

STATES OF JERSEY

Environment Scrutiny Panel Quarterly Hearing with the Minister for Planning and Environment

WEDNESDAY, 6th MAY 2009

Panel:

Deputy P.J. Rondel of St. John (Chairman)

Deputy D.J.A. Wimberley of St. Mary

Connétable J.M. Refault of St. Peter

Witnesses:

Senator F.E. Cohen (The Minister for Planning and Environment)

Mr. P. Thorne (Director of Planning)

Mr. C. Newton (Director of Environment)

Mr. M. Roscouet (Assistant Director, Building Control)

Mr. K. Pilley (Assistant Director, Policy and Projects)

Ms. R. Johnson (Business Support Manager)

Mr. T. du Feu (Environmental Protection Officer)

Mr. W. Peggie (Assistant Director, Environmental Protection)

In attendance:

Mr. M. Orbell (Scrutiny Officer)

Mr. M. Haden (Scrutiny Officer)

Deputy P.J. Rondel of St. John (Chairman):

Yes, good afternoon, Minister.

Senator F.E. Cohen (The Minister for Planning and Environment):

Good afternoon.

The Deputy of St. John:

Firstly, if we could introduce ourselves for the record as it is all being taped. I am the Chairman, Deputy Phil Rondel.

Connétable J.M. Refault of St. Peter:

Connétable John Refault of St. Peter.

Mr. M. Orbell (Scrutiny Officer):

Malcolm Orbell, Scrutiny Officer.

Mr. M. Haden (Scrutiny Officer):

Mike Haden, Scrutiny Officer, as well.

Mr. K. Pilley (Assistant Director, Policy and Projects):

Kevin Pilley, Assistant Director from Planning.

Mr. C. Newton (Director of Environment):

Chris Newton, Environment Director.

Senator F.E. Cohen:

Freddie Cohen, Planning and Environment Minister.

Mr. P. Thorne (Director of Planning):

Peter Thorne, Planning Director.

Mr. M. Roscouet (Assistant Director, Building Control):

Mo Roscouet, Assistant Director from Planning.

Ms. R. Johnson (Business Support Manager):

Ruth Johnson, Business Support, Planning and Environment.

Mr. T. du Feu (Environmental Protection Officer):

Tim du Feu, Head of Water Resources.

Mr. W. Peggie (Assistant Director, Environmental Protection):

William Peggie, Assistant Director, Environmental Protection).

The Deputy of St. John:

Thank you, that is all the group. The purpose of the meeting as per usual is for you to brief us on the update in a number of areas and we start off with the building bylaws; competition concerns that have been raised by Jersey Gas.

Senator F.E. Cohen:

Do you want me to ...?

The Deputy of St. John:

Yes, if you would, please, Minister.

Senator F.E. Cohen:

The officers, particularly Mo Roscouet, will fill in the details. Basically, Jersey Gas had concerns because they felt that the original proposals would, or could, affect their business. We had reconstructed the proposals so that now the baseline for calculation is the particular source of fuel that you wish to use. So the baseline for a gas house is a gas house and an electric-powered house is electricity. So that should largely deal with their concerns. However, having said that - from an email I have seen - they seem to be still dissatisfied with our proposals, but I am rather at a loss to understand why. It is my current proposal that they cannot reasonably be dissatisfied with the changes that we have made because we have ranked them *pari passu* and that we should proceed to get these building bylaws in place as soon as possible because it is important. We are lagging behind other responsible jurisdictions and we need to do something, but Mo will fill you in on more detail.

Mr. M. Roscouet:

Yes, as the Minister said, I think we have done everything that is reasonable to deal with their concerns and I cannot understand why they still are concerned because essentially it is measuring like for like. So

their original concern was because we set the targets very high that to achieve compliance with anything other than electricity would be very difficult, and in most cases people would choose electricity. So, I think we have accepted that and revised the target significantly, in my mind. We have reduced it so that the original aim to reduce emissions has changed a lot. But compliance with gas or oil will not be any more difficult than it will with electricity on the new proposal, so it is a level playing field for fuels. The net result is that we will not achieve the same CO2 reductions that we initially proposed.

The Connétable of St. Peter:

The one thing I think that was of some significant concern of Jersey Gas was that Jersey Electricity was seen as zero carbon emissions where they were not, and therefore to achieve the better results, we were looking for a different standard of build for a gas house as opposed to an electric house which would drive the cost up, in their view, of the gas house by virtue of the bylaws imposed upon it compared to the electric house, thereby causing an imbalance in the marketplace. Are you saying now that that has changed, that the bylaw is a bylaw irrespective of whatever type of energy you are going to use?

Mr. M. Roscouet:

Yes. Essentially the target was set on an electrically-heated dwelling. It is now changed that if somebody wants to choose gas or oil then that will be the benchmark from where we measure the improvement. So what essentially we are looking for is the 20 per cent improvement for all new dwellings. So if somebody chooses to use gas as their primary source of heating, then we will look at a house built to current-day standards using gas; we will look for a 20 per cent improvement on that. So it is a measure against like for like. Equally, if somebody chose electricity, we would do the improvement on the emissions for electricity. So the concern about fuel switching is gone as well, so you could not achieve compliance just by saying: "I am going to put electricity in and therefore hit the target because electricity has a lower emission rate."

The Connétable of St. Peter:

But if I have 2 houses here in front of me, the standard for one which has a gas energy footprint and the requirements for the other was an electricity energy footprint, are they identical houses or are they different houses?

Mr. M. Roscouet:

No, they will be identical houses. The result will be if you do the calculation that the gas house will emit more CO2 than the electric house, but we have not precluded that; we have said that is acceptable.

Senator F.E. Cohen:

So, effectively, what we have done is we have just said: "Take a baseline. You choose your type of heating. If it is gas, it is gas; if it is electricity, it is electricity and you have to achieve a 20 per cent saving on that baseline." So you start with gas or you start with electricity and you just have to achieve a 20 per cent improvement over the baseline. So they are not disadvantaged at all. The problem, as I understand it, from Jersey Gas' perspective which is not related specifically now to this, is that they seem to be disputing the standard figures that are used for the calculation of the carbon content of electricity. Well, that is not our issue. The J.E.C. (Jersey Electricity Company) have produced figures, they have been independently assessed by the department. They are, as I understand it, the standard mechanism and the standard way of presenting those figures, and as far I can see from what I have been told, there is not much argument about it. But we have offered to engage in an independent assessment of those figures to verify that they are correct and that they are the most appropriate figures. But that will not have any effect on the bylaws.

The Connétable of St. Peter:

Thank you for that. I am being a little bit slavish upon this, but I just cannot understand the concept;

that is why I am coming back to my 2 houses again. Now, we have the same 2 houses, you are looking for a 20 per cent improvement or reduction of CO2 in either, we know that we are going to achieve that with electricity because they are zero carbon emissions anyway. So for the gas one to do that, they have to put in more thermal insulation to achieve that 20 per cent?

Senator F.E. Cohen:

No.

Mr. C. Newton:

No. Could I answer it?

The Connétable of St. Peter:

Yes, go on.

Mr. C. Newton:

What we have are 2 reference houses, okay? So the houses are the same, physically the same. One is currently heated by electric; one is currently heated by gas to present-day standards: one electric; one gas. In each case the test that they have to pass is to make that house 20 per cent more efficient than it is now, so the electric one has to be 20 per cent more efficient than the current electric house and the gas one will have to be 20 per cent.

The Connétable of St. Peter:

Chris, thank you very much, absolutely clear.

The Deputy of St. John:

Well done. Thank you.

The Connétable of St. Peter:

Apologies, gentlemen.

Senator F.E. Cohen:

No, I was struggling with exactly the same. Mo has had to explain it half a dozen times to me.

The Deputy of St. John:

No, that is fine. What meetings have been held ... I have a note here that you have met the gas company but what meetings and when were they held? You had the presentation from Jersey Gas.

Senator F.E. Cohen:

Yes. I attended one meeting with Jersey Gas. They stated their case. We agreed at that meeting that the E.D.D. (Economic Development Department) would produce an economic assessment of the impact on Jersey Gas. I think that the department have had another meeting with Jersey Gas and I know that the chief officer is writing to Jersey Gas summarising all the issues and when that letter is ready and sent, I will make sure you get a copy of it. That will summarise all of the issues from our department's perspective right from stage one in one letter, so you will be able to understand exactly where we are coming from and how we are addressing their concerns. But as far as I can see in relation to the building bylaws, unless I have completely misunderstood it - which I do not think I have - they cannot feel aggrieved at this point because they now have an equal opportunity with Jersey Electricity. Having said that, the natural move will be towards electricity; all the renewables that are likely to be available in Jersey are electrical renewables. I think that in the long-term there will be this gradual move towards electricity anyway, whatever we do, and this will merely slow down the natural process.

The Deputy of St. John:

Right. You do not believe that Deputy Le Claire's idea of an underground pipeline for gas and oil will come to fruition?

Senator F.E. Cohen:

It is worth looking at but from what I have seen that while there may be benefits and there are all sorts of opportunities around recovering the land that is central to Deputy Le Claire's proposition, I think that the likelihood of the pipeline is small.

The Deputy of St. John:

Okay. The panel has written directly to E.D.D. to request a copy of the economic impact study being prepared by the department. Does the Minister have any further information on this piece of work?

Senator F.E. Cohen:

Well, we have had it and we sent comments back. I cannot see why that should be withheld from you. I am perfectly happy to give you a copy of it but it would probably have to be in-confidence.

The Deputy of St. John:

Right. Do you want to question some more?

The Connétable of St. Peter:

Not on that, no.

The Deputy of St. John:

No? Okay. The panel wrote to the J.C.R.A. (Jersey Competition Regulatory Authority) regarding the potential competition issues, and the response indicated that there could be a potential concern as the original bylaws created standards that currently only electricity can comply with. It went on to say that the strongest rebuff to this concern is the argument that the standards are identical to the relevant E.U. (European Union) or U.K. (United Kingdom) standards and that Jersey is following international best practice.

Senator F.E. Cohen:

Well the position is now that all the suppliers of energy are now on an equal footing with the alterations that Mo has very cleverly put in place. Whether we are now meeting best practice and best standards, I do not know, because very clearly now we are artificially skewing a mechanism to favour suppliers like Jersey Gas. Because we have put in place a mechanism that artificially increases their chances of being chosen as a heat source in a new house that would otherwise potentially have a greater energy saving if another heat source was used. Now they would argue again with that. They will say that the calculations are being used to measure the carbon element of the electricity that the J.E.C. is supplying is wrong but from what I have seen it will be very hard for them to substantiate that argument. I am very happy to go through the process.

The Deputy of St. John:

What I have seen so far, Minister, is that the Jersey Gas have not had the investments, the real proper investment, in their infrastructure in many years and therefore they are now feeling the impact of that. I do not know how you or your officers feel but that is what, from the outside looking in, it would appear to be their own problem.

Senator F.E. Cohen:

I think that is probably a very accurate assessment but I am not sure there is much that the Planning and Environment Department can do about that. Also, I think it is questionable whether our policies should

be used artificially to maintain their percentage of the market. I think from an environmental perspective, the logical thing would be to be driving forward policies that deliver the best environmental benefits. Certainly we are compromising that as a primary objective in the new compromise proposals to give Jersey Gas a better share of the market as a result of the changes Mo has made to the proposed building bylaws.

The Deputy of St. John:

Do you consider that having 3 strings to our bow i.e. fuel, gas and electricity it would be better than just ... because I see this going to just having one string to our bow and that could create problems in the medium to long-term.

Senator F.E. Cohen:

Well it will be an essential part of the *Energy Policy White Paper* to ensure that there is a robust mechanism for maintaining energy supplies and, yes, clearly, the more you choose to reduce your options, the greater risk that you potentially take. But it may be that that can be mitigated by having alternative mechanisms of supply of electricity if the natural process is that we move towards electricity. I do not know what contractual arrangements, for example, the Jersey Electricity Company has with their electricity supplies; maybe they are built in. They have presently, I think, 2 cables - and they are planning a third cable - to having 3 cables to provide the necessary robustness. I do not know the answer.

The Connétable of St. Peter:

Well, certainly what the electricity company were saying - I am not sure if they were saying or it was in a private conversation now - is that if it could be shown that the volume of electricity used in Jersey was likely to increase, then that would give the E.D.F (Electricité de France) the comfort of putting another stream on at Cap de la Hague to supplement the load. But they are looking towards Jersey to come up with an indication that the load is going to go up. Equally, as the chairman was saying, Jersey Gas are suffering the other side where they have not had the infrastructure put in and it looks like at the moment that the balance of opinion, or economics and environmental opinion, is going to swing against gas, putting aside all the carbon footprint issues and therefore their share of the market will reduce. So they are looking as though they have been pushed into a marginalised position in favour of electricity and the electricity being further supported by E.D.F. as well within the Channel Islands. So, that is driving us down a 2-string bow again as the chairman was alluding to. The oil companies, I am not sure whether we have had any responses back from them yet, but we have some concerns about whether they are going to become marginalised within the domestic fuel market as well.

Senator F.E. Cohen:

Well depending on how the Tidal Energy Commission progresses and what comes out of that it is conceivable that they will be marginalised. If tidal energy technology develops in the way the market is expecting it to, and if in 20 years' time we are able to power ourselves with tidal-generated electricity at an economic figure, then naturally the other strings will drop away and the same presumably would happen to the purchasing of electricity from France. It may be that we are feeding electricity back into France. The one advantage, as I understand it, of the electricity grid is that you can push power anywhere you want. You can be drawing out one minute and supplying power the next. I was a slow convert to tidal energy and the potential of tidal energy, but I am absolutely convinced now that it provides huge potential for Jersey and it is a bit like discovering oil wells but not having the technology to get the oil out. We are not there yet; we know we are going to be but we sure have the resource.

The Connétable of St. Peter:

This is known energy resources out of turbines?

Senator F.E. Cohen:

Yes.

The Connétable of St. Peter:

So the argument really now between Jersey Gas and Electricity is really almost an argument between the 2 of them over how they achieve their CO2 baseline, is it not?

Senator F.E. Cohen:

I would say so. Clearly we can have some role in adjudicating the figures that have presented but I think that from what I have read - I am only a layman - it is pretty standard acceptable science and it is not much to go at in terms of objecting to the figures that the J.E.C. have presented. But I am more than happy to participate in any auditing or adjudication.

The Deputy of St. John:

Just putting this particular item to a close, can you confirm whether the Jersey Gas is satisfied with the solutions you have come up with as far as a balance at this time?

Senator F.E. Cohen:

I can confirm that they are not.

The Deputy of St. John:

They are not?

Senator F.E. Cohen:

Because I have seen an email, but I could not understand the email. I just did not understand how their position in any way was a defensible opposition to what seems to be, to me, a very logical solution that Mo has devised. I think they are unhappy because they are unhappy.

The Deputy of St. John:

Right. Have I omitted anything from my initial notes?

Mr. M. Orbell:

Going back to a previous point that you made, just for clarification, the reference building, as it were, is that something that would be recognisable from U.K. standards or is it an independent reference that you have developed here?

Mr. M. Roscouet:

The reference building is a building built to current bylaw standards, essentially.

The Deputy of St. John:

We will move on to item 2, the Energy from Waste plant. Can the Minister or his officers supply the panel with details of the existing testing programme as applied to seawater and limpet species together with a breakdown of results from the analysts of samples?

Senator F.E. Cohen:

Well, can I pass it over to Chris?

The Deputy of St. John:

Yes.

Senator F.E. Cohen:

But can I just say as in introduction that there seems to be a lot of heat around this issue and from my perspective there is absolutely nothing to hide. I am more than happy for the Scrutiny Panel to participate at any level in the monitoring, in the understanding, in the setting down of terms of reference, or in any other way that you want to participate because we have nothing to hide and I am stuck in a position where there is criticism where we would not want to hide anything and would want to be as open as possible. So I will pass it over to Chris but anything you can contribute to the process, whatever that is: coming to visit us, monitoring what we are monitoring, helping with our monitoring, just let us know and we will do it, okay?

The Deputy of St. John:

Thank you. Connétable, you wanted to ...?

The Connétable of St. Peter:

I just wanted a little clarification. Talking directly to the Minister for the moment, I think one of the difficulties is that from the submissions we have heard from people like S.O.S. (Save our Shoreline) and those type of people ... I am just clarifying whether I can relate to those comments because it is not quite in the public domain for another couple of days; I think they are nodding, so it is okay. I asked the direct question what was their relationship with your department particularly, Chris, being Environmental. The thing that is causing the biggest problem in their opinion was - and this is me just paraphrasing their comments - that they found the officers evasive and difficult to get any information out of. That led them to the preconception that they were hiding because they were not telling, and this is a general story which seems to be being picked up around the place by the environmental groups which is causing them to be quite aggressive. Certainly some of the language they were using in their submissions was quite alarming but when you tested it, it was not quite as alarming as they were saying it was. But nevertheless their perceptions are their realities and that is what is causing a lot of difficulties, and I just wanted to air that with you now because those are the difficulties that we, in this panel, are having. They come in with some very strong realities, albeit their perceptions, of situations that we need clarification on. So, we are going to have knock down some of those walls.

Mr. C. Newton:

Yes, let us deal with that straight away. We have certainly been in email correspondence with members of Save our Shoreline and we have diligently answered anything that they have put to us. We have also invited in for discussion, members of that group. I think one is happening this coming week, so we are doing what we can. I think just putting it in context, and to put my comments in context, what we have done for you today is pull together a lot of information that needed pulling together and needed a lot of analysing before it made sense to put into the public domain. If I can just start by saying I think there are 2 major issues here: one is to do with the impact on the sea and on the adjacent Ramsar site, if you like, of the historic practice. So there has been an historic practice putting materials into landfill, or reclamation sites as we call them, on the sea coast. That has been going on for a couple of decades. We have some information, we have some data, because the impact of that has been monitored over that time annually, 4 times a year, since 1993, I think it is, which has looked at animals living around those sites. So animals that do not move very much: like limpets, like slipper limpets, like seaweed, rooted seaweeds. So we have looked at the concentrations of pollutants immediately around the site and we have looked at concentrations of pollutants in the same animals at sites that are miles away from those sites.

The Connétable of St. Peter:

Thank you for that. One of the issues that certainly were brought up by the S.O.S. group was that the animals that are most likely to be impacted by any leachate of particularly heavy metals because they bioaccumulate in the filter feeders - which are not the limpets and the seaweed - are the mussels and that type of animal. The question that we had of you originally is what sort of testing had been carried out

on those? Have you done any testing at all on the filter feeders?

Mr. C. Newton:

It depends on what you mean by filter feeders. I think slipper limpets probably ...

Mr. T. du Feu:

Yes, can I just answer that? As far as I understand, in 1993, mussels, which are the obvious one, and the U.K. base mark, as it were, and something we could reference our levels against, were not used because it was not physically found at every site. So that was a problem with mussels over here; they do not grow on the rocky areas of our shore. So as a replacement, slipper limpets were used which is a filter feeder, so that was the basis behind that one.

The Connétable of St. Peter:

Okay. Thank you.

Mr. C. Newton:

So just to continue setting the scene, what we want to present to you now are 2 sets of information - one is the historic position - what do we know about what has happened with that site since 1993? Is there any evidence that it has caused pollution or contamination, okay? So that is one piece of work. The second piece of work is to do with the current invasion of that site by the works to create the Energy from Waste plant. There has been construction work, holes have been dug for foundations and that has caused the exposure, if you like, of seawater that has been coming into the site and going out of the site with each tidal cycle. So we have had a look at that and we are having a look at the concentrations of pollutants in the hole, and we are having a look at concentrations of pollutants in the adjacent sea as it is sort of percolating through the sea wall and we have some data on those. I must say, very hot off the press, it has come out of the States Analyst's Laboratory this morning, so that is as quickly as we can get it to you. Then, finally, if we can just touch on it, the process that we are using to determine the consent that would be required if the contractor on site wanted to pump water out of the foundation footprint into the sea, so there are 3 bits there. I think if I just ask William and Tim to just hand out the information and just take us through it.

Mr. W. Peggie:

If I can just ask you to pass them on. In these folders, towards the rear, I think, is the paperwork to which Chris is referring here and if I can ask Tim to take you through. It is the second of the briefing notes: *The Investigation of Possible Contamination of Marine Biota from a Land Reclamation*.

Mr. C. Newton:

Are we all looking at the same document now? So the paper looks like this; it has Tim's name underneath it as the author.

Mr. T. du Feu:

Mr. Chairman, if I could just take you through it. What this is, as Chris mentioned, is looking at the historic data that was gathered, as we mentioned already, on, primarily, limpets and fucoid seaweeds. Potentially you have quite a lot of permutation, as you have a data set from 1993, which is good, pre-reclamation site at La Collette, extending to present day. You have 5 sites which were monitored throughout that period and you have 3 species and 6 heavy metals, so there are lots of different factors to look at. So what I have done is taken a statistical approach to the data set and if you refer to ... there is a map of Jersey in your pack with the 6 sampling points. So, the methodology done in my investigation was to take the ... luckily, we had a sampling point from 1993 to the west of Havre des Pas Bay Upper Gully, so just outside the reclamation site, so that is good baseline data there. I took the Corbière site and the Gorey site as my 2 sorts of controls and the basic question: is that site at Havre des Pas, are the

metal concentrations in limpet and seaweed different from Corbière and Gorey, and is there something going on at Havre des Pas which would indicate that? The first thing to do was to say: “Well, let us have a look at the trends” and you can see those at Appendix 2 and 3 of the paper, page 10. So just to talk you through one as a case example. The cadmium graph is looking at limpets and seaweed for La Collette and Corbière: the Havre des Pas and Corbière sites. What the first question was, as I said: “Well, let us have a look at the trends.” Is the concentration of cadmium in this instance in limpets at Havre des Pas exhibiting the same sort of trends as Corbière and - appendix 3 - Gorey? Are they going up and down the same or is there something at Havre des Pas which is going up while Corbière is going down, for example? What I found was for all 6 heavy metals a positive correlation or a positive relationship existed, so basically everything is doing the same thing, some more than others. Arsenic, for example, you can see on figure 6 over the page showed the strongest correlation, and it tends to be exhibiting the same sort of trends at Corbière and Havre des Pas. So that was the first stage. The next stage was to say: “Well, they may well be going up and down together but Havre des Pas could be higher than Corbière.” They could be showing the same trends but there could be a significant difference between the 2 levels. So what I then did was to take the data set and to use the mean from the 4 data points per year and say: “Are they significantly different from each other?” So are the values at Havre des Pas significantly different from Corbière and Gorey? That takes us on to table 3 on page 5. So the first column is trace metals. The second and third columns refer to La Collette in relation to Corbière and then the following are La Collette in relation to Gorey asking: is La Collette significantly higher than Corbière or Gorey? The orange indicates significantly higher levels of chromium at La Collette, of lead at La Collette and zinc at La Collette. Conversely, you have the light yellow shading there which indicates significantly high levels at Corbière than La Collette and cadmium at La Collette. So, we can say we have significantly high levels at Havre des Pas of chromium, lead and zinc rather than at Corbière. The next question to ask was: “Well, if they are significantly higher at Corbière compared to La Collette, what about the other sampling sites? Are we seeing something there?” What I found for those 3 elements, they were higher still at West of Albert Pier and St. Aubin’s Bay site, so indicating that the source is not from La Collette itself because high levels were seen within the other sites.

The Deputy of St. John:

Now the outfall from the Bellozanne which comes out in the middle of St. Aubin’s Bay, would that have any effect on those 2 sites either side of St. Aubin’s Bay?

Mr. T. du Feu:

Could very well do. If it is land-based sources, I have to look into this, it is very much a draft paper, but take something like, say, car tyres, road runoff could be responsible. Zinc anodes in the marina on boats flushing through, could be responsible for West of Albert high levels.

The Deputy of St. John:

Yes. Likewise at St. Aubin’s, zinc anodes, whatever off the ...

Mr. T. du Feu:

That is right. We are going to look into that area as well.

Mr. C. Newton:

This initial analysis - there is still more work to do - is basically testing the hypothesis: could there be pollution coming from the reclamation site, can we detect it and to paraphrase what Tim is saying the answer is: “No, we cannot.” We cannot find anything that is worse around La Collette then it is generally around the Island.

The Connétable of St. Peter:

Tim, can we just go back one moment? When did you do this chart we are looking at on page 5, table 3? When were these results taken? That is very recent, is it?

Mr. T. du Feu:

That is from 1993 to 2009.

The Connétable of St. Peter:

That is the completely aggregated, is it?

Mr. T. du Feu:

Yes. Essentially doing tests on all the 4 points every year since then, so it is a big data set.

The Connétable of St. Peter:

So has there been much change over the years? So you are saying this is a mean average over the whole period?

Mr. T. du Feu:

Yes. That is right. What I also looked at in the paper as well is the change. We had to find points on the reclamation site of Crabbé wood mulch coming in, for example in 2005, I think it was, so I looked at those 2 periods. There were changes but, again, high levels elsewhere. One thing we did notice in the data set, the thing which has increased is arsenic in seawater but that is generally over all sites and not confined to La Collette.

The Deputy of St. John:

Any reason why that could be the case?

Mr. T. du Feu:

Again, we are looking into arsenic was used to control potato blight in the early days as a mixture; there could be runoff in there.

The Deputy of St. John:

That is still coming through?

The Deputy of St. Mary:

Is it used in wood as a preservative?

Mr. W. Peggie:

It used to be used in the tanalisation process. That is not the case nowadays.

Mr. T. du Feu:

But then everything takes time, does it not?

Mr. W. Peggie:

Absolutely.

The Connétable of St. Peter:

Certainly there have been some concerns about the puncturing of the liner for the bottom ash on the La Collette site and there were some liquids running out of there which is surprising because it should have been a dry-sealed bund but nevertheless those liquids have gone into the digout for the receiving pit, if you like, for the E.f.W. (Energy from Waste) plant. Those would have been subject to flushing out into the sea, have you done any recent tests on that area there to see how much impact that has had? I know

the dilution factor, and I think you mentioned it before, Chris, is quite astronomical, but whether there had been any significant or anything measurable difference, bearing in mind now that the ash pit bund is now leaking or has been leaking.

Mr. W. Peggie:

Perhaps I can start this answer off by giving a bit of a background as to the damage to that liner. We were called out in March to have a look at the extent of the damage of that liner. It was relatively near the top of the liner, a couple of feet down, in an excavation trench which had been put a bit too close to the edge of the hydraulically-independent cell. The contractors who ripped the side of the cell noticed that there was water egressing into the trench. When we arrived there, there was not a great deal of water there and it would have surprised me, given the quantity that we saw, if any had got much further than the trench itself. If you would allow me to just perhaps correct you in terms of the nature of the cell, when the cells are constructed indeed they are dry built, if you like, it is a geocomposite cell. Then it is filled with the ash from the incinerator which has been quenched so that there is quite a lot of water in that process. The water, some of it, will evaporate during the course of the fill, specifically if it is a very hot summer, there will be evaporation of waters off that cell. But the majority of the water will stay in, it will find a rest level, and when the cell is completed it will be capped over and the water will stay over there. Now, the water level can be monitored in there or extracted once it has found its rest level by what is known as a riser which is a diagonal pipe, usually about 300 millimetres, which runs up the side of the pipe from a sump in the bottom of that cell specifically constructed within the bones of the hydraulically-independent lining and that water can be removed. Once the contractors on site recognised that they had indeed breached the side of that cell, it was an obvious option for them, prior to our arrival, to reduce the head in that cell by getting a suction tanker, a backload-type tanker, to come and remove some of the water and take it off to Bellozanne for disposal. That then reduced the depth of the water, took it below the height in the liner that the rip had happened at, and immediately stopped the egress of the water.

The Connétable of St. Peter:

How long has that been going on that they have been sucking off some of the water that has percolated down to the bottom? How long has that been going on?

Mr. W. Peggie:

Historically speaking, there may have been an ease dependent on ... it is a T.T.S. (Transport and Technical Services) question, to be honest. It depended on the need and the volume of water held within those cells, it would have been at T.T.S.'s discretion to suck off ...

The Connétable of St. Peter:

Right. Why I ask the question is, is there any correlation between the amount of time they have been drawing waters off and the heavy metals that you are seeing heightened in St. Aubin's Bay which is unrelated to the La Collette site which could be coming, as the Chairman said, through the Bellozanne outfall? So I do not think they have any mitigation measures at Bellozanne, have they, for heavy metals?

Mr. W. Peggie:

Against heavy metals, no.

Mr. C. Newton:

Well there is a natural mitigation which is the adhesion of heavy metal particles on to sewage solids which is one of the reasons why there are strict controls on the application of sewage solids to land because they often do carry quite heavy loadings of heavy metals, not so much in Jersey, particularly in industrial parts of England. You just get a physical attraction to heavy metals on to the organic sewage

particles, so there is a process, albeit unintended, of stripping out heavy metals from the closing of the sewage works which is the settlement of solids and the subsequent disposal of those solids either to land or to incineration.

The Connétable of St. Peter:

But, again, just thinking about the circulation with the new E.f.W. plant, a lot of those dried solids will be going to the E.f.W. plant and then becoming airborne, liberated and becoming airborne again, will they not? But, anyway, that is another question for ...

Mr. C. Newton:

Well they will not because there will be strict controls on the aerial emissions from the Energy from Waste plant.

The Deputy of St. Mary:

Well they are only pursuing the serious solids, as one might. As soon as Mr. Peggie said that the tankers took the water from the cell to Bellozanne, I must say my mental juices became stimulated. What happens then? What happens? Where does that water physically go; how does it work its way into the process? Because this is heavily-contaminated water, so what happens then, because the idea is to get that heavy metal somehow out of the environment again, rather than cycle it through the environment?

Mr. C. Newton:

No, the sewage treatment works are used commonly as a treatment works and there are consented industrial effluents going into the sewers all the time from various businesses and trades around Jersey, and that is seen as the most environmentally sound way of dealing with them: to put them through the sewage process where they will adhere to the sewage sludge and be removed. We do not have any better processes for that.

The Deputy of St. Mary:

But if we have a policy of putting our sewage on the land or into the land which we do, then we are effectively recycling industrial effluent into the land bank.

Mr. C. Newton:

At a diluted level.

The Deputy of St. Mary:

Not you, but the system.

Mr. C. Newton:

It is the same, which is why there are strict protocols for application to land that they have to deal with rotation, assume there will be a build-up in land, and therefore can only go on a certain piece of land for a certain number of years and then you have to find another piece of land and it is cycled out through the crops that are grown on it.

The Deputy of St. John:

So it is putting it back into the food chain.

Mr. C. Newton:

It is back into the environment and that is physics, basically, for you.

The Deputy of St. Mary:

I think this is an interesting area for maybe T.T.S. but I have other questions too. Going back to the

paper, you say you have done time series comparing Havre des Pas with Gorey and Corbière - that is the diagrams at the back - why not West Park and Gorey and Corbière? Because West Park is historically ... why not West Park as well?

Mr. T. du Feu:

Primarily, the answer to the question: is anything untoward happening at Havre des Pas La Collette site? That is what the paper addresses.

The Deputy of St. Mary:

Right. But the historic problem is at West Park, or the greater problem is in West of Albert because I imagine that the procedures of La Collette were somewhat better although we are discovering that maybe that was not quite as good as we thought.

Mr. T. du Feu:

I think that is a subject for a separate analysis.

The Deputy of St. Mary:

It is a separate analysis, okay. So have you done that analysis?

Mr. T. du Feu:

If I can just answer the question. There were 2 studies: one done by Mike Romeril in 1994 who addressed that: he could not find anything West of Albert. The C.R.E.H. (Centre for Research into Environmental Health) also did a paper, interestingly, looking at historic limpet shells and build-up in hard parts over time and then going up to Hougue Bie and getting some archaeological limpet shells from the areas and present-day limpet shells. They could not find anything either apart from an interesting fact that the lead levels historically were higher than they are now. But there was no evidence of anything evidently happening that tied in.

The Deputy of St. John:

Can you tell me why we are only monitoring the 5 stations here and why we are not doing the remainder, because the water does go around the Island? Given that we have historical dumping in the Island, particularly on the north coast, for instance, why we have not been monitoring 2 or 3 other areas just to give an overview of the whole area? Because I do have concerns, shall we say Bonne Nuit, for instance, where we, in the 1960s or in early 1970s put an overflow pipe from the dumps at Mont Mado out behind Bouley Breakwater. Yes, we did monitor for bathing purposes, but not for other reasons. To me, I am surprised we are only using this area and we do not have several other monitoring stations. Would it be any benefit, given that I understand - and we will come to it later - that there is a view to, shall we say, making a specific area a no-go fishing area for nursery fishing up in the north coast, that we are not taking advantage of monitoring 2 or 3 other stations while we are doing it?

Mr. T. du Feu:

Since 1996 we have been also monitoring Ecréhous which is a mixed open water site as well as a control. I think there are 2 sampling sites there and Horn Rock out of Gorey but that is since 1996 and we do have that data.

Mr. C. Newton:

I think the general point we make is clearly sound. The more information we have about marine environment, the more we will know. This was a specific experiment set up to look at the specific hypothesis that the reclamation site might be causing a problem, so that is why the sites are where they are.

The Deputy of St. John:

That is right, yes. Absolutely.

Mr. C. Newton:

But I absolutely accept your view that it would be ideal and desirable if we could have many more monitoring sites around the Island.

The Deputy of St. John:

Because this is a paper obviously we are going to want to go through before ... because we could spend the whole afternoon on this and I think we need to digest the information and come back at another time.

The Connétable of St. Peter:

When you say you are “monitoring”, how does the monitoring take place? Is it literally going down and getting a sample of the seawater?

Mr. T. du Feu:

Of the limpets and the seaweeds?

The Connétable of St. Peter:

Yes.

Mr. T. du Feu:

Yes, walking down to the shore, they dredge it also from the Norman Le Brocq sample site. Basically, if you are monitoring limpets, it is a set size of limpets so you are not monitoring old ones which have bioaccumulated for a long time than small ones. Set size: I think they do 40 at a time, combine all the samples, they macerate them up ...

The Connétable of St. Peter:

Is there any particular tide you choose it on? Do you go on the flood tide or the ebb tide or whenever convenient?

Mr. T. du Feu:

I do not think that that would be a variable given that a limpet will always return to its ...

The Connétable of St. Peter:

I am thinking about the water samples as well, particularly.

Mr. T. du Feu:

That is a separate entity.

The Connétable of St. Peter:

Okay.

Mr. C. Newton:

To be clear, these are not water samples; these are tissue samples ...

The Connétable of St. Peter:

They are only on the seaweed and the limpet?

Mr. C. Newton:

Yes.

The Connétable of St. Peter:

Okay. Fine. Thank you.

The Deputy of St. Mary:

Two quick ones. It might have been useful, I do not know, if you maybe comment on other places than Jersey as an external control, how does this compare with the world? Has that been done or would it be an idea or ...?

Mr. T. du Feu:

Absolutely. I fully agree. We have a table there at the back at Appendix 4 of the limited stuff I could get hold of at the moment. They are within the bounds of the Irish Sea and Southampton Waters and so on. But I take your point, it would certainly be nice and we are going to do some more literature ...

The Deputy of St. Mary:

In connection with the western crab being banned from Italy. It is just western crab; it is all not good enough. The other question was why these particular 6 heavy metals? Is that because you sense that they are the most dangerous, or the most public interest in them? What about other contaminants because there are serious other ones out there, what is the reasoning behind that?

Mr. W. Peggie:

I think at the time that Dr. Romeril initiated the sampling protocol, and he was a recognised authority on non-uptake of pollutants in sea life, if you like, those were the ones that were advised. Also the positions in terms of the locations for sampling were the ones that were advised at the time, so the department was taking the advice of the - I guess not independent States adviser at the time - but the States adviser.

Mr. C. Newton:

We would be very happy for you to digest it and come back with further questions.

The Deputy of St. John:

Well I think we should because there are going to probably be a lot of questions; more questions and answers so far as we are concerned.

Mr. C. Newton:

While we are here, I would like to explain to you the more recent sample we are doing because, again, looking at the hypothesis that creating the Energy from Waste plant and digging holes in the reclamation site may have, in itself, caused the problem, just to explain that if we could. We are referring to pictures in your pack.

Mr. T. du Feu:

So we have 2 pictures of the La Collette area: the one with little white flags on, and the other one with black dots on. Corresponding with those you have the States preliminary analyst report which, as Chris mentioned, was received this morning. Although the samples, you can see, were taken on 1st April ... we have just received those this morning because the heavy metal machine at States Analyst went down, so they are hot off the press. On the first diagram, what you can see is just on 1st April the various samples were taken from the head around La Collette JR2 to JR6 and you have the corresponding analyses to go with those in your pack. At the same time a control of the north coast water was taken so we know what clean seawater should look like and samples from the other one. What we also did is we wanted to establish a long-term data set and we went out and took a series on 15th April of 9 other water samples going on the falling tide, so we were expecting stuff to be washed through. It is a spring tide,

so a lot of water movement and, again, around the head and out on a set transit to the Demi de Pas. Now all those points are G.P.S. (Global Positioning System) fixed and we have the results from those, so that is a good starting point of a solid baseline data for something ...

The Deputy of St. John:

So that was all done on a spring tide?

Mr. T. du Feu:

Yes.

The Deputy of St. John:

Are you doing the same on a neap tide?

Mr. C. Newton:

What we were trying to do there, just to explain why we chose to do it on a spring time, was the water sloshing into the hole and then coming out again is doing that greatly on a spring tide. On a neap tide it is barely getting in there because the tide level is so low. What we were trying to capture was, if you like, the worst possible case. Having filled the hole with seawater, we sample it as it ebbs out of the hole, carrying with it whatever it is carrying with it and see what we can find in the adjacent sea, and that was the basis of that sample.

The Deputy of St. John:

Why I put the question, because obviously the tide is in and out so fast on a spring tide, but you could be leaving a certain amount of the finds behind where if it was, say on a 28 foot tide or smaller - not much smaller - but say a 28 foot tide, it would take the finds with it because it is going a knot or so slower and thereby carrying that out into the bay nearby. That is the reason I am putting the question.

Mr. C. Newton:

Yes. There are any number of sampling permutations as I am sure you can appreciate and a limited number of resources we have to collect them. It is worth bearing in mind that the first set of samples that Tim referred to, the JR2 to JR6, were taken almost at low water. So what you have there is the ooze coming out of the bottom of the site, again, in a worst possible case, and it is probably just worth reflecting briefly on the water quality results which, if you are not familiar with the notation, of predominantly less than limit of detection. That is what that sort of strange symbol to the left of the number means: the laboratory cannot find them, basically, cannot find any concentration. The one exception being iron, which is there, and it is not there at levels that are of concern; it is just a matter of interest that there is a fair bit of iron in the water.

The Deputy of St. John:

But that would be naturally generated, though, would it not, the iron?

Mr. C. Newton:

Yes, there is a fair bit of iron in Jersey rock. Again, you will most certainly want to take these away and look at them and form your own views on what they mean. We do have some more analyses still to come. You will notice there are gaps for mercury and selenium, that is because the laboratories have not completed the analysis of mercury and selenium yet and when we have it, you will have it. But there is absolutely nothing in here that is giving rise to concern. We cannot detect a measurable pollution emanating from that site, is what we are saying.

The Deputy of St. Mary:

I can understand the first page and the second page, the third page has: "JR1 tank JR2 pit."

Mr. C. Newton:

Yes, okay. Well the pit is the pit: it is the hole they have dug to put the foundations of the E.f.W. in. So there are water samples that we are taking in that pit. This is all as a preliminary to issuing, or not issuing, a consent to discharge that water to the sea. The tank is the mechanism that the contractors have built that they believe will be an appropriate treatment technology for taking the water from the pit, putting it through this tank system and then discharging it. So obviously we are very interested in how does water behave when you put it in that tank: does it materially change in there? I think what you can see if you are looking from the right column to the left column, is that there is a noticeable reduction in the concentration of various elements. Take iron, for instance, or suspended solids, drops from 310 to 136. I have to say that is still not good enough. We are not going to consent to that discharge but I am just explaining what the results are. Our process will be to continue sampling the pit, sampling the proposed remediation technology and if we are not satisfied that they can achieve acceptable results, then they will not get a discharge consent; it is that simple.

The Deputy of St. John:

Are there any other questions?

The Deputy of St. Mary:

Well I was very puzzled how ... I know it is the detail but how does the chromium fall out of the water when it goes into a tank? I am just very puzzled how that can happen.

Mr. C. Newton:

Because it is adhered to the solids and the solids are settling out, so you can see the solids dropping.

Mr. W. Peggie:

I think what Chris is saying is absolutely right. We do not know quite how long the water was in the tank after it had been pumped there from the pit. I think we need proof on the long-term that any reduction in solids or reduction in chromium, or any other determinant, is in fact going to be sustainable and long-term prior to any determination being made.

The Deputy of St. Mary:

Yes, our concern was how long it sits in the tank. This could have been sat in the tank 2 days before recording the ...

Mr. W. Peggie:

Indeed. Absolutely.

The Deputy of St. Mary:

What is the one at the bottom: "Cond", who is "Cond?"

Mr. W. Peggie:

Conductivity.

The Deputy of St. Mary:

Conductivity, okay. There was another: pH. Very high, is it not?

Mr. W. Peggie:

Well, again, the applicant proposes in the discharge consent application to remedy or to mitigate against high pHs and, again, it is something we will be looking for proof that it will be sustainable and will not just be a construction site "fix", if you like. It will be a long-term scientifically-based robust fix.

The Deputy of St. John:

Time is moving on so, Chris, anything else on this item at this time?

Mr. C. Newton:

No, I just wanted to give you as much as we could as to where we are.

The Deputy of St. John:

No, that is fine. Because we obviously want to look at this in more detail and come back with some written questions as well as oral questions at a future meeting, I expect, if you are happy. Thank you very much.

Senator F.E. Cohen:

Yes. Just to reiterate that this is not an exclusive process and if you have any suggestions, let me know how we can better the process. If you would like a more direct involvement in the process, the more heads involved the better.

The Deputy of St. John:

Right. We will take item 3, the policy on designated S.S.I.s (Sites of Special Interest) this was raised previously by your Assistant Minister. I had one or 2 concerns at the time, Minister, because S.S.I.s have been a bone of contention on my part for a number of years previously when I was in the House, how they came about to be designated and basically because of the very small amount of funding that is available to help somebody who, shall we say, just inherited an old Jersey house, they are told by officers in the department that they have to replace like with like. It is very, very difficult obviously, especially a family on a very low income, to be able to do that, even with the small amount of grant that is available. It is all well and good, the States of Jersey when we did this building, or a big corporation, but for families it is difficult. So, I would just like a little bit of an oversight from yourself, get your views on B.L.I.s (Buildings of Local Interest) and S.S.I.s. Now I am not against the idea, it is just that do we need X number of the same buildings, et cetera?

Senator F.E. Cohen:

Well, firstly, I think I start from the perspective of coming from, as you know, of having a special interest in heritage and heritage buildings. However, having said that, we need to have a very practical approach and I am not sure that we are there yet. We currently have high aspirations in terms of the preservation of the Island's built heritage, but little cash. As you have so rightly pointed out, you often can end up in a position where your aspirations are entirely undeliverable because the owner of the historic building does not have the necessary cash and we have to have a practical approach. We are reviewing the way we deal with historic buildings: thoroughly at the moment. We are going to have a new system which is going to be a system of grading, so we will have one classification, probably 4 grades, and clearly the greatest attention will be paid to those at the higher grades and we will be more lax with those at the lower grades. We will be applying the money that we have on a means-tested basis and I am absolutely insistent on that. I have told this story before, I was absolutely staggered to see that when I was first asked to sign-off the first round of grants for listed buildings, that one of the listed buildings the owner had submitted a photograph with his new Rolls Royce in the front of the house. I just thought, very clearly, we have to direct money to those who most need it and also to those where the public are going to benefit the most because you are better off to direct your limited resources to those sites where the public are going to benefit. I am also insisting that we introduce a policy of self-certification. Because what is happening at the moment is not only do you have the frustrations of having to get the department to approve virtually every little thing you want to do on a small listed building, but you also have the difficulty of your historic buildings' adviser, if you have one, constantly having to liaise with the department. My view is where you have a qualified listed buildings' adviser

working for you, they should largely be left to get on with it because it reduces costs, it increases the practicability of delivering the preservation of the building at an affordable price, and you have the control that effectively you can take the self-certification away from the individuals if they abuse it. So I think we need to have a lighter touch, concentrating on the more important buildings, we need to accept the fact that we have limited resources and apply those on a means-tested basis and that is already the way we are going to do it.

The Deputy of St. John:

Thank you. Another that concerned me was ... one of them in fact came through on our paperwork - the historical tomb - not dolmen - in Rue de Buttes St. John where the department have put a 25 metre radius around the tomb^[1]. Firstly, they did not notify all the householders nearby, only one of 2 of them, but that said, they did not even think of notifying the parish but that is beside the point. But it did raise concerns that there was a demarcation, i.e. the road which has been dug up dozens of times for power cables, water, whatever else, sewerage, and then we were going beyond that, it crossed over into Mr. Romano's kitchen. I thought: "This is going to create problems in the future." Not today because we are all sitting around the table and the people are still around who put this in place. But given that tomb - kurgun is the word I was looking for - has been there for, shall we say, thousands of years - I do not know exactly how many - we decide now to put the manpower and everything that goes with it and have it as an S.S.I., is that not a bridge too far, given that it has been there for this long? It was excavated in 1912 or thereabouts, 1908, at some time in the last 100 years, there was some work done on it, but generally is it not going over the top? It is there; it is acknowledged across the Island, that, and many other of these sites, the manpower that is involved in putting all these things together, and thinking of the neighbours i.e. Mr. Romano and his family in the other properties nearby, are we not going over the top in having to list something that is already within our Island heritage?

Senator F.E. Cohen:

Yes and no. The reality is that we are obligated through a number of conventions we have signed up to, to preserve our heritage in certain prescribed ways. It is the department's job to deliver a process that ensures that we live up to the expectations that could reasonably be expected of a responsible jurisdiction of which we are one. When you get down to the level of Mr. Romano's kitchen, then, yes, it seems daft and that is why what you have to do is have a mechanism to ensure that there is practicality within the system, and that is where the political bit comes in. Because whatever the structures are, whatever the officers say, when it comes down to it you have at the end a practical decision-maker who is not necessarily a heritage expert who will say: "I am going to exclude Mr. Romano's kitchen." I visited a site this morning, a very good example, a very good Jersey house, where I was being encouraged to protect every element of the house, and my decision was only to protect very specific elements of the house. The outside of the house was worthy of protection, the door casements were worthy of protection, the staircase worthy of protection and the shutters worthy of protection; the rest was not. That is why you need to make sure that you have practical, political responsibility and that is the job of the politician. The job of the officers is to deal with the policy, and they do a fabulous job in delivering the policy and in driving the policy forward. Then you have a final check, just as you do with a planning application, where you have somebody who is from layman's background, who looks at it practically and says: "This is what I am going to do practically."

The Deputy of St. John:

Any questions?

The Deputy of St. Mary:

Yes, I did have just one going back to self-certification. You said the sanction would be to remove the self-certification? How would that work?

Senator F.E. Cohen:

Well, very simply, that you have a list of certified historic buildings' experts and they will be allowed, within certain limits, to self-certify small amounts of work that are ongoing. So you have an overall master plan for the restoration of a property agreed with the Planning Department and approved. The individual then appoints one of the accredited heritage experts and they, within certain parameters, are able to deal with the practical delivery of the overall aspiration. Because dealing with the restoration of a historic building is not like building a new house. You do not start off by saying: "I need 4 blocks and a bit of cement." You start doing a little bit and you end up doing something that you never intended to do. What you do not want to be is in a position where every time you change, every time you want to do another little thing, you have to go back to the department to make another application which delays you further and costs more.

The Deputy of St. Mary:

Yes, I see. I did not realise there were 2 stages: there was the expert and the planning.

The Connétable of St. Peter:

Apologies, I had to nip out and make a call for my next meeting. When I walked back in, Minister, you were making a comment: "Apply those on a means-tested basis", we are talking about ...?

Senator F.E. Cohen:

Heritage building grants.

The Connétable of St. Peter:

Right. So has your budget gone up from the £60,000 I think you had in the last ...

Senator F.E. Cohen:

No, it has gone down.

The Connétable of St. Peter:

If there are no means available either in your budget and also the property owner, how will you deal with it then?

Senator F.E. Cohen:

Well, we have limited amounts that we will make available annually. There is a process that the department runs: you make an application; we consider the applications. But I have now taken control of that because I want to make sure that we only apply the limited grant to people who otherwise would be unable to afford to carry out the work. If we have more money at a later date, then you can change the policy. But it is an issue for the States. This is an issue that Don Filleul in his days in the States was very concerned about that we have lots of aspirations for the preservation of our heritage and the preservation of historic buildings, and we talk lots of good stuff, but we never produce any cash. If you want to be serious, you have to produce some cash.

The Deputy of St. John:

Absolutely.

The Connétable of St. Peter:

Okay. Thank you.

The Deputy of St. John:

Right. There was just one final thing on the S.S.I.s which would be church buildings and I think you are

probably aware that Sion Chapel, which is in our Parish, is on the market but because of the restrictions on that type of building, internal restrictions, they are having great difficulty in finding even tenants for this. Do you take a pragmatic view on that particular thing or will you bend, if you have to?

Senator F.E. Cohen:

I have taken a very pragmatic view. I have met with the church on a number of occasions and I have made it very clear that I will do whatever I possibly can to try and help them but that excludes demolishing the whole of the building. Basically, there is one element of the building that needs to be restored and needs to be maintained, and you need to make the rest of the site work to do that. If that means you have to increase the density of development on the site to achieve that, I have already said I am very happy to do that.

The Deputy of St. John:

So we will not see it as a potato stall?

Senator F.E. Cohen:

No.

The Deputy of St. John:

That is all, at this moment, on the S.S.I.s, unless you gentlemen have ... because in the past we have seen churches turned into potato stalls.

Mr. P. Thorne:

Can I make a general point as a follow-up to that? Because we have in the past produced briefs for particular properties which are designated as historic buildings and we generally take a very flexible attitude towards the uses of those buildings. Ideally, they retain the use for which they were built but the reality is that you are looking often for alternative users for the building. So, for example, when we have had office policy which restricts office development to certain areas, we have said: "Well if it is an historic building, we would be prepared to consider an office use outside of those areas" so people bring the building back into productive use. So that principle has been applied to places like J.C.G. (Jersey College for Girls) and St. James, older buildings which are not often in public ownership, that is why we were doing brief swapping but that basic principle underlies building conservation here and in other places as well. If you cannot find the existing use to go in then you are flexible to look at other ones.

Senator F.E. Cohen:

There are particular problems with the Methodist portfolio and the predominant problem is that each of the churches is a financially isolated pool on its own and there is no way of taking a broad view over all their properties which would enable them to get out of their current difficulties. Because you could not, for example, say: "Well we will take the 15, allow you to remove 3 and spread the money you get from the 3 over the 15." It does not work like that. So it is quite difficult. In terms of ecclesiastical properties generally, again, I am moving towards a much simpler system where the churches, while the buildings remain in worship, they would be largely responsible for their own historic buildings' decisions. Because the major denominations already have their own historic buildings' advisers anyway, so we do not need to have duplication.

The Deputy of St. John:

Thank you. No questions, gentlemen? No? We will move on to your policy on temporary agricultural buildings. Given that we have a number of portacabin-type sites ... I know you have been dealing with Deputy Labey - but I should not have mentioned the name - the Deputy of Grouville in relation to portacabin cities but we are seeing portacabins used more and more within the agricultural industry. Then they get turned from a temporary site to basically a permanent site because they are there for years

and years and years. Then we see they disappear and we see buildings going up in their place. Can we be given an explanation why, shall we say, the Grouville staff that was mentioned, they were given a 5-year permit on that site for temporary buildings?

Senator F.E. Cohen:

Well initially they were given a permanent consent.

The Deputy of St. John:

Correct, yes.

Senator F.E. Cohen:

When I found out about it, I amended the permit to limit it to 5 years. From my perspective, it is a policy that we should be discouraging. We should not be encouraging portacabin cities but they are, and have been, essential to the functioning of the agricultural industry. But maybe Pete would explain the policy.

Mr. P. Thorne:

Well the policy we oversee is the one that is in the Island Plan and that recognises that there will be a need in certain cases, based on agricultural needs, for temporary accommodation, or accommodation which is not certainly permanent anyway, and this has been the policy for many years; 20-odd years or more. Now, the agricultural industry has changed. Where 20 years ago we probably had many smaller farms, the farms have grown bigger and certainly as far as potato-growing is concerned, considerably bigger. But in essence the policy has been to only allow staff accommodation on farms to be constructed either through converting existing buildings on the farm which are no longer required for agricultural purposes, or by allowing temporary buildings of a portacabin nature. The policy says that they will be given a limited time condition on a permit because obviously over time the need for those structures, accommodation may disappear, and therefore they can be removed from the site by not being renewed. But we also require them to meet certain standards and there is an issue - a separate issue - I think in terms of what the Deputy of Grouville was questioning us about: that is whether the standard of the accommodation is suitable and meets the modern needs, if you like, of the people occupying them. But certainly we opposed in nearly all cases - we did not on the one in point - but we had to rectify that as the Minister has said, but the policy does say that we will always put a condition limit on those for a certain period. Now the primary purpose for that is, as I say, to reassess the justification for them, 3 years, 5 years down the line, whatever it is. But it also gives us the opportunity if they are in particularly poor condition: they have been let go, change in the bylaws for accessibility and that sort of thing, enables us to upgrade them or get rid of them altogether if they are no longer beneficial. Interestingly, the ones that the Deputy of Grouville, the issue she raised in questions to the Minister, were relocating existing portacabins on the same site and putting them in the middle of the glasshouse area, albeit 20-odd metres away from the nearest permanent dwelling. But they existed on the site anyway; they were at the back of the old Fogert Farm and they were moved together with other portacabins within the bulk of the glasshouse area.

The Deputy of St. John:

All right. Well down to the glasshouses and we will cover polytunnels as well. Given that in a lot of cases glasshouses were given temporary permission - we are seeing now with the polytunnels, each tunnel has probably only a dozen bits of concrete just holding the pillars in place - all of a sudden they have become brownfield sites under a temporary permit. Does the Minister in fact look at these particular plans when they come in for a change of use to a building site? Because it does concern myself and members of the public out there that all of a sudden you apply for polytunnels and several years down the road, or 10 years down the road, it becomes a building site. But of the existing sites that have been passed for glasshouses, most of those historically - and I am going back 30 or 40 years when

there was a big build going on - they were given the permits. So a lot of the permits were given as temporary permits i.e. for the duration of that build and then they were to be pulled down, and I can remember John Le Sueur insisting on some of Five Oaks being pulled down. Is that policy still going through?

The Connétable of St. Peter:

I think the Five Oaks, or was it Five Oaks or Maufant?

The Deputy of St. John:

Maufant.

The Connétable of St. Peter:

Yes, on Maufant Road there, that was a slightly separate issue because the States funded their removal. They were that old they did not have any sort of condition on, as I understand it. The condition, which in our parlance is a disuse and disrepair condition; it is not a temporary limitation on the structures themselves but there is a condition we have put on to permissions which says that in the event that the glasshouses become redundant or derelict or, you know, for some other reason no longer required for the purpose, they should be removed and the site restored to its former condition; an agreed condition anyway. We have done that over certainly the last 15 or 20. I think there are a lot of older ones existing which, you know, a long time existing, probably pre-1964 Planning Law anyway, which are pretty powerless. I mean, I am sure we can all think of examples where they are in a state of collapse almost, where we do not have any power through conditions to get them removed or to get the site repaired. What we do have is the power under the law to require eyesores to be removed and, in a couple of instances, I am sorry, I say "eyesores"; when they are dilapidated. Well, there were 2 instances; I was going to mention both in St. Clement where the glass has been broken and they were both dangerous. One had the new housing estate built next door to it and we served, or we were prepared to serve notices on the owners of those glasshouses to remove the glass. One of them did so. The frame still exists but the glass has been removed because the shards were sitting in the frame almost like potential guillotines, and if kids put their arms through. The other one is regarded by the owner as a potential development site but I should say they are both regarded as potential development sites by the owners, as most glasshouse sites are. But they have been hanging on for development and that is something we are considering as part of the Island Plan, whether those sites are suitable, potentially, as development sites. But there is a power there to those sites which you have got the disuse and disrepair condition on there to require their removal and the restoration of the site, where they have that condition. Where they have not, we have got the eyesore provision, as I call it, the Article in the law which can remove those sorts of things. Where they have not got the conditions, we are in a situation of negotiation, frankly, but where we have no power to do anything about it; they are not in derelict condition necessarily, so we cannot use that power. We are trying to coerce people, essentially, into doing something with their glasshouses which are no longer required. Now, a lot of glasshouses still have a future in horticulture. I mean, they may not be growing tomatoes for Sainsbury and Tesco anymore, I am sure there are other things they can be used for, and certainly our colleagues on the agriculture side are concerned to see a number of purpose-built glasshouses, which are still in good condition, retained in the industry. There has always been an issue with getting rid of the glasshouses which do not have development potential and are not attractive; no longer used and, you know, that has been an issue for the States as long as I have been working for them, certainly. The Maufant ones you mentioned earlier was one way of approaching it. We have removed others in the past with the use of labour from the prison at the Grouville re-development area, but there is a philosophical question; whose problem is it? You know, is it the growers who have benefited from the granting of the permission? Perhaps it is their responsibility when they are no longer needed to remove them at their own expense but they would just regard that as a liability and, invariably they will claim anyway that they do not have the wherewithal to remove them.

Senator F.E. Cohen:

Can I just make a point? While the Minister has the discretion to effectively grant consent for development on disused glasshouse sites or glasshouse sites, I have always made it clear that I have no intention of doing so, other than in a very exceptional case where, perhaps it is one small house in exchange for a large amount of greenhouses to do any rezoning outside the Island Plan. If there are any proposals, they will be incorporated in the Island Plan and States Members will have the opportunity of debating. That glasshouse sites fall into 2 camps is pretty obvious; one is where there is some development potential and one is where there is no development potential. I do not think it is ever going to be possible to deliver a planning mechanism that is going to instantly remove the ones where there is no development potential because you will never convince the owners that there is no development potential. They will simply say: "Well they have not got development this time round but next time round they are going to need some sites."

The Deputy of St. John:

This applies also to the farm buildings that have been put up over the last 30 years?

Senator F.E. Cohen:

Yes.

The Deputy of St. John:

I presume they, because when you do research on it, in some cases they were put up for the life of the building and then they would be returned to agriculture but that has not been the case; we have seen them changing hands for large sums of money and then they are demolished and it becomes a building site and not necessarily in, should we say, the prime location with all the main services. I am sure that policy has changed somewhat over the last couple of years but, that said, it is a concern.

Senator F.E. Cohen:

Well, there are still cases where I have taken the view that not in the case of a shed that has been built in the last 20 years but one that was built 50 years ago, that were better off to have a pretty vernacular house rather than an ugly agricultural shed that is disused. So, I think you have just got to look at these on a case by case basis and try and weigh up the benefits to the community and countryside.

Mr. P. Thorne:

The slightly different situation with the more conventional agricultural sheds as opposed to glasshouses which were clearly seen as temporary structures, even the big glasshouses are on sort of thin foundations and so on, they are easy enough to clear and restore the site. Some of the portable frame agricultural sheds, particularly some of the bigger ones, that have been approved over the last 15 to 20 years or so, happen to have conditions on their removal simply because the legal advice we have is that they are permanent buildings. The hard question is always the first question; do you allow the building to go there in the first place? Once it exists, it exists. We have, because certainly you have seen a lot of properties go into industrial use when they have become redundant for industrial purposes simply because we had nowhere else to allow industrial development to go. The 2002 plan designated La Collette for future industrial development and you found other things through public use, whether it is composting or building E.f.W.s and so on, but it has been taken over for other uses and, certainly, for the last 4 or 5 years, probably a bit longer than that, in fact, where buildings are generally redundant, or we believe them to be redundant for industrial purposes, we allow them to go into other uses with a temporary condition, usually but, latterly in some cases where there clearly is not an alternative, agricultural use is permanent use.

The Deputy of St. John:

Thank you very much. We move on now to the timetable for reviewing the Island Plan.

Mr. C. Newton:

You will be aware of the process so far, which is we are reviewing the 2002 Island Plan. As part of that process we had an extensive process of consultation and engagement with States Members and other stakeholders over the last 18 months. That led to the production of a Green Paper and the Green Paper set out the issues that we thought we needed to tackle the new Island Plan. Since that phase has ended there has been lots of activity in the writing team, which is led by Kevin, so we are now at the point of having something like an almost final draft White Paper. We will complete the writing of that this month. We are then going to set up a process of checks, so there will be a check by an external reviewer who will just check to make sure it reads well and makes sense. There will be a check by the Law Officers Department to make sure there is nothing in it that is contrary to the local statute, and it will be checked by the Minister to make sure that what the plan contains is what the Minister wants it to contain. There will be a process of strategic environmental assessment by which we are engaging somebody to have a look at the total picture; does it all hang together and have we taken account of all those strategic issues? Then, following that process of checks, there will be some further editing and rewriting and, to cut to the chase, we will then be looking for a sign-off by the Minister and a sign-off by the Council of Ministers on the meeting of 23rd July this year. We then go into a phase of public consultation. At the moment we are planning that to extend through August, September and October, potentially November, if people feel that there is so much in it that they need more time. What we then do is get ready for this process of examination in public, so we are going to appoint a senior planning figure from the U.K. to come across here and sit and hear representations from people. So, we need to prepare for that so we will be taking account of all the comments we have received in the public consultation, incorporating them into the draft plan as far as we can but preparing a dossier, if you like, for the inspector to say: "These are the issues that are raised; this is what we have done with them. Either we have reacted to them in this way or we have not been able to react to them because it does not fit with our concept." Then the inspector will sit and analyse all that evidence and he will invite people, as he chooses, to come and make representations to him. We are very hopeful that we will be able to persuade States Members, of course, to get involved in these vital steps; both the public consultation and the examination in public, because what we then want to do is to take a final final plan to the States. When we take it to the States we would really like to have ironed out all the potential issues that Members might want to raise.

Senator F.E. Cohen:

Remember that Members cannot lodge amendments. It is not like the last one, so we need to get this message over that if Members do not like something or want to suggest something else, it is too late once we lodge it.

Mr. C. Newton:

Yes, there is no process by which the States could accept and pass an amendment if, I mean, somebody could theoretically ...

Senator F.E. Cohen:

No, no, that is not correct. The Bailiff has said he will not accept amendments.

The Deputy of St. John:

Right, okay, any questions?

The Connétable of St. Peter:

I think I am slightly conflicted over parochial interest in the Island Plan so, no I am going to have to reserve any comments?

The Deputy of St. Mary:

Yes, a couple. First, just quickly, the strategic environment assessment, how will that pan out? How will that work?

Mr. C. Newton:

We are engaging consultants to carry that process out against the brief that was submitted for tender. In fact, we have had the tenders back now so we are in the process of engaging the consultants to carry that out.

The Deputy of St. Mary:

The other question was, I went to the population briefing yesterday and I think it was apparent - we all did in fact - there are many issues there and it just seems that it would ... I just put it to you that if we sorted the population question out, that is a major variable in the Island Plan, I know it is, so it might have been wise to have had the major debate and the discussion and all the argie bargie because lots of people were saying lots of interesting things yesterday; some political, some practical and it has not really been put to bed. So, you are writing this plan with maybe this and maybe that, there is a figure that you are planning to. I just wonder what you feel about that.

Mr. C. Newton:

We are planning on the current assumptions set out in the draft Strategic Plan, so the current assumption of the draft Strategic Plan is over the period of the Island Plan we are receiving a maximum growth of a population of B plus 150 heads of household per year but of course we have timed our release of the Island Plan so we can take account of and react to the debates that happen in the States over the Strategic Plan, so there will be some settlement on that issue, given that it forms the core of the Strategic Plan. I think it is being debated in early June, so our working assumption is that the Strategic Plan will prevail and States Members will sign up to that number. If they do not, we have got some hasty reworking of the numbers to do.

The Deputy of St. Mary:

Some quite large reworkings.

Mr. C. Newton:

Yes.

The Deputy of St. Mary:

I mean it is really predicted, is it not? You are assuming; it is a big assumption.

Mr. C. Newton:

We have to make an assumption.

Senator F.E. Cohen:

We are working on 150.

The Deputy of St. Mary:

No, you are working on the final population of 97,000 with the demographics that goes with it, which is about to be changed a bit.

Senator F.E. Cohen:

Well, we have got to work on something. The population debate has to happen before you can clear the Island Plan; there is no question about that, and if it means we have got to rework the numbers, we will rework the numbers but it does not mean you have got to stop.

Mr. C. Newton:

I think the point I would make that might give you some comfort on that factor is that what we are not proposing - I do not think it is any secret because we have said it many times - we are not proposing to do greenfield rezoning so it is not as though there is a number that is sitting there that is driving greenfield rezoning. We are not planning to do greenfield rezoning, so, the worst that could happen is that we get a lower population growth figure. It just means our assumptions about the housing supply will just last for longer. We are currently planning for a 10 year supply; if we have a lower population to cope with, we will have, effectively planned for a 12 or 15 year supply and that is no bad thing.

The Connétable of St. Peter:

Certainly coming out of that debate yesterday afternoon on the population there, there clearly is a strong body within the St. Helier area who are quite, again, you know, the increased density of adjoining units within the town area to preserve the green countryside.

Senator F.E. Cohen:

I think that is because people do not know what we are planning and I think once town residents understand that we are proposing very high quality residential accommodation in the town and not shoeboxes, I think you will find they are more supportive. What is coming out of the north of the town master plan is there is enormous opportunity to create a wonderfully improved town and really fundamentally improved. There are sites coming out of the woodwork that can deliver very significant quantities of very high quality accommodation. So, I think people who are against it think our proposals are for tiny little apartments, one piled on top of another with no balconies or tiny little balconies, no public community spaces, no parking spaces, no public park areas; that is not what we are planning at all, or 2 houses in every garden.

The Deputy of St. John:

We did ask to have a view of Hopkins, or a meeting with Hopkins and I think that is being arranged.

Senator F.E. Cohen:

I have asked Jim to contact you. I copied it to you, I think.

The Deputy of St. John:

Yes.

Senator F.E. Cohen:

Yes, I mean, I think it is important that you have an informal session and then probably a formal session.

The Deputy of St. Mary:

Can I say, on a wonderfully improved town, it is a little bit like the slightly smaller issue of 8-storey(?) buildings, where you have a pot of £60,000? Now, if the pot for creating a wonderfully improved town is more than £60,000 and you have not got the £60,000 so, when it comes to quality and quality of life issues and having a town that we can be proud of, where is the money coming from?

Senator F.E. Cohen:

I am quite satisfied the money will come out of the private sector. The sites are predominantly privately owned and the sites that are in the public ownership work spectacularly. There is one I know about at the moment, a particularly large site in the public ownership and, I think, when Property Holdings come forward with their proposals, we will be both delighted and surprised. There are big opportunities.

The Deputy of St. John:

While on that particular area north of town, have the Planning Department, within their remit, because I am one of those people that, yes, we need a town park but how big does the park need to be? I go to the U.K. and go into the city of London and you see a green lung not much bigger than our small square here with, in fact, they may have railings around, but have mature trees in, et cetera, and people are there eating their sandwiches in the lunchtime, et cetera and, to me, nice terraced houses around it, they look absolutely superb yet, everything I have seen so far of that area up there, which is now 10 or 12 years down the road since we have been discussing it, it should be, say, 7 or 8 vergées in size for a park. I am hoping that Hopkins will be able to come along and put my mind at rest that we will be looking at something somewhat different.

Senator F.E. Cohen:

I am sure you will be comforted.

The Deputy of St. John:

Thank you. Are there any more questions on that particular area? The White Paper on the energy policy; what are the challenges which have caused the delay in finalising this policy?

Senator F.E. Cohen:

Firstly, the Council of Ministers wanted to have more numbers put on it because the draft document is very aspirational and they want to know the cost implications of all aspects and Chris is working on that at the moment.

Mr. C. Newton:

Indeed, I mean in some cases what we are having to do, because you cannot always answer the economic questions, is to re-jig the policy so what it says is: "This is what we want to do but before we do it, we will have to carry out a cost benefit type analysis, so we will be reworking that", and it is fair to say also that the energy policy has not managed to constantly be at the top of our list of things to do because we have had lots of other things to do over the same period. We are a very small policy team of 1.5 people who are extremely busy. Having said that, we are in the process now of completing the White Paper. I think we are on draft 19 of the White Paper. I have been editing it in my spare time for the last month and it is now being pulled together so we will be in a position soon to take it first to the Minister and then to the political steering group and hopefully get it into the public domain, I am assuming, by the third quarter of this year. The economic climate is obviously a challenge for anything like this. We are talking about a policy that is certainly consistent with the rest of the world and the rest of the world are taking on significant obligations about what they want to do post-Kyoto in the run-up to Copenhagen. We are making an assumption that Jersey, as a responsible international jurisdiction, will want to behave in a similar way but that has clearly got to be tested. It has got to be tested in the States in the current economic climate.

The Deputy of St. John:

Are there any questions? Have fluctuations in the global energy prices and the fall in the global economy seen significant changes take place in the draft energy policy?

Mr. C. Newton:

No, simply because, you know, we are taking a long-term strategic view. I think global energy prices are currently being driven by quite short-term downturns in demand in industrialised countries, and I think all prognoses are that that will change very quickly and we will soon be back on a track of increasing consumption which is, in my view, not a sustainable way forward. We do have to plan for a future where fossil fuel energy will be either physically scarce or economically scarce because of the pricing, and we do need to plan for a different future in the way the Minister was speaking about earlier in respect of tidal energy.

The Deputy of St. John:

When does the Minister envisage that this policy will be lodged for debate?

Senator F.E. Cohen:

I cannot tell you that because we have got to finish off the paper, it has got to go through the Council of Ministers and I cannot tell you what the Council of Ministers will say. They may accept it immediately and we can immediately lodge or they may want minor reworkings or significant reworkings, so I would rather not commit at the moment. All I can say is I will not lodge it before I am comfortable and the Council of Ministers are entirely comfortable with the content.

The Deputy of St. John:

Are there any comments? No. We will move on to item 6; the White Paper on the energy policy economic challenge. Right, there are a number of issues identified in your amber or red in the latest report. Would the Minister clarify the issues which have led to delays on the following matters; what plans does the Minister have on bringing forward these matters, and they are; contaminated land strategy, strategic plan commitment, 4.4.4, and (b) guidance for the construction industry on waste management, Strategic Plan number 4.6.4, and (c) scoping studies for the future of St. Aubin and Gorey Strategic Plan 4.7.6?

Senator F.E. Cohen:

When I first got the job one of my priorities, and I discussed it then with the Chief Minister, was to bring forward quickly a policy for St. Aubin and Gorey and I remember saying if we do not do anything else, at least we have got to make sure we do that quickly and we still have not done that. I am afraid the answer to all 3 is just prioritising and limited resources within the department, enormous pressures in terms of the development of policies, a lot of new policies that come along and require interrupting the policy development cycle, and it is just a function of a small department but Peter will explain in detail.

Mr. P. Thorne:

I think that is entirely true. It is my recollection that after the last Strategic Plan was adopted, that Economic Development were talking about taking on the leadership of those 2 projects; not concurrently; they were going to St. Aubin first and Gorey to follow. But, frankly, I think they have encountered the same sort of problems that we have. It has not been the highest priority, given the results they have and the breadth of their portfolio.

Senator F.E. Cohen:

I did say at the time that I launched the concept of the national park but one of the other things I would like to do is to bring forward conservation plans for particular areas and setting a vision for a particular area that the community buys into and, of course, 2 of those areas would be St. Aubin and Gorey. But, in terms of practical work, we had a disappointing start with St. Aubin, if you remember, and there was quite a lot of local heat and I think the result of that was that everyone moved on.

Mr. C. Newton:

Just on the items (a) and (b), contaminated land strategy and guidance to the construction industry; within the pack that we gave you earlier there is a briefing note on where we are at on those 2 items and what we have done so far, what we plan to do this year and, again, we have provided you with information on those 2 items.

Mr. W. Peggie:

Depending on the time left, I am happy to talk you through where we are or if you would prefer to ...?

The Deputy of St. John:

As long as the Minister has the time.

Senator F.E. Cohen:

I have got plenty of time.

The Deputy of St. John:

Okay, carry on, please.

Mr. W. Peggie:

As you may be aware, to address perhaps the contaminated land strategy issue first, our team; Environmental Protection have long been involved now in the regulatory and environmental advisory work going on behind it, for example at town park, and we have also got regular ongoing work that is provided to us by oil pollution incidents which we investigate. A combination of those and the fact that the Environment Agency regulate a piece of legislation in the U.K. known as Environmental Protection Act part 2A, has raised the question in our heads as to whether we need a piece of Jersey specific contaminated land legislation. If we were to get that in place, we would be able to further concrete, if you like, the idea of the polluter pays principal into Jersey. It would allow us to identify areas of contaminated land, who was responsible historically for that contamination and, ultimately, who would be responsible for, or who would have the liability.

The Deputy of St. John:

I think we will take a 5 minute break. It is a good moment.

(A short break)

The Deputy of St. John:

Right, will you continue please?

Mr. W. Peggie:

Absolutely, so the legislation would allow us to determine where liability should rest for decontamination of said sites on the Island. In order to determine whether we need contaminated land legislation we need to first review the existing draft contaminated land strategy. For your information, in those packs I have submitted a copy of the draft contaminated land strategy. It is a bit of a read but it allows you to understand where we are now. In 2005, again, which I have submitted here, we had supplementary planning guidance drafted and published entitled *Development of Potentially Contaminated Land* and it coincides with a piece of work put together by colleagues at Health Protection entitled *Guide for Owners, Developers, Agents and Consultants on Dealing with Contaminated Land*. Those 2 pieces of text were put together by both our organisations; Environmental Protection and Health Protection and it is necessary for us to do the same again in terms of the reviewing of the draft strategy to take it forward to a more formal and completed format. To answer that, we need to form our follow-on review, if you like. Whether the scale of potential pollution in Jersey from contaminated land sites actually warrants a piece of legislation, an example of that is, as I alluded to earlier on, we have historically been involved with the town park remediation schemes but it may well be that that is the only major contaminated land scheme left, if you like, on the Island. It might be that there is nothing much more than that in terms of historic pollution. It might be that of course there are many landfill sites dotted around the Island which could benefit from this legislation, so we have got to determine whether we will need a piece of legislation to do that. It might be that if we do not need the legislation per se, that we can deal with those sites because they have potential to pollute water and, in conjunction with the Guidance that I have alluded to there and the Water Pollution (Jersey) Law, we can regulate the clean-up of those sites using those particular bits of statute. So, in summary, the review for

the need for the legislation is tabled for this year. In terms of the strategy; that has to be reviewed as part of the wider picture and that will be undertaken this year as well. So, we have got a review of the strategy as part of the review for need for legislation. Come the back end of the year, we will have a better understanding of whether we need the law and we will be taking it forward if we need it.

The Connétable of St. Peter:

The only observation really is I was looking at the Water Pollution (Jersey) Law, 2000 and it is fine if you are dealing with liquid contaminants but if you are dealing with solid contaminants, for example, like asbestos, that is a different version altogether?

Mr. W. Peggie:

If a solid contaminant has the potential to pollute controlled waters, then we are able to use that piece of legislation to mitigate against that pollution and, ultimately, in terms of contaminated land, a piece of contaminated land is only deemed as contaminated, if you like, if there is a hazard, a pathway and then a target, and a target in this instance would be controlled waters. So, we would have potential to use that piece of legislation; the Water Pollution Law against that particular instance.

The Connétable of St. Peter:

So if there was no target, for example, then somebody could contaminate the land freely?

Mr. W. Peggie:

At the moment, yes.

The Connétable of St. Peter:

So, probably, in that respect the Water Pollution Law is not quite robust enough to cover all eventualities? Probably 90 per cent of but ...?

Mr. W. Peggie:

Yes, there is that potential.

The Connétable of St. Peter:

Right, because contaminants could be somebody just using a field for an old car dump?

Mr. W. Peggie:

Indeed, but that then could be caught under the Waste Management (Jersey) Law.

The Deputy of St. Mary:

Will the position of the States as being sometimes a polluter be part of your considerations?

Mr. W. Peggie:

Very much so. The position of the States in respect of the town park site, the Solicitor General's advice is that it must be cleaned up because the States have bought over that land; it is a States-owned piece of land and it must be dealt with, so, yes, absolutely.

The Deputy of St. John:

So would that apply to the many dumps that we have got around the Island, historical dumps, and once again St. John and St. Mary seem to pick most of those and Trinity, and likewise for 5 Mile Road.

Mr. W. Peggie:

It could well do. It would be up to us - sorry to cut you short there - to determine the scope of that legislation. It would not necessarily immediately reflect the legislation in place in the U.K. but in order

for the best practice then it would be along the lines, I would imagine.

The Deputy of St. John:

It could be expensive.

The Connétable of St. Peter:

The difficulty there, I think, is brownfields are liabilities, if you like and, as you say about the town park, the States took on the liability because they now own the town park site, so it is a difficult one. If you have got somebody who buys a piece of land in all innocence and then discovers it has been contaminated, well, yes, it does come down to that, yes.

The Deputy of St. John:

Minister, I notice that your building bylaws - I am just going off the brief we sent you - within your building regulations you are enforcing radon sumps in all new buildings; would that be correct?

Mr. P. Thorne:

Yes, that has been true for several years, is it not? Has it been 10 or 12 years?

The Deputy of St. John:

That being the case, is that not pushing the cost of buildings up? Yes, in some areas of the Island radon would be a problem but not necessarily in every building, and would it not be pushing the costs up considerably and probably running into, I would say, into 4 figures, to install that on a new build?

Mr. P. Thorne:

Possibly; I mean obviously it would vary from building to building but it is certainly the case that we are looking for radon sumps, particularly in those areas where it is more prevalent, which is sort of north-west, south-west and north-east, from memory. I must say it is some years ago since it was introduced. Yes, there will be a marginal cost in constructing the sump. You know, when you are building a foundation, it is in there with a vent. It probably is a fairly marginal cost, I would think, in those situations.

The Deputy of St. John:

It has been raised with me in the last few days. That is why I am talking about it now.

Mr. P. Thorne:

It has been in the bylaws for at least 10 years, probably longer.

Senator F.E. Cohen:

Why do we not get a typical house costed and we will find out what the cost is and let you know and see if you think it is still a problem?

The Deputy of St. John:

It would be useful. I did not want to spring that on you, it is just that I thought that while you are in the room. [Laughter]

Senator F.E. Cohen:

At least I was honest as I have no idea.

The Deputy of St. Mary:

As we are talking about things in bylaws, rain water harvesting; do you have any either existing or possible thoughts on rain water harvesting as some sort of condition on new build? I ask because I read

a recent document on the issue of water as it relates to population size and it will be an issue, and my house has rain water harvesting.

Senator F.E. Cohen:

I think where it may come in is I have started informal discussions with the A.J.A. (Association of Jersey Architects) on bringing forward a Jersey equivalent of B.R.E.E.A.M. (Building Research Establishment Environmental Assessment Method) because the problem with B.R.E.E.A.M. ...

The Deputy of St. John:

Could you tell us what B.R.E.E.A.M. is, please?

Senator F.E. Cohen:

It is the eco standard that is used for construction largely of commercial buildings but there was an equivalent residential classification. There are problems with using the U.K. B.R.E.E.A.M. accreditation scheme and, in fact, on 44 Esplanade, the architects had considerable problems because of particular issues relating to Jersey. So, I would like to bring forward a Jersey B.R.E.E.A.M. and if we do that then things like rain water harvesting of both commercial and residential buildings would be incorporated and we would probably have 3 standards. So, you would have a bronze, a silver and a gold standard and you would be required, probably, to have fully compliant grey water systems for the higher grades.

Mr. K. Pilley:

While there is some encouragement of rain water harvesting on some of the rezoned housing sites that were cleared by the States under the last Island Plan in the development briefs for this, that was encouraged, so it has been realised on a couple of the housing sites that have come forward recently but it is not prescriptive, you know, we cannot require developments to provide it; we were encouraging them to provide it and so a couple have, and I think that what the Minister is saying would be a step further to require it as part of the building ...

Senator F.E. Cohen:

If we are going to drive forward a proper environmentally sound building programme we are going to have to develop our own standards and I was expecting to do that on the back of the Esplanade Quarter but, of course, we do not know at the moment when and if the Esplanade Quarter is going to go ahead because we do not know the position of the developers and Treasury. That will certainly polarise the issue because in order to go forward with the Esplanade Quarter we will have to develop our own B.R.E.E.A.M. equivalent.

The Deputy of St. John:

Finally, before we close, I think it would be advantageous to the panel to do a site visit with yourself and one or 2 of your officers on specific areas, shall we say, looking at the way you go about putting in place S.S.I.s, but also other areas that you may find advantageous to the panel to brief us early on. Shall we say, if you are thinking of developing Plémont Holiday Village, for instance, if we could have an overview. We may know what is there at the moment but it might be useful to have a look at what may be proposed or may not be proposed out on site.

Senator F.E. Cohen:

Good idea, well, let us do Plémont. That is a jolly good idea.

Mr. P. Thorne:

How long would you want? Half a day or a day or ...?

The Deputy of St. John:

Half a day, I would have thought. I do not know. What does the panel think?

Mr. P. Thorne:

We could look at a variety of sites for different things.

The Deputy of St. John:

Make a little programme. I will leave the officers between ourselves, Minister, and 2 or 3 things and then at least the members of the panel can understand the process and whatever.

Senator F.E. Cohen:

Okay, good idea. We will find some interesting applications. One thing I am quite keen to do is to structure some informal meetings where we can just talk around issues because with the last Environment Scrutiny Panel I found those were extremely productive and, from the Environment Scrutiny Panel's perspective, they often ended up producing ideas that were absorbed into policy so they did not specifically get the credit for it but the overall benefit for the Island was significant.

The Deputy of St. John:

Possibly site visits in the first instance will be in a semi-formal way?

Senator F.E. Cohen:

Yes, let us do that, yes, and we can have a chat at the same time, yes. Well, we will sort that out.

The Deputy of St. John:

Could I call the meeting to a close? It is now 4.08 p.m. and we are 8 minutes over your allotted time and thank you for attending today.

[1] Note from Planning and Environment Department: The site in question is La Hougue Boete, La Rue des Buttes, St John: the only known Neolithic closed chamber in the Channel Islands. The recommendation to designate the site and land within a 25m radius around it is made by Jersey Heritage, not the Planning and Environment Department. The principal landowner was notified directly by letter. A Site Notice was also posted to advise any other interested parties. The Parish has been notified by letter.