terms of human resources, Environment, Agriculture and Fisheries is a very small department. I think it is on us to be very aware of this continuing recruitment freeze and the impact that that has on our department because often we have one person doing one particular function, which is a very specialised function. If they choose to move out of the department - so they might stay in government but just move elsewhere - at times if we are unable to backfill that person, then the entire function can fall away. I think it is really important

for us, as Ministers, to maintain that monitoring to ensure that we have the human resources in the department.

Deputy H.L. Jeune:
Does the money move with the people?

Assistant Minister for the Environment, Agriculture and Fisheries:
No, the money moves with the functions, not the people.

Deputy H.L. Jeune:
That is what I meant, sorry. The money is moving with the function.

Assistant Minister for the Environment, Agriculture and Fisheries:
Sorry, my assumption is that that is where it has to, but I am not talking about that, I am talking about ongoing. Just if in 10 months' time someone performing one function chooses to leave the department for whatever reason, there are certain functions which is important that you do get a replacement for, otherwise the whole function falls apart. That is all I am saying. From a risk perspective I think it is incumbent on us to monitor that and make sure that we are not being, as a department, harmed by a recruitment freeze, which is quite a blunt instrument.

Deputy A. Maltman:
You mentioned the recruitment freeze, is the Natural Environment Department then still using consultants?

Assistant Minister for the Environment, Agriculture and Fisheries:
Not particularly. There might be some small areas but not particularly.

Deputy A. Maltman:
Then just quickly, you mentioned the funding, what kind of assurance can you give that the Marine and Rural Support Schemes for the Agricultural Loans Fund will still be continued for that particular purpose?

Assistant Minister for the Environment, Agriculture and Fisheries:
Do you want me to go back to that? Okay, yes.

The Minister for the Environment, Agriculture and Fisheries:
Yes, you can.

Assistant Minister for the Environment, Agriculture and Fisheries:
Yes, I was going to say I do not want to take over.

The Minister for the Environment, Agriculture and Fisheries:
No, no, take it.

Assistant Minister for the Environment, Agriculture and Fisheries:
That, as far as we are concerned, is being moved over across from the Economic Development Department to our department intact. There is no reason why the £8.8 million that it was should not just be moved straight across with the staff.

Deputy H.L. Jeune:
I just have another because it goes back to that question about the function supporting the scheme moving. That has been a clean transfer, including the functions resources to support that function has also moved, not only the loan scheme itself.

Assistant Minister for the Environment, Agriculture and Fisheries:
It is taking place, that transfer is taking place. It is not completed I do not believe yet.

Deputy H.L. Jeune:
Not completed.

The Minister for the Environment, Agriculture and Fisheries:
Yes, because, as I said, that was what was significantly important from my perspective, was that there was knowledge with Deputy Morel of who was doing the functions. That has a benefit because you know who is doing the functions and the fact that those individuals need to come under this area.

Deputy A. Maltman:
Just in terms of that structure then, the movement from the Local Economy Department over to Ag and Fish, could you tell us a bit more about that structure and how many F.T.E.s (full-time equivalents) have been transferred over and the sizing of the department?

Assistant Minister for the Environment, Agriculture and Fisheries:
I believe that is 2 and a bit, I think. There is one main person and then there were 2 people who have those functions. But, again, there have been vacancies in that area and so we need to see again whether they are going to be filled.

The Minister for the Environment, Agriculture and Fisheries:

But as I said, come 1st January we will be able to see and manage our budgets and of course the recruitment freeze relates only to the higher-level posts. It is just about the department being …

Deputy A. Maltman:

It is grade 11 and above, is that correct? Yes.

The Minister for the Environment, Agriculture and Fisheries:

Yes, that is right. It is about us being able to look and see where if we have got any gaps and whether we need to and can afford to recruit where we need to.

Deputy A. Maltman:

If we get past this recruitment freeze then you would be able to do that.

Deputy H.L. Jeune:

Thank you. Moving on to the Marine Spatial Plan. Deputy Curtis.

Deputy A.F. Curtis:

Thank you. Minister, you will know that the last Scrutiny Panel scrutinised your former Minister for the Environment on the Marine Spatial Plan and I know we have got Francis Binney, who has been integral to that in the call, so I might ask him the questions. But starting with a rollback of I think 23 days, so 1st September, I believe that was when the new M.P.A.s (Marine Protected Areas), which was a key part of the Marine Spatial Plan, went live. Could you provide an update as to your work with the Marine Resources team with industry following some of the early changes that the M.S.P. (Marine Spatial Plan) has brought about?

The Minister for the Environment, Agriculture and Fisheries:

I will refer to Francis Binney in a second, but I think what is important was that this work had already commenced and this was the final part of that. As I said earlier, what is important is that you continue to work forward. Unless you can see a valid reason not to continue with something, I think that it is important as a new Minister to continue that work. Deputy Morel and myself are briefed pretty much every week from the person who is going to speak to us now.

Deputy A.F. Curtis:

Okay. Maybe, Francis, as I say, you are now working under a different framework as to what is protected in the sea. Given you have got a new Ministry as well, is feedback coming in that you are now evaluating and responding to or has industry accepted the changes?

Head of Marine Resources and Management:

Yes, thank you very much. The impact to the changes are going to be felt over the coming months. Our fishermen have obviously started working with the new areas. French fishermen do not start, at the moment will not be fishing until October. We are going to work over this winter to start to understand those impacts a bit better. I know at the Normandy Summit, which Deputy Morel attended earlier, there was talk on the subject from Normandy about assessing those further impacts themselves as well. Impacts, positive and negatives, will come to light over the next year and 2 years. It is not going to be an immediate switchover. While we have closed areas instantly, it will take time to understand what that means in terms of increased steaming time and changed catch ratios and everything else. It is going to take time and working out what adaptation measures or other elements may be suitable. It is something we are building up a profile of for the Ministers to consider as that develops.

Deputy A.F. Curtis:

Okay. There is an active workstream to review and assess, as those then start to bed in?

Head of Marine Resources and Management:

Yes.

Deputy A.F. Curtis:

The M.P.A.s were one area within the M.S.P. that had a renewed focus and there were, I think, by our count, 91 actions within the M.S.P. ,of which by our last count there is 80 that remain outstanding. How are you, Minister - we have a renewed focus on environment, agriculture and fisheries - working with the Marine Resources team to accelerate or deliver against the very large amount of work that the M.S.P. proposed gets done?

The Minister for the Environment, Agriculture and Fisheries:

I think Francis might be the best one to answer that as to where exactly we are with those 91. Even though we have met, we have not been through the whole 91 recommendations.

Deputy A.F. Curtis:

Maybe you could update us, if our data is accurate or what progress has been made since the last public updates?

Head of Marine Resources and Management:

Certainly. Thank you, Minister. The easiest thing to do is to share. If you will forgive the graphics because I have not got them quite right yet, the info graphic which will be published in the next couple of weeks, showing where we are against the priorities, this is an extract from the first *Marine*

Spatial Plan Annual Report, which we are going to have out in the next couple of weeks. This will be the visual that will go alongside it, once I have fixed the lighthouse because it is very obviously not Corbière, so I need to deal with that. But other than that, we have got 57 priorities active, we have got 10 complete, 20 ongoing and 34 not started. The report dives into the detail of that and I and officers would be very happy to come and offer scrutiny and in-depth briefing on that once published, if that will be of use.

Deputy A.F. Curtis:

Okay. Thank you, Francis. Minister, given Francis has just shared the numbers and spoken them through for the benefit of those listening or watching, are you expecting a briefing or a way of working with the team to provide a Ministerial direction on top of the department or do you see a lot of the work to be technical?

The Minister for the Environment, Agriculture and Fisheries:

From my perspective I think it is important to work alongside officers and support officers in what they are moving forward. Obviously the media will come to us as part of the Government to ask why we are doing certain things. I think it is important that we follow and track what is going on and what is happening and why some things are still only … we have completed 10, 28 are ongoing and there is still some active. I think it is important for us, as the Ministers and Assistant Ministers, to be able to understand where we are at. As I said, the media will come to us and of course if there is any issues that arise, again the industries will come to us and say: "This is not working for us." I think it is important that we work alongside the teams.

Deputy A.F. Curtis:

Given that is going to be published soon, your update, you are then going to see a briefing and work with the team shortly before or after, so that maybe next time we ask you, you will have provided a prioritisation ministerially as to what matters to you.

The Minister for the Environment, Agriculture and Fisheries:

Yes.

Deputy A.F. Curtis:

One area politically that has had focus in the past has been the commitment by the Assembly or by the Minister to meeting 30x30 under the O.S.P.A.R. (Oslo and Paris) Convention. Is that something that you are committed to working with the team to or have you had a chance to consider 30x30 in our obligations?

The Minister for the Environment, Agriculture and Fisheries:

Of course this was a question asked by the Constable of St. Martin at the last Assembly and, yes, we are committed. However, as I said at the time, it is important that when we are looking at the extra amount that is coming forward ... because I think it is 23 point something per cent that it will be come January. I think what is important is that in order to achieve that 30 per cent we want to ensure that we are achieving it and it is making a difference, not that it is a paper exercise and that we are not making a difference at all to the environment. I think that is an important part of that work and that is where obviously myself and Deputy Morel are working with the department to ensure that to get to the 30x30 is essential to make sure that it is of benefit and it is not just a paper exercise. I think that is the most important part of it all really.

Deputy A.F. Curtis:
Okay. Lastly, touching on the economic impact and I think we touched on the fact that you will be hearing probably feedback coming in.

The Minister for the Environment, Agriculture and Fisheries:
Yes.

Deputy A.F. Curtis:
I noted in a response you gave to Deputy Andrews on a question, you directly faced that on in addressing the impact to the fishing industry. You did say that: "One has to take a short-term and long-term view and, yes, in the short term M.P.A.s will be detrimental to the boats that perform dredging for scallops." Are you comfortable working with industry to support them on long-term transition or long-term support or what is your approach to that short-term pain, long-term gain for the industry?

[14:15]

The Minister for the Environment, Agriculture and Fisheries:
I think the thing is that what we have to realise is that with particularly fishing is that we need to preserve stocks for the future as well. We do have to do this kind of work in order that we do not end up with no fish. Obviously it is the evidence and everything has to be evidence-based, does it not? We have to be able to see that by doing certain things that things are improving. From the point of view of the fisheries, obviously you will be aware - and Deputy Morel will be able to be a lot more explicit on this - that there is funding, not only for the agriculture industry but there is also funding available for the fisheries industry. I think it is important for us to identify that if it does have a significant impact as to whether there is something that we can do to assist them in relation to that transition and, hopefully, moving forward, as I said, the whole dynamic of it will be better.

Deputy A.F. Curtis:

What happened was that you have now got, from the position maybe 4 or 5 years ago, the mechanisms in place within government, the funding that provides you the legroom you need to address those?

Assistant Minister for the Environment, Agriculture and Fisheries:

I think so, yes. I think it is also worth pointing out that alongside the Marine Spatial Plan there is also a piece of work about the fishing sector itself. The fishing sector is facing unprecedented pressures from climate change through to lack of fish stocks, changing species, as well as succession in terms of the people wanting to work in the industry and there being a lack of people moving into the industry. That support is also there to be used to help us understand how best to support the fishing industry to ensure it has a long-term future. Right now, and I said this when I was Minister, it is an industry that is in crisis and, therefore, it is an industry that needs help.

Deputy H.L. Jeune:

With that, will we be seeing within the Budget an increase in support for not only the rural areas but also the fishers in the scheme?

Assistant Minister for the Environment, Agriculture and Fisheries:

The Budget, effectively, was set in the last term by the vote that we did in March to say that there will be ongoing support for the marine and agriculture sector. Suddenly you will not see anything new in the Budget around that. What it is is it is down to the Minister to work to prioritise that, that amount of money, and I say it is around £8 million. Accordingly, like I say, it will all come from that £8 million; there is no extra money at the moment.

Deputy H.L. Jeune:

At the moment, okay, thank you. Thank you. Turning to something that, Minister, you have talked about; you have already touched on this. Obviously the climate emergency and our changing environment in Jersey and looking both from mitigation and that adaptation when it comes to climate change, the Climate Council did a report near the end of last term and concluded that: "Jersey is not currently on track to meet its 2030 and 2050 targets." Do you agree with that assessment and what are the most important actions, do you think, that should be taken this term?

The Minister for the Environment, Agriculture and Fisheries:

As I said, I think we have to focus on 2050. Realistically we are not going to make 2030, 2035. I think we need to focus on 2050. From my point of view, as I have already said, I think it is important that we, as an Island, try to as much as possible get away from the use of fossil fuels. We need to support businesses in relation to doing that but also our green skills locally. Of course I think in

recent years there might have been more difficulty in the transitioning because there was not sufficient people to be able to provide those services. In fact on Friday there is a masterclass at Highlands College and there is going to be a launch of the Green Skills Academy. I think what is really important for us as an Island is that we can now see the opportunities for transitioning is a lot better than it would have been 3 or 4 years ago. We have got people that can do that transitioning now, which we probably did not have before. I think it is important for us to continue to support that and move forward with it.

Deputy H.L. Jeune:
The Carbon Neutral Roadmap is of course a roadmap and so we have had the first tranche from them and we have had the Climate Council give their report. Of course the next one was the 2026 to 2030. When can we expect a publication or at least a draft for the panel to see this delivery plan?

The Minister for the Environment, Agriculture and Fisheries:
Fairly soon. In actual fact I do not know what the exact timings are.

Head of Environment and Climate:
It is being worked on at the moment in terms of the revised delivery plan. I think the Minister was keen to offer a briefing …

The Minister for the Environment, Agriculture and Fisheries:
That is right, yes.

Head of Environment and Climate:
… to the Scrutiny Panel in the next couple of months.

Deputy H.L. Jeune:
Right. Of course we have a number of areas within the Carbon Neutral Roadmap but of course a number was on transport but then also on buildings and boilers. There was both incentives that have happened but also described as probably sticks, for example, work towards. The former Minister put a hold for the moment on banning the import of fossil fuel cars and then had not necessarily started work about the banning on fossil fuel boilers, for example. How do you feel about that stick action to the Carbon Neutral Roadmap? Will you be bringing any of these forward?

The Minister for the Environment, Agriculture and Fisheries:
I think from my perspective what is important is to continue with the heating in relation to that for the next 4 years, heating and waste, as well as looking to better adapt to the change in climate. I think for me at the moment we are still moving forward with the heating opportunities. We have not looked

in relation to, as you rightly said, the sticks at this present time. I think it is important that we need to have Islanders move forward with us. There has been a lot of negativity, I think, about net zero and whether we were going to get there and the level of costing that it was going to be. We have got a budget, which is probably around £4 million a year. Of course I think we need to utilise that and make sure that it is valuable. We are moving people away from fossil fuels within their homes. In an ideal world we will have everybody walking and cycling and I will put my hands up, that is not me at the moment, but I think the thing is that we just need to keep on the journey in order that when we get closer to 2030 in actual fact we can see that we are making progress. Of course I think what is also interesting is that in relation to the public buildings, the solar panels and all of those sorts of things are obviously also crucial to us moving forward.

Deputy H.L. Jeune:
When you are talking about heating, you mean heating incentives?

The Minister for the Environment, Agriculture and Fisheries:
Yes, sorry.

Deputy H.L. Jeune:
Therefore that, in a way, is more money than per se doing regulation because of course regulation, the cost is not giving money to …

The Minister for the Environment, Agriculture and Fisheries:
No. I think the thing is as well, as my colleague has just said about regulations, regulations is one thing and it is a valuable point. But I think sometimes when you look at the overall picture, from my perspective I think we continue in relation to, as I said, the heating and supporting those schemes, supporting the green skills and all of those things. Then when we move forward ... and with 3 months, as I said, in this role, I would not want to be saying I am going to do this, this and this. I like to see how we are going to progress, how we are going to move forward. As I said, we have got the funding for certain elements and I think it is important to try and get people away from the whole use of fossil fuels.

Deputy H.L. Jeune:
You mentioned Minister's regulation and what the Minister said and, of course, the Carbon Neutral Roadmap spans a number of Ministerial portfolios.

The Minister for the Environment, Agriculture and Fisheries:
Yes.

Deputy H.L. Jeune:

The Minister for the Environment, Agriculture and Fisheries is convening it and leading and encouraging, I would say, other Ministers to implement.

The Minister for the Environment, Agriculture and Fisheries:

Yes.

Deputy H.L. Jeune:

Within that - and as we have the Minister here - building bylaws is an important part because, of course, we can encourage people to change their boilers but also there is the issue of boiler retrofitting. How will you deliver on that co-ordination as well and ensure that there is not that duplication or gaps, especially including things that go between the 2 of the planning and building bylaws, for example, and helping old buildings to be retrofitted?

The Minister for the Environment, Agriculture and Fisheries:

I think that is obviously a subject that we have not really touched on a great deal at this stage. But I think what is important, as I said, myself and the Minister will meet regularly anyway, as will the Assistant Ministers. I think it is a discussion that will be happening on a regular basis. We already meet regularly. As you well know, this Government has got all of the Assistant Ministers around the table at the Council of Ministers. All of us meet pretty much every week. I think moving forward we are on the same page. Certainly, as you will be aware, obviously definitely on the same page as the Minister for Infrastructure. I think we are all working together, we all discuss things together. From my perspective, I am not concerned about any blockage moving forward on this.

Deputy H.L. Jeune:

When you talked about adaptation, just briefly what kind of adaptation will you be focusing on?

Assistant Minister for the Environment, Agriculture and Fisheries:

I am pleased you brought it up because I was going to ask if we could speak a little bit about that. I think that is one of the changes that needs to be made to the Carbon Neutral Roadmap because it is focused very much on carbon neutrality. I think we are going to want to look more at carbon neutrality but we need to look at adaptation. I think that has largely been missing and this is about being proportionate. At the moment Jersey could become entirely carbon neutral, that is fine, but we would still be experiencing hotter summers. There is nothing we can do about that, except try to learn to adapt and that will be working with the Minister for Planning and Regulation and others to try to ensure that we make Jersey an easier place to live in our warmer and hotter summers. From an agriculture and fisheries perspective, there is a whole load of learning around adaptation. Does that mean you have got to be planting different species, planting in different ways? In fact something

I have been raising, which may be a bit further down the line but, equally, it could happen tomorrow, is the end of the Gulf Stream and the heating from the Gulf Stream. If the Atlantic meridional oceanic conveyor collapses, then Jersey will be plunged into freezing cold winters, similar to Newfoundland, so that is going to mean all sorts of adaptation. I think one of the strongest hits we can get in terms of the money - because, as the Minister said, it is £4 million a year - is helping the Island adapt to a changing climate as much as reducing its own emissions. Particularly, as we must remember, I think from memory we are about second only to Sweden in how low our emissions are in Europe. I believe it is the second-lowest emissions in the whole of Europe. We are a long way ahead of the rest of the pack. I think one of the things we need to do is look at that adaptation. But it is too early, to your original question, Chair, to say what those adaptation measures will be; it is just too early for that. The building controls review, which has been going on for the last year and a half, is an important part of that because it is the building controls which then tell builders and architects what they put in those buildings. Again, about proportionality, that building controls review, I said that when it was launched around 18 months ago, needs to be proportionate. At the moment I think some of our building standards are disproportionate to what is needed in Jersey.

The Minister for the Environment, Agriculture and Fisheries:
Of course heat pumps are both heating and cooling.

Assistant Minister for the Environment, Agriculture and Fisheries:
Yes.

The Minister for Planning and Regulation:
Can I just add a little bit on building control and very much endorse what Deputy Morel has said? New houses account for 1 per cent or 2 per cent of the stock each year and there is a real danger of putting all of the burden on new construction, particularly if people are not willing to pay for it. The proportionality absolutely needs to be borne in mind, otherwise all we do is stop houses being built. I may be wrong on this but the requirement at present is for new buildings to have electric car-charging facilities. That is not appropriate in 100 per cent of new buildings, nor are people who do not have electric cars willing to pay for it. That is the sort of thing we just need to be careful about.

Assistant Minister for the Environment, Agriculture and Fisheries:
But also some people have electric cars like myself and just use a 3-pin plug. I do not need a charger in respect …

The Minister for Planning and Regulation:
You are going to have one and say …

Assistant Minister for the Environment, Agriculture and Fisheries:
No, but you just need a 3-pin plug. You do not need a charging station.

The Minister for Planning and Regulation:
Those are things that, while in great enthusiasm we think this is helpful, it is not always. If people want to pay for an electric charging point then it will be built; that is what developers do. I think we need to be very careful what we are doing here.

Deputy H.L. Jeune:
Or there is an incentive to help pay for a charger.

The Minister for Planning and Regulation:
Incentive is one thing; the forcing it is, I think, completely different.

Deputy H.L. Jeune:
Yes. Thank you. It is great that we already have this cross-discussion because that is where we are moving into. We may touch on these areas later but it is just stepping back a bit and seeing where this is this cross-work and how that will work. I will just go to the Connétable to …

The Connétable of St. Saviour:
Thank you, Chair. We move into cross-Ministerial delivery. Question one is, both of your portfolios have responsibilities that overlap across planning, environmental protection, climate policy, housing and infrastructure. How are you ensuring that that policy is developed jointly and that the decisions taken in one portfolio support the objectives of the other?

The Minister for the Environment, Agriculture and Fisheries:
As I have already said, I think the starting point of anything is that staff all work together and policy officers do work together.

[14:30]

As an example, you will have members in the Department for the Environment who will look at the Wildlife (Jersey) Law and they will consult and the people within planning regulations will speak to those individuals when these applications come through. I do not think it is us that need to be doing that because I think the staff do it automatically. I think, as I said, it makes me quite cross sometimes when people say: “We are all working in silos.” I do not think the staff do. I do think that they talk to each other. In relation to planning and the regulations, obviously in order for the process to work its way through they have to talk to people in the other department. From my perspective, the law is

quite clear in relation to the Wildlife (Jersey) Law. We will watch and see and you will suddenly find if things are not working and I think from my prospective it will work.

The Minister for Planning and Regulation:

Can I endorse that? Absolutely. If something came to me from an officer, whether it is planning or education, where I say, the Assistant Minister ... that clearly had implications for the department, you would say: "Have you consulted?" I have never had to ask that question. This is what happens as a matter of course. I think if there was a difference between officers, which is possible, that is when Ministers may need to get involved but I am not aware of any such problem.

Deputy H.L. Jeune:

I suppose this just comes back to the point that there is one outstanding, the compliance strategy, which maybe I have got it wrong on that but obviously I assume it links into the conditions or have people adhere to the conditions ahead of them building and planning and whether that is happening. I suppose that is a risk that could happen when somebody who is not compliant of their conditions, thinking that it is a small thing, could come against the Wildlife (Jersey) Law. I suppose you are very much involved in the compliance strategy.

The Minister for the Environment, Agriculture and Fisheries:

Yes. I know that we do not always prosecute because we do not have the resources to do so but from my perspective if people do not fulfil their obligations in relation to their building, then I have got a different view to a lot of people. I would prosecute people for not fulfilling their obligations. For me there is no point in having a law if you are going to allow people to break it and do nothing about it. Whether you are talking about a roads policing matter, it is an offence to break that law. From my perspective, if that suddenly became something that was occurring, I would then say we need to sort this out and we need to start dealing with prosecuting people for breaking the rules. I do not care where the rules are. There might be some rules that you can tolerate more than others but from my perspective you need to be fully compliant and ensure that people do not think they can do it and get away with it.

Deputy H.L. Jeune:

I think, Minister, the panel - and I know from legacy reports - are also very keen on that enforcement angle and we would definitely be coming to you in the future, Ministers, in the next few years, both from environment's perspective and then also from planning and regulation, that enforcement is adhered to.

The Minister for Planning and Regulation:

I agree, but we have to make sure we are being proportionate. It is an offence not to tell my department that a landlord has ceased to be a landlord. It is an offence for which there is a penalty. Really think you can get that through to the court: "Sorry, I have not told the Government that I have ceased to be a landlord"? It is an offence. It is an offence to leave the Island and not tell the Government. We would say we need to be careful about what our offence is. There is no way if we went to the Attorney General and said this person failed to tell us, bearing in mind they are in hospital, that they had ceased to be a landlord, this is an offence and we demand a prosecution ... it would be thrown out. We need to look carefully at what the offences are. But I agree entirely with what the Minister has said. Where you have got significant breaches of conditions that are manifestly damaging, of course action must be taken.

Deputy A.F. Curtis:

I think, again, cross-Ministerial working and going right back to the beginning of the Minister for Planning and Regulation, what you said was a lack of, I think, a cohesive overarching policy on regulation and some of that comes down to how you enforce and create compliance and, Minister for the Environment, you have given your take.

The Minister for Planning and Regulation:

Yes.

Deputy A.F. Curtis:

You both - and I know the Chair will probably get on to this - have laws which are regulatory. I believe you are keeping some agricultural laws, protection of agricultural land.

The Minister for the Environment, Agriculture and Fisheries:

Yes.

Deputy A.F. Curtis:

We will find out. That has enforcement powers and no doubt has requirements. How are you going to work to agree the correct way to be consistent in enforcement? Minister, with your powers for agricultural land you may be really unhappy somebody is desecrating some land. Minister for Planning and Regulation, you may say take the 4 Es. How are you going to agree for a cohesive way when genuine compliance requires action or enforcement or punishment?

The Minister for the Environment, Agriculture and Fisheries:

I cannot speak to obviously how Senator Boleat would look at this, but from my perspective I have worked in law enforcement most of my life. When you have a scenario and it impacts 2 different parties, if you like, then you will have to have some conversation with the parties and come to a

sensible conclusion. In relation to obviously the law that sits with myself, it is quite clear that it is a decision for me because it is my piece of legislation. The laws sit with certain individuals and Mark will have legislation that is clearly sitting with him. Obviously if it is something to do with the Wildlife (Jersey) Law, that sits with me. If there is something then you have that discussion. If you look at law as a whole thing, you do not prosecute everybody for everything but there will be different formats and there will be different ways of dealing with people as well. I would not say that by splitting this role that there is now all of a sudden going to be different decisions made about different things because even with one person taking both roles, that person might not make the same decision every single time either. I think fundamentally from my perspective it is quite clear that what law sits with me, sits with me, what law sits with Mark, sits with Mark, but where you cross over, then you have to have a discussion about what you think is reasonable or not.

Deputy A.F. Curtis:

From that it sounds like it is fair to say where you have got laws that are pretty much of your domain - wildlife, protection of agricultural land, control of certain leases - your approach to enforcement and regulation may slightly differ from Senator Boleat, but that is not a flaw of the system. That is just the fact that you are Ministers, incorporation of and owners of those laws in their own right.

The Minister for the Environment, Agriculture and Fisheries:

Yes.

Deputy A.F. Curtis:

You are happy there will be good dialogue but that each of you retain your laws and you may have your own slightly different working start as to how you pursue the use of them.

The Minister for the Environment, Agriculture and Fisheries:

Yes. If you think about the way that Jersey works as a Government, as a whole States Assembly, we are not political parties. Yes, there are individuals, so each individual will have different ideas about things. That does not mean that you cannot work together. It just means you might have different views and opinions of what your tolerance levels are. I do not see that this is not workable. I think this is almost creating something that is not there.

Deputy H.L. Jeune:

Minister, just when you were talking earlier and Deputy Curtis mentioned about proportionate and appropriate, you talked about the fact that you were looking at regulation policies and over the umbrella. When you mentioned that, are you talking about the laws that are sitting under you as the Minister for Planning and Regulation, rather than stepping back and seeing all regulations? From a

point of view, if the Minister for the Environment, Agriculture and Fisheries brings a new legislative piece, it is for the Minister. It is not sitting under this wide umbrella you were talking about.

The Minister for Planning and Regulation:

There were already wide umbrellas, for example, on consultation, which is equally widely ignored, which, again, is not good for the Government to have procedures that are …

Deputy H.L. Jeune:

Yes, and talking about whether proportionate and appropriate …

The Minister for Planning and Regulation:

Yes. The answer is we are currently looking at an overarching policy on regulation which would apply across Government. That would have to be agreed by the Council of Ministers, not for me to agree it. I will be discussing it later today with a group of Ministers.

Deputy H.L. Jeune:

This then would mean any Minister who is bringing regulation would sit within that overarching umbrella regulation.

The Minister for Planning and Regulation:

We would hope the Minister would wish to do this. A key point is that the proposal should have an impact assessment. I do not mean 50 pages; it can be one page of what are we trying to do. What is the expected benefit? What are the costs and who are bearing them? If you cannot do that anyway, you should not be regulating. But what we are trying to do is to get more consistency across Government, including in how we consult. In my view, shoving something on Facebook and inviting people to do something on SurveyMonkey does not constitute effective consultation. It is trying to get good practice spread across Government. The Ministers will have a full opportunity to discuss this and those that do not like it can say so. What we are trying to do is something to help Ministers, instead of every department doing its own thing. There is a lot of work being done around the world on regulation that we need to learn from. Yes, we are Jersey, we are different but we are not on a different planet. Some of the work we have already done, we had been quoting O.E.C.D. (Organisation for Economic Co-operation and Development) research on good practice on regulation. I had got regulatory experience in the U.K. and in Gibraltar and I find that very relevant to what I am being asked to do now. Let us draw on best practice, try and spread it throughout Government and I do not see that we are going to meet a lot of opposition.

Deputy H.L. Jeune:

Thank you.

The Connétable of St. Saviour:

Thank you, Minister. Just 2 more quick questions from me before we move on; I am conscious of time. On the worldwide theme, which is appropriate, responsibility for post-Brexit international trade and environment negotiations previously sat under the Minister for the Environment. Who exactly is politically responsible for the current Brexit reset negotiations?

The Minister for the Environment, Agriculture and Fisheries:

That is me because it is trade. He is not involved in trade, I am. My colleague is …

Assistant Minister for the Environment, Agriculture and Fisheries:

Only agriculture and fisheries.

The Minister for the Environment, Agriculture and Fisheries:

Only agriculture and fisheries, yes, only agriculture and fisheries, and that is hence why my colleague next to me was at the Normandy Summit last week and has had a lot of dealings with both agriculture and fisheries in Europe.

The Connétable of St. Saviour:

Thank you, Minister. As the current Government develops reforms across your portfolios, who and how are you ensuring continued compliance with Jersey's international environment and trade obligations? Would that be you again?

Assistant Minister for the Environment, Agriculture and Fisheries:

External Relations.

The Minister for the Environment, Agriculture and Fisheries:

It is really External Relations more than us. Ours is a very small remit really in relation to trade, agriculture and fisheries really, not all of the other bits that sit under finance or sustainable economy or whatever, the Economy Department.

Assistant Minister for the Environment, Agriculture and Fisheries:

Obviously Jersey signed off the various environmental agreements and that does sit with us in those areas, whether it is Ramsar or …

The Minister for the Environment, Agriculture and Fisheries:

Yes.

Group Director of Natural Environment:
Is it one of the systems or …

Assistant Minister for the Environment, Agriculture and Fisheries:
Yes, I am sorry, Willie, I forgot you were there.

Group Director of Natural Environment:
Do not mind me. No, this, what you are referring to, I think specifically pertains to what is called S.P.S. (sanitary and phytosanitary) discussions between the U.K. Government and the European Commission; we sit very firmly in the middle. We are and have been for the last couple of years in a constant state of negotiation with the U.K. Government as to what it is that we wish to see going forward around the … what the objective is, which is less friction at borders for both plant products and also plant origin, animal and plant origin products as well. We are in discussions with the U.K. Government once a day. It will be ongoing. There will be a timescale as to how and what we must comply with and drummed out over the course of the next year, hopefully at a summit at the back end of this year, from next year. We are participating fully in that conversation. Yes, we have got a team on it, which crosses at the moment; as our Minister has said, international relations, our Law Officers, the law drafting team, natural environment and regulation.

Deputy H.L. Jeune:
Thank you for that update. It is complicated, I used to do it in Brussels though. But one of the questions the Connétable was asking also, I suppose, with the cross-Ministerial is also our obligations that we have signed up to, whether that impacts the land or the sea that is Jersey's territories really. I suppose it is cross-Ministerial because any decisions, potentially, around planning or regulation in that proportionate understanding could impact international obligations that we have signed up to, that I feel that the Minister for the Environment, Agriculture and Fisheries is responsible for. We are wondering how that co-ordination will work to understand that in any decision that you, Senator, are making is seen within that. I suppose again it comes back to that risk register of risks that we are non-compliant with international and not just international, E.U. (European Union) and U.K. obligations that we have signed up to.

[14:45]

The Minister for Planning and Regulation:
Having spent much of my life dealing with such matters, I obviously take a keen interest in it. I am not aware of any such issues that have come up on planning. Taking what the Minister said earlier, this is where there is the routine co-ordination between officers to make sure that that does not happen, that no problem would arise.

Deputy H.L. Jeune:

When, if it ever did - and, hopefully, we say it does not get to the Ministerial level because we know officers are very good at ensuring that they have sorted out these problems ahead of time - where would it be done and how would that decision be made? How would you be balanced between the 2 obligations that you have in your portfolios?

The Minister for Planning and Regulation:

As I said earlier, I would like to do some things but the Island Plan does not let me, as Kevin would remind me very strongly. Equally, he would …

Deputy H.L. Jeune:

May be able to change that, Minister, so then of course that could have an impact.

The Minister for Planning and Regulation:

Yes. Equally, I am sure that Kevin or somebody else would remind me that something I might want to do is against our international obligations, but I think the nature of planning is such that that is pretty unlikely. I am not aware of any issues where that might be the case.

Group Director of Natural Environment:

I think if I may, you are looking at a scope of planning looking internally.

The Minister for Planning and Regulation:

Yes.

Group Director of Natural Environment:

The legislation that we are dealing with at the moment is very much, I think, external and it is about trade at borders. It is not really about our territorial waters and our domestic curtilage. It is much more about the trade of materials across those borders. You are right, this is something that we are constantly liaising with our colleagues at regulation about because they have a part to play in some specific issues.

The Connétable of St. Saviour:

Thank you. Back to you, Chair.

Deputy H.L. Jeune:

I think we have touched on a number of areas already on the cross-Ministerial, but something that I am obviously interested in is energy, which it steps out a little bit more from the Carbon Neutral

Roadmap because it is more about our energy security. I saw in Guernsey that they have introduced requirements for solar on certain new builds. Has there been a discussion about whether that is something to be considered in Jersey?

The Minister for the Environment, Agriculture and Fisheries:

I am aware that it does not sit with either of us, more about the fact that I think the Minister for Infrastructure has said that they are certainly going to be looking at trying to put solar on Government-owned buildings where they can. But I have not had any discussion with my colleague at this stage in relation to what you are talking about in relation to Guernsey.

The Minister for Planning and Regulation:

I think on that it is important that planning does not get in the way unnecessarily of what people might want to do with solar panels. However, we do have the heritage aspects to take account of and I think you would not be putting solar panels on a listed building without …

Deputy H.L. Jeune:

I think in Guernsey it is mandatory now that any new builds have to have solar panels.

The Minister for the Environment, Agriculture and Fisheries:

Yes, new builds is one thing …

The Minister for Planning and Regulation:

That is something I would wish to avoid because, again, it is imposing a cost. It may be perfectly sensible and a developer would want to do in 85 per cent of cases but it might not be appropriate in 15 per cent of cases. There is a real risk of imposing blanket restrictions by law. If it makes sense economically, if this is something that people are willing, want on their homes, then it will happen. It does not need the Government to mandate it. I would just be cautious about mandating such requirements, that somebody might say: "This particular property, it is not going to work, it is not viable", for whatever reason it is not going to work, but it is something that we would not want to get in the way of, absolutely.

Deputy H.L. Jeune:

Thank you. Deputy, to talk about the P.F.A.S.

Deputy A. Maltman:

Yes, thank you, Chair. We are going to move on to P.F.A.S. and the Water (Jersey) Law, again to continue the theme of cross-government working and this is a cross-government issue co-ordinating across multiple departments. Are Ministers confident they have the resource and expertise

necessary to lead this work and deliver the recommendations of Report 4 should they be approved? I think also within that question, on the back of that, is what are your priorities for responding to the final P.F.A.S. Scientific Advisory Panel recommendations? If you could address all of that.

The Minister for the Environment, Agriculture and Fisheries:

P.F.A.S. is sitting with me, as is the Water (Jersey) Law. Obviously, as I said before, we are working closely with Jersey Water. We have still got a lot of work to do. There is obviously the report that has been published. We need to look at what moving forward is affordable for us. I have still got members of the public that want to see me in relation to P.F.A.S. At this particular stage, as I said, it is moving, as it was prior to the elections. There is no changes at this particular time, but obviously we are working with Ports of Jersey, where obviously they are still looking at all of the ramifications in relation to P.F.A.S. We need to be quite explicit here though that the water in Jersey is safe to drink. I think there is a lot of people that think it is not and it is, from the point of view of ... apart from the waterworks and obviously we are dealing with all of the other elements of it. I think you might be able to ... Kirsten, you might have some on this as well.

Assistant Minister for the Environment, Agriculture and Fisheries:

Yes. I was just looking at this and it is the case at the moment of continuing to monitor certain areas, such as certain foodstuffs. We know that we have looked at soil sampling across 53 locations. From the wider perspective of P.F.A.S. outside of the plume area, I think we are very satisfied that Jersey is in a good place. We know these are chemicals which cover the earth from the Arctic to the Antarctic and everything in between. It is not a case of being able to get to zero P.F.A.S.; that is an impossibility. From our perspective the priority is going to be on the plume area and working with that area and those people to remedy the problems that have caused that because that is where the problem is in Jersey.

Deputy A. Maltman:

I think the Chair just has a supplementary on that.

Deputy H.L. Jeune:

Yes. It is that during the summer the Report 4 obviously was finalised. We saw a draft back earlier and that is why in the past States sitting we had the former Minister for the Environment bring forward some legislation that then was there in principle and then what more work needs to be done. But of course there needs to be a response to the Report 4; is that coming imminently?

The Minister for the Environment, Agriculture and Fisheries:

As far as I am aware …

Group Director of Natural Environment:
I would imagine that that would be forthcoming. All of the issues are still being evaluated but the recommendations have come forward against the practicalities of delivery in Jersey. I do not quite know what the date is, just in terms of that I do not know.

The Minister for the Environment, Agriculture and Fisheries:
We can find out for you.

Deputy H.L. Jeune:
Yes, that would be very useful.

The Minister for the Environment, Agriculture and Fisheries:
I will ask the person in charge of water.

Deputy H.L. Jeune:
Thank you.

Deputy A. Maltman:
Obviously you mentioned the cost. Jersey Water has said the cost of mediation to P.F.A.S. ranges between £140 million and £210 million. Which figure does the Minister now consider more reliable? Have you had any independent verification on these figures?

The Minister for the Environment, Agriculture and Fisheries:
In relation to the costs, this is not something that we have looked at, whether which costs were right. In relation to Jersey Water, they are continuing to test the water. As Deputy Morel said, we are focusing on dealing with the elements to do with the plume area. Moving forward, as I said, we are continually testing all of the water. At this present time, there is no intention of bringing the Water (Jersey) Law back. As I said, from our perspective we just need to continue the testing and the monitoring of it. As I said, Jersey Water are doing that and obviously, as Deputy Morel has said, we have been testing the land, we have been testing every single part of it. I think it is important that we take a proportionate way of dealing with this.

Deputy A. Maltman:
Do you support then the proposed target of 4 nanograms per litre?

The Minister for the Environment, Agriculture and Fisheries:
As I have rightly said already, at this stage it is important for us to continue the work and for the Jersey Water to continue the work. I think the thing is that we agreed that Jersey Water could have

I think it was 18 months in order to … they are doing work and they are testing and they are doing other things. It is important for us, as a Government, to wait until they have completed what they were doing and what they agreed to do and we agreed to give them that 18 months, from my recollection. I think we did. From my recollection we agreed to give them those 18 months. I think it would be inappropriate for me at this stage to say we are going to take a different route. We had agreed that this is what we were going to do. From my perspective, that is what we should be doing.

Assistant Minister for the Environment, Agriculture and Fisheries:

I think at the end of the day had we adopted the legislation in the last Assembly we would have been adopting that legislation without knowing all the impacts of that legislation. What the Minister is saying, quite rightly, is that we need to understand all the impacts before bringing in legislation to the effect of 4 nanograms. It is the case we are continuing to do that work. I will come back to - it is the word of this hearing perhaps - proportionate is what is important here, otherwise we could be putting enormous costs on Islanders through their water bills, through their taxes, for absolutely minimal, potentially marginal, gains in P.F.A.S. levels, but we need to understand that fully. I think it is entirely right that we have delayed that legislation.

The Minister for Planning and Regulation:

Can I just follow Deputy Morel on that on the point I made earlier about putting a position forward with no indication of the costs or who is going to pay them. I think that is something that is not good practice for Government.

Deputy A. Maltman:

Getting to the polluter pays principle here, that obviously depends on that clear accountability of enforcement and costs recovery. How would the responsibility be allocated in a scenario where pollution is from a land-based activity that contaminates ground water or enters a water course or subsequently affects the marine environment?

Group Director of Natural Environment:

I think to answer that question I would be prejudging conversations that we would be having later on as a Government from a regulatory perspective. I think it is wise to not speculate at the moment.

Deputy A. Maltman:

Would you be able to then say where the environmental harm crosses over the boundaries between planning and regulation? Who would have ultimate responsibility for ensuring that enforcement is taken and remediation is completed and costs recovered from the polluter? Which Minister would lead the initial investigation and enforcement action in that process?

The Minister for the Environment, Agriculture and Fisheries:

The law sits with me. I think the Water (Jersey) Law sits with me. Ultimately, if there was going to be a prosecution brought it would be the person who is responsible for it, which would be the Minister for the Environment, Agriculture and Fisheries because that is where the Water (Jersey) Law sits.

Deputy H.L. Jeune:

If, for example, the Minister for Planning and Regulation has the Waste Law sits with him and if there was a pollution aspect from that sense it still would sit with you because the impact is on the water.

The Minister for the Environment, Agriculture and Fisheries:

I assume that that would be the case because I have responsibility for the Water (Jersey) Law.

Group Director of Natural Environment:

I think there is Ministerial responsibility and there is operational responsibility as well. In reality, as things work at the moment, if we spot something that is contravening or breaching a piece of environmental legislation, then officers across natural environment and regulation would work together to take something through to the Law Officers to scope if they need to take anybody to court. It is a joint process.

The Minister for Planning and Regulation:

That was the point I would have made. The process is not going to start with the Minister. It is going to start at official level as it should do.

The Minister for the Environment, Agriculture and Fisheries:

Exactly, yes.

Deputy A. Maltman:

That is all from me.

Deputy H.L. Jeune:

Is that all? Fantastic. It is just the last question because we have talked a lot about the split and about the different laws and we have talked about it just then, but we have had trouble establishing what the final extent of each of your new portfolios and laws sit with. We keep asking questions and there has been successive versions of the lists and they are inconsistent. Some laws sit in some lists, some have been dropped off other lists when we have had other letters and some have been omitted. I was just wondering, first, because I am not sure if we have had a final official list where we can say out of all the laws that we have seen through the different documentation that we have seen since the split, that they all have now been allocated. But I was wondering if you could just

explain really quickly about that process for the split. How did that work and what was the methodology for that split and how did the agreement come with the difference?

The Minister for the Environment, Agriculture and Fisheries:
From my perspective it was quite straightforward. All of those pieces of legislation, which were relevant to the Environment, Agriculture and Fisheries.

[15:00]

Obviously, as I said, Deputy Morel had a far better understanding of agriculture legislation because it was sitting in that department. There was one that we picked up that was missing, which was the 1949 law I believe, which was missed off the list. That should have gone through now because, of course, these all sit with Ministerial decisions, so they should all be there. A Ministerial decision will have been made for all of these pieces of law to have been transferred. One assumes that now somebody should be able to say exactly which law is sitting with which one. If we can speak to officers to ensure that you get that so that you have got a clear picture; happy to do that.

Deputy H.L. Jeune:
Yes. I think in the latest one we saw exported flowers and potato blight orders had been omitted.

The Minister for the Environment, Agriculture and Fisheries:
Right, that was the 1949 …

Deputy H.L. Jeune:
That is why we have several documentation. I think for the public and to be able to have one particular specific list where we can refer to would be really important.

The Minister for Planning and Regulation:
I think it was, as inevitably happens with Government, these things are done quickly. I think one or 2 of the things that came my way originally clearly were inappropriate that they should and they went back to Mary and that was absolutely fine. Over time there will be other changes that would be made. I should add that my officers are involved in regulatory actions in completely different departments. We are involved in things like events licensing at the moment; we may be dealing with that more formally. That is the way it works and that is not a problem. We can make it work in practice. It may not look brilliant in theory but it has to be clear legally because a Minister cannot make an order that they do not have power to make.

Deputy H.L. Jeune:

Exactly.

Assistant Minister for the Environment, Agriculture and Fisheries:
You will be involved in alcohol licensing in about a year's time as well, following the change of law there.

The Minister for Planning and Regulation:
Yes, and indeed I have a briefing on alcohol licensing in the next week.

The Minister for the Environment, Agriculture and Fisheries:
It is a lot more simpler than the old one.

Deputy H.L. Jeune:
It should come with the food licence because the idea was food and alcohol was then going to be the same point, so it could have the same processes behind it.

Assistant Minister for the Environment, Agriculture and Fisheries:
The Food (Jersey) Law has certainly gone across.

The Minister for Planning and Regulation:
Yes. I think the point about regulation, there are ways of doing things that are exactly the same, almost whatever you are regulating. You have to make some variations on it, but what we do not want is to have 15 regulators working out things that are pretty common. It is about what is best practice. I have been very impressed with the way that the people doing this are doing it at present.

Deputy H.L. Jeune:
Thank you. Really last and I am sorry we have come over by 2 minutes our allotted time, the legislative programme, we heard from the new C.E.O. (Chief Executive Officer) last week in C.S.S.P. (Corporate Services Scrutiny Panel) that it is probably round about 35 new legislation or amended legislation that can be put to law drafting per year. That is quite a limitation for all the Council of Ministers and all the different works. I know we have talked about some, we have hinted on some. For example, Minister, you have talked about the Island Plan, its merits. But I was wondering if we have not covered anything that we know that will be coming up with both of your portfolios any time soon on that legislative programme.

Group Director of Natural Environment:
Is it not a classic case that we do not know what we do not know? In our conversations with D.E.F.R.A. (Department for Environment, Food and Rural Affairs) at the moment we are talking

about which pieces of Jersey legislation will need to be modified to comply and align with European legislation over the coming year. At the moment, as I think you will recall a conversation a while ago, which was something around 170 pieces of legislation we are being asked to look at. I think that we need to undertake that work, do a gap analysis on it to get a proper understanding of which pieces of Jersey legislation we need to change to comply. That is not known but I am just flagging it now, that there will be no doubt some pieces of legislation in there that are in need of change.

The Minister for Planning and Regulation:
That limit applies to primary legislation I am assuming. The bulk of regulation is not …

Deputy H.L. Jeune:
I think it is both. I think it is everything.

Assistant Minister for the Environment, Agriculture and Fisheries:
I do not think it does. I think it is everything.

The Minister for Planning and Regulation:
Okay.

Assistant Minister for the Environment, Agriculture and Fisheries:
Believe me, one of the things I have learnt, and I tried to say it around the events regulation when I was doing that because the Scrutiny Panel were forcing timeline, it is out of our hands. There are so many other parts of legislation which are not within Government's control.

The Minister for Planning and Regulation:
I know. However, on regulation - and I have said this in stuff I have written in the past - the most onerous regulation is not laws, it is not regulations; it is guidance and it is culture. One of the issues I will be having a go at generally is the use of guidance to expand law and that guidance can be done without any scrutiny of any form. I have already found examples of requirements in law for businesses to follow guidance, without it being stated what that guidance is. I think it is matter of good law. Well, it is not good law. Most of the things that we have talked about earlier, like the Supplementary Planning Guidance; that will not be formally a matter for the Assembly of changing the law. We will be consulting with you on it. A lot can be done without primary legislation. The solution to every problem is not a new law.

Deputy H.L. Jeune:
Of course that 35 is also about amendments as well.

The Minister for Planning and Regulation:

Yes, I understand.

Deputy H.L. Jeune:

Of course for some things that you were talking about and if you find guidance in law, you want to make an amendment that is part of that, the legislative programme.

The Minister for Planning and Regulation:

Thank you. Yes. The way people get round that in the past is simply by having longer and longer pieces of law that cover several different ones to get round it. But, no, we understand the limitation. Jersey is a small Island and legislation is expensive to do.

Deputy H.L. Jeune:

On that, thank you very much. Thank you, both Ministers for obliging us with both your presence and also to officers as well from both Environment and Planning and Regulation for being here. Assistant Ministers, thank you very much. I would also like to thank my Scrutiny officers for their hard work in developing these questions as well. I would like to end …

[15:06]