

STATES OF JERSEY

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DRAFT WATER RESOURCES (JERSEY) LAW 200- (P.206/2005): SECOND AMENDMENTS

**Presented to the States on 25th October 2005
and lodged au Greffe on 1st November 2005
by Deputy P.N. Troy of St. Brelade**

STATES GREFFE

DRAFT WATER RESOURCES (JERSEY) LAW 200-(P.206/2005): AMENDMENTS

PAGE 28, ARTICLE 12(1)(a) –

For the figure “3” substitute the figures “20”.

PAGE 28, ARTICLE 12(1)(b) –

For the figure “3” substitute the figures “20”.

PAGE 28, ARTICLE 12(1)(c) –

For the figure “3” substitute the figures “20”.

PAGE 53, SCHEDULE 4, paragraph 4(1)(a) –

For the figure “3” substitute the figures “20”.

PAGE 53, SCHEDULE 4, paragraph 4(1)(b) –

For the figure “3” substitute the figures “20”.

PAGE 53, SCHEDULE 4, paragraph 4(1)(c) –

For the figure “3” substitute the figures “20”.

DEPUTY P.N. TROY OF ST. BRELADE

REPORT

Article 11 states that –

“A person shall not cause or knowingly permit –

(a) the abstracting of water from a source of supply; or

(b) the impounding of water in a source of supply,

unless he or she is acting in accordance with a water resources licence.”;

and Article 12 describes the exceptions to Article 11.

My amendment addresses the exception 12.1(b) relating to the abstraction of ground water which would predominantly be via boreholes on private land. The setting of the *de minimus* at 3 cubic metres is an exceptionally low expectation and will basically require the registration of the majority of boreholes used for irrigation purposes, even if irrigation is for non-commercial use.

The U.K. Water Act 2003 sets the minimum registration for abstraction at 20 cubic metres, which is sensible, i.e. that what is considered small levels of abstraction (20 cubic metres) are exempt. I maintain that the Environment and Public Services Committee are setting the exemption at a level which is too onerous on private users who own and have paid for their own boreholes with which to extract water from within the aqua of their own land. The Environment and Public Services Committee’s level chosen is inconsistent with what is considered acceptable in the U.K. which in my opinion is more reasonable if one wishes to register heavy users of water or commercial users. Why is our minimum level set at in excess of 6 times lower than the U.K. minimum?.

The setting of the *de minimis* at 3 cubic metres will create a bureaucratic utopia contrary to the initiatives of the Policy and Resources Committee which requested departments to remove red tape. The introduction of registration and registration fees and controls at low consumption levels are unnecessary and undesirable.

Three cubic metres is the daily amount of water required to sufficiently irrigate a garden/lawn/planted area of 1,000 square feet e.g. 30 feet x 33.33 feet (source: local irrigation company). To register and implement controls on consumption at this level is highly restrictive and totally unnecessary in my opinion especially when one considers the comments of the Chairman of Jersey New Waterworks Company below.

Chairman’s Comments – from Annual Report Jersey New Waterworks Co Ltd 2004

“Reservoir water levels for the whole of 2004 remained above the 10 year average level obviating the need to operate the desalination plant”

“Overall consumption has now remained static for the last 6 years”

WATER CONSUMPTION JERSEY 1995 – 2004

Units		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
ML*	Total water supplied	6,622	6,834	6,994	7,229	7,269	7,262	7,317	7,207	7,301	7,301
ML	Maximum Days Demand	26.9 10th Aug	27.0 21st July	25.7 20th Aug	27.6 9th Aug	29.7 29th July	27.0 20th July	29.4 25th June	26.0 28th July	28.4 13th July	26.0 13th Jun
ML	Maximum Months Demand	709.7 Aug	728.2 July	705.3 Aug	756.8 Aug	794.1 July	721.7 July	733.1 June	702.5 July	725.9 July	682 July

*ML = megalitres
Source: JNWW Co. Ltd.

Typical monthly percentage comparison of landscape water need using July as basis

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0	0	5	30	60	90	100	90	60	30	5	0

Source: United States Environment Protection Agency – Office of water July 2003

For consistency of approach, my amendments also increase from 3 to 20 cubic metres the other small quantity dispensations contained in the draft Law.

Financial and manpower statement

In the event that a licence fee is charged, a smaller number of licences issued because of the increased exemption limit will result in less income and a consequential reduction in the manpower required to issue licences. Annual monitoring requirements will also be reduced due to reduced number of licensees.