

**Excerpt from meeting of Environmental Panel dated Thursday, 22nd January 2009.**

**Panel:**

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

**Witnesses:**

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

**Present:**

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

**The Deputy of St. Mary:**

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

**Mr. P. Thorne:**

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

**The Deputy of St. Mary:**

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

**Mr. P. Thorne:**

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

**The Deputy of St. Mary:**

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

**Mr. P. Thorne:**

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

**The Deputy of St. Mary:**

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

**Mr. C. Newton:**

Do not worry; they are all part of the same family. It is just how different people refer to them. The Environmental Impact Assessment comes effectively from an E.U. (European Union) directive that sets out what an environmental impact assessment is and it has a series of stages. So E.I.A. is probably the sort of bracketing for the whole process. Within that, as Peter has already described, you start off by looking at the proposition and scoping what its impacts might be, and you do that in a collaborative, concerted way. The onus is then on the developer or the proposer of a project to address the issues identified in the scoping study, and they do that usually by engaging some expert consultant to be able to do it. They then come back with what is called the environmental statements. An environmental statement is, having looked at all the issues you told us to think about in your scoping study, we looked at them, this is what our analysis of them is, and they also at that point will be coming back with any mitigation measures. So the scoping might have said: "This will be a blot on a landscape" and they will come back saying: "There will not be a blot on the landscape because what we are going to do is sink the building and put some soft landscaping around it." So there is a combination of: "We have thought about the factors you have raised. This is what we are going to do about them. These are the mitigations that might be in place." Then the final point of the process is the regulatory authority, which is us, we will be looking at that and taking a view as to whether, given all those factors, there are any outstanding issues that mean the scheme either cannot go ahead or could only go ahead with a range of conditions that would be set down in the permit that was given for development. So you can only develop if you do this, this, this and this to mitigate these factors.

**Mr. A. Scate:**

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

**The Deputy of St. Mary:**

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

**Mr. A. Scate:**

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

**Senator F.E. Cohen:**

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

**The Deputy of St. Mary:**

So where in this scheme of things does the Babbie Fichtner E.I.A. sit, because the E.I.A., you are saying, is the overall thing, and then the E.S. is after consultation with yourselves about what the scope of the different issues is: "Here are the issues. Here is what we are

supposed to do about them.” Then there is: “I have not seen that.” Then there is E.I.A. which is ...

**Mr. A. Scate:**

The Babbie Fichtner report is the environmental statement.

**The Deputy of St. Mary:**

That is the same.

**Senator F.E. Cohen:**

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

**The Deputy of St. Mary:**

Technically it is the E.I.S.