

SCRUTINY REVIEW
DRAFT WATER RESOURCES (JERSEY) LAW

Addendum to Report of June 30

Introduction

Since issue of the 'Technical Assessment of Evidence Presented' (Entec Report 13668rr015) on June 30, 2004, two other pieces of written evidence have been received by the Scrutiny Panel:

- Supplemental Evidence on behalf of the Environment & Public Services Committee
- Evidence submitted on behalf of the Environment & Public Services Committee by Dr Dennis Peach of the British Geological Survey

This note provides a brief comment on these submissions and suggests possible questions that may be appropriate.

Supplemental Evidence (30.06.2004)

This note documents the existence of water resources legislation in 120 countries, the EU requirement for comprehensive water resources legislation by 22.12.2003 and provides some information on the administration of the UK and French systems. It does not provide any information on the regulatory framework (how is it decided to grant or not grant an application) used to determine abstraction applications.

Most queries arising from this submission are political or legal but perhaps it is significant that the one EU country most similar in scale to Jersey (Luxembourg) does not comply with the EU requirement.

BGS Evidence (05.07.2004)

This note does not present any new evidence. There are perhaps four main points:

- It confirms the post-1996 BGS view that for most average and wetter years there is no evidence of resource stress
- It repeats statements of boreholes drying up and thin (25m) aquifers (described as 'thin, finite, shallow, weakly permeable' p6 L 2/3) for which little direct evidence has been presented in any of the BGS Reports
- It introduces reference to the water resource conditions of the summer of 1989 for which no technical information has been presented
- It lists and discusses the benefits of water resource regulation while recognising that the present purpose is principally to measure.

Two minor points are:

- The repetition (P8 para 2) of the arithmetic error of Robins and Smedley (BGS, 1998, p13 Sec 2.2.6 para 2) which records 62mm as being 'just over half' of 132mm.
- The statement (p5, para 1) that the 'sands behind St Ouen's Bay' are 'vulnerable to seawater intrusion' is inconsistent with the statement in Robbins and Smedley (BGS, 1998, p8) that for the St Ouen's Bay sands 'saline intrusion is not a cause for concern'.

Questions that arise perhaps focus on 3 main areas:

1. The absence of direct evidence of boreholes drying up or supporting the 'thin, finite, shallow, weakly permeable' contention (no well logs are presented by BGS) particularly in the context of the WDEA evidence
2. The lack of any reference to criteria (regulatory framework) by which applications to abstract might be determined, although p10 of the submission refers to 'Appropriate controls of location, amounts, and methods of exploitation of resources'.
3. Where the purpose of regulation is to obtain 'Knowledge of resources' and 'Knowledge of the uses' is

the proposed legislation appropriate

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12.07.2004