

2015.10.20

3.4 Deputy M. Tadier of the Minister for Planning and Environment regarding pollutants:

Further to the answer given to written question 8766 on 28th April 2015, which detailed the difficulty of identifying a polluter in the context of the Water Pollution (Jersey) Law 2000, has consideration been given to levying a charge on pre-specified pollutants upon entry to the Island to act as both a disincentive for the use of harmful products and as a source of funding for the associated remediation expenses?

Deputy S.G. Luce of St. Martin (The Minister for Planning and Environment):

My department is considering a number of options around the principle of polluter pays charge. This work is being undertaken as part of the development of the water management plan that I will be bringing to the Chamber next year. This plan will address our Island's key water issues, our potential pollutants - which will include nutrients and pesticides - and will also need to include a mixture of differing measures to change attitudes and behaviours to drive improvement in nutrient management practices and water quality. For example, these measures could include further regulation, targeted support, or polluter pays charges to encourage a behavioural shift.

3.4.1 Deputy M. Tadier:

Do we know what the current cost is on a yearly basis for the associated remediation of nitrate and associated pollution in Jersey and, if not, could we have those figures?

The Deputy of St. Martin:

I do not have a cost and I think the answer to that question would probably be better directed to the Minister for Transport and Technical Services. We certainly know that moving forward we need to remove more nitrates from our water sources. This is a difficult thing to do. It is a diffuse pollution. It is not easy to specify exactly where it is coming from but we do know that we need to do better and we are going to do better because we know in the future my ability as Minister to allow dispensations to therefore allow Jersey Water to allow nitrates in our drinking water will reduce. We know the cost moving forward will be substantial. A figure of £30 million has been put on the cost of the new liquid waste plant but it will be my job to make sure that the agriculture industry, in particular, and other people as well, reduce nitrates in our water supply so that work is not necessary.

[10:15]

3.4.2 Deputy R. Labey of St. Helier:

I declare an interest in that my brother is a grower and I am sure the Minister knows more on this subject than I do, but would he agree with me that making the farmers the whipping boys here without any evidence is quite wrong and that blindly following the U.K. protocol RB209, a kind of zero-tolerance, is also wrong because it is a U.K. protocol and as far as potato growing is concerned the U.K. is a foreign country, they do things differently there. They do not plant in January and February. They plant in the warmer months and there are naturally occurring nitrates. If we want the Jersey Royal potato industry we have to allow the judicious use of phosphates in January and February.

The Deputy of St. Martin:

The Deputy makes some good points. I am not going to go into the use of phosphates, which is a different thing altogether. But what I would say to the Deputy is, yes, I accept that in January and February when growing conditions are not conducive to natural growth we do need artificial fertilisers. But some of that nutrient can come from liquid manure and our dairy industry is well placed to help to provide that. I think what we need to accept here is that while I know that we cannot level all the blame on the agricultural industry there can be no doubt that the vast majority of nitrates in our water source comes from or via the agricultural industry. Notwithstanding that, I accept that we have always had farmers who are wonderful at innovating and coming up with solutions to problems, and I am very confident that the agricultural industry will address this problem in short order. I have written to every one of them personally in the last couple of months to seek an assurance from them that they will help me in this quest to reduce nitrates, and I am confident that the innovative nature of our Jersey farmers will allow us to reduce nitrates below the levels we require quite easily and straightforwardly.

3.4.3 Deputy R. Labey:

Is the Minister also looking at other areas? There is evidence a farmer next door to us in St. Ouen tested his boreholes in 2 fields, they were off the limit as far as E.coli and nitrates are concerned but those fields that those boreholes were in had not had fertiliser on them for 10 or 15 years. What they did have was soakaways next door to them. Is the soakaway issue being looked at? The finger needs to be pointed there.

The Deputy of St. Martin:

I did mention other sources of pollution and nitrate pollution in our groundwater and the Deputy is quite correct, that is another one. Again we might well refer this to the Minister for Transport and Technical Services, and I know in his plans for the future will be the further rolling out of mains sewage services to the countryside, but this is difficult. It gets increasingly expensive as you move further and further away but certainly we do need to look at that. There are other reasons why we may have nitrates in our water that may well come from domestic sources or golf courses and other amenities, so I would just go back to what I said before. I accept the agricultural industry are not entirely to blame and certainly soakaways are part of that problem.

3.4.4 Deputy G.P. Southern:

If this voluntary agreement and wish to reduce nitrates in the soil does not work does he have a stick rather than a carrot to encourage farmers to reduce?

The Deputy of St. Martin:

I do. In the U.K. and in the E.U. the Water Framework Directive gives them power to do things. In Jersey we have the Water Pollution Law, which allows me to have regard to a cost principle in respect of pollution by which means the costs of preventing, controlling, reducing and eliminating pollution are borne by the persons who cause and knowingly permit it. But I would go back to the problem we had with nitrates, that Deputy Labey has already told us, where the source of the nitrates is is difficult sometimes to find out. But what I would say to Deputy Southern is I do have measures which I could use. I do have a big stick which I could get out and use if I have to. And I have told the farming industry, in particular, that if they cannot work with me to reduce nitrates in water it may well be that we will need to legislate, but it would be a last resort but it certainly is something I have in my portfolio should I need to use it.

3.4.5 Deputy M. Tadier:

It seems strange to me as someone born and raised in Jersey that in the past we used seaweed from the beach to put on the fields and now we do not seem to do that. It seems that we put artificial fertilisers on and it creates seaweed on the beach. It seems a strange paradox. To get back to the initial question, we all know this is a problem, I am glad the Minister and the department are looking at it, but could the simplest way be to levy a charge on these artificial fertilisers, *de facto* pollutants, when they come into the Island and therefore the heaviest users of those pollutants will also be the ones that pay in advance, and it saves any issue of having to find out who polluted, when, diffuse pollution, and those issues which were detailed in the previous written question? Is that not the best solution or at least one of the solutions that the Minister could use?

The Deputy of St. Martin:

It is potentially one of the solutions that I could use but as an ex farmer I know only too well the importance of cash flow and the fact that quite often fertilisers need to be paid for upfront. I am aware that in the coming season there may well be a big change to mechanical planting, and I am hoping that farmers will use that opportunity to maybe look at more precise ways of placing the fertiliser. But to return to the Deputy's last question about upfront payment for pollutants, I would say to the Deputy that whether it is diesel or whether it is chemicals or whether it is other pollutants, it is only a pollutant when it is polluting and people who use the substances carefully, reasonably and in the correct manner are not necessarily polluting. I think it would be extremely unfair to charge people additional sums of money when they are doing a proper job on the land