

Environment and Public Services

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Open letter from the President of the Environment and Public Services Committee to the Scrutiny Panel and all States members

Deputy R Duhamel
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COPY

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Dear Deputy Duhamel

Draft Water Resources (Jersey) law 200-

I refer to your open letter of 14th October.

My Committee's over-riding concern is the amount of weight you attribute, as did the Scrutiny Panel Inquiry itself, to the issue of deep groundwater and the notion that this water might originate in France.

Surface water supplies i.e. streams, reservoirs and those boreholes tapped into the shallow aquifer supply over 95% of the Island's needs. It is a matter of fact that Jersey Water supplies 90% of the island's population and businesses via their surface fed reservoir system. The remaining 10% rely on private boreholes but at least half of these will be tapped in to the shallow aquifer. **So the deep water resource only represents some 5% of the overall water resource in use.** On this basis we would hope that you could agree that the further investigation of this tiny fraction of our water resources should not delay the debate of the Water Resources Law which will provide long overdue protection for the 95% of resources we depend upon as a community.

In recognition of the desire of many people to finally resolve the intrigue over the "Water from France" theory, my Committee intends to establish a special Deep Groundwater Advisory Group, with an appropriate budget to oversee the investigatory work recently agreed between my officers and the well drillers and diviners at a meeting facilitated by Deputy Ferguson. We will be asking Dr Ralph Nicholls, the well known Jersey Geologist to chair the group and we will invite the following membership to oversee these investigations and to ensure that a degree of impartiality and scientific rigour is employed in analysing the results.

Deputy Sarah Ferguson	States Member
George Langlois	Water diviner
Lewis de la Haye	Well Driller
Neville George	Well Driller
Dr John Renouf	Geologist
Howard Snowden	Managing Director Jersey Water
Chris Newton	Director of Environment

The purpose of the group will be to advise the Committee and subsequently the Planning and Environment Minister on the significance of deep groundwater in relation to Jersey's Water Resources.

The remainder of this letter deals with the specific points you raise in your letter.

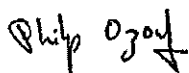
1. Limited understanding of the geology and ground water resources of Jersey by our consultants. We must first point out that our consultants are in fact the British Geological Survey, who as part of the UK's Natural Environment Research Council are the pre-eminent body in this field. They have carried out extensive studies over a fifteen year period and even a cursory inspection of their reports would demonstrate that they have achieved a comprehensive understanding of the Island's water resources.
2. Voluntary means of monitoring the use of groundwater neglected. This was explored at the Scrutiny inquiry and the Jersey based geologists Drs Nicholls and Renouf rejected the idea as being insufficiently robust to provide the necessary management and monitoring data. It seems likely that borehole owners who feel they might be subject to a licensing fee would be tempted to withhold information.
3. Some small businesses will be charged Yes this is an effect of the law. Those businesses that use large volumes of water (over 3 cubic metres a day which is the average daily use of a family of 15 people) will be subject to a licensing fee in the order of £50 per annum. The bulk of licensing fees will fall on Jersey Water (remember they take out 90% of the water we use) and we calculate that if they pass this fee on to their customers it will equate to about £3 per annum or less than 1p per household per day.
4. All borehole user will have to register Yes this is intended, we need to know where the boreholes are to form a complete picture of the exploitation of the Island's water resources and also to be able to give these existing users protection in the future from new abstractions that might be proposed in their vicinity.
5. New levels of red tape We don't agree that the law is unnecessary. It was called for by the States of the day in the 1990s and the case for requiring it has grown with increasing demands on water resources and the fact that we will experience a changed future climate.
6. Sweden has not got such a law No they haven't, but Sweden is a sparsely populated country with immense water resources which are 47 times greater than Jersey's per head of population. As we said in evidence to the panel the vast majority of developed countries have such legislation as do many small island states. Like Sweden my Department also has a routine monitoring programme for Groundwater levels and quality
7. Groundwater abstraction in Jersey is self regulating due to the nature of the rock strata. If by this you mean that the groundwater reserves are by their nature difficult to get at and limited in the yield they can give then we would agree with your point. This does however seem to be at odds with your view that deep groundwater represents a vast untapped resource.

8. Measures to gain a better understanding of the groundwater resource. We have set out above how we intend to take this forward with the benefit of an advisory group. You mention that you received evidence that the vast majority (98%) of boreholes were greater than 40 metres in depth. Of the boreholes that we know about and have measured, only 30-40 % would be in this category so we would be grateful if you would make your information available to the advisory group. We must also say that we have never dismissed the existence of deep groundwater resources – measurements of such bores are included in tabulations within our BGS 1991 et seq reports.
9. Evidence of ecological needs, climate change and the Water Framework Directive not supplied to Scrutiny. You will recall that in our response to the panel's report we made the point that this was because the panel had failed to ask for this information. Setting ecological protection levels will be a task undertaken over the early years of the law, starting with those catchments that are known to be degraded as measured by our regular stream invertebrate monitoring. Climate change has been substantively reported in the work of the Hadley Centre (under the auspices of the British Irish Council) with a headline figure of up to 40% less summer rainfall by mid century. The Water Framework Directive provisions are available on the EU website and we have a briefing note on the subject.
10. Evidence for water resource stress BGS have produced reports based on their original assumptions and those revised assumptions that followed the Trinty Catchment study. We know that resources are under stress because we have had to build and operate a de-salination plant to cope with the demand in times of low seasonal rainfall. We also know that on a comparative basis we have relatively little water per head of population – less than regions of the UK for instance.
11. We didn't use Dr Robins of the BGS as an expert witness. True, we used his boss Dr Denis Peach who is the Head of Hydrogeology at BGS to ensure that both we and scrutiny had the best possible scientific advice. We did not object to you calling Dr Robins as a witness and the conditions you found unacceptable were that a) you would pay his expenses and b) he would be accompanied in giving evidence by Dr Peach who had attended the prior hearings.
12. Water from France Our response to scrutiny rebuts this theory in detail and I have to say that an impartial reader of your report would also draw the conclusion that this was a dead end with no evidence put forward to the panel in support of the theory. However this is now a matter that I expect the advisory group to take a view on.
13. Cancelled meetings in 1993 Is this relevant to the case for the Water Resources Law in 2005?
14. Discussions with the Jersey Geologists, Jersey Water and the well drillers and diviners. My officers have held a series of meeting over the last 14 months with all these parties including one that all attended and subsequent bilateral meetings with each party. Meetings with the well drillers and diviners have been cordial but characterised by requested data on borehole inventories not being supplied. We hope that this situation will improve under the recently agreed investigatory process.
15. Groundwater exploration in Brittany The water from France theory holds that the deep ground water originates in Normandy we believe? However the Jersey Geologists have made some studies into French geology and hydrogeology which we are sure they will take to the advisory group discussions.

16. Financial impact on businesses As we say in answer number 3 above the impact on any business other than Jersey Water will be minimal – in the order of £50 per year.
17. Why not the same exemption limits as the UK? The UK has a different resource and use profile to Jersey with many more industrial users and very few private supplies. We have tried to balance the need to protect the resource from a great many small users with a desire to limit the number of people caught by the licensing provisions. We increase the exemption from 2 to 3 cubic metres per day as a result of the consultation process. We expect to ask registered users to provide information on the location of their borehole and the quantity they expect to abstract.
18. Economic Development Committee comment This is an old comment from 2003 issued at the time of the consultation. It is about to be updated by EDC prior to the debate. As a result of the consultation the law has been amended to exempt more users (see answer 17) and the penalty provisions have been reduced.
19. Will the E&PSC consider exempting boreholes deeper than 25 metres from the licensing provisions. This was dealt with at the Scrutiny hearing. We consider that the deeper boreholes are utilising the same resource as shallower boreholes and therefore there is no logical case for exempting them if we wish to manage the resource as a whole.
20. Don't debate the Law until a comprehensive response has been received to recommendations of the panel and the above questions. Please see the answers above and the response of my Committee of March 2005 to your report.

In closing we will re-iterate our opening comments that your report and the questions above place undue weight on a proportion of the Islands water resources, the deep groundwater, that is barely relevant at less than 5% of the total water resource in use. There is a compelling case to provide the long overdue protection for the 95% of resources we use and on which the natural environment is dependent.

Yours sincerely



Senator Philip Ozouf

President, Environment and Public Services Committee

c.c. George Langlois, Lewis de la Haye, Neville George, Dr John Renouf, Howard Snowden