



STATES OF JERSEY

12th October 1993

British Geological Society. Questions and answers (Tape No. 207)

Senator John Stephen Rothwell asked the Vice-President of the Public Services Committee the following questions -

- “1. Would the Vice-President inform the States of the terms on which his Committee engaged the services of the British Geological Society?”
2. How much has been paid out to the British Geological Society and what outstanding amounts remain to be paid, and when does the Committee envisage the completion of work by the British Geological Society?
3. Would the Vice-President advise the States how much law drafting time has been spent so far on the preparation of the proposed legislation to conserve and protect the water supplies of the Island?”

The Vice-President replied as follows -

“1. The verbatim brief for British Geological Survey, provided in 1989 is as follows -

- (i) Establish a hydrogeological database for the Island to determine location and quantification of available groundwater resources together with yield and response to abstraction, rainfall and drought, including risks of marine invasion.
- (ii) The quantification of the relationship between ground and surface water, including the effect of agricultural irrigation on recharge.
- (iii) To evaluate groundwater chemistry and to determine vulnerability of water supplies to pollution from commercial, agricultural and domestic sources and to recommend possible remedial measures.

This groundwater source database will be based on a survey of existing wells and boreholes at a density of one per km grid square. BGS to be responsible for all arrangements including identification, monitoring and sampling of boreholes.

- (iv) To evaluate the potential groundwater resource and the reaction of the St Ouen's Bay sand aquifer to rainfall, drought and abstraction, by means of a computer model.
 - (v) To supply monitoring equipment for a minimum period of 12 months for a longer term groundwater monitoring process. Public Building and Works Department to identify locations of possible boreholes, and BGS to comment on suitability and monitoring requirements. The results of this survey would be used for possible further refinements to the groundwater survey at a later date.
2. From its original involvement in 1989 until the present day, British Geological Survey have been paid a total £165,961.07, and further commitments amount to £5,200.00.

During this period British Geological Survey have undertaken investigation and monitoring work, produced five comprehensive technical reports and an Hydrogeological Map of the Island.

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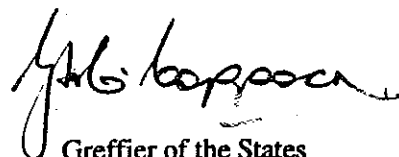
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The detailed catchment study, currently underway, together with updated monitoring data will need to be analysed, evaluated and reported on by the British Geological Survey. The time span for this work will depend upon the outcome of the ongoing studies but it is not expected to be less than two more years.

3. The Law Draftsman has had occasional meetings with the Chief Engineer, Public Services Department, the Public Services Committee, and a leading environmental legal consultant who has been engaged by the Department to prepare the drafting instructions for the proposed new Water Resources Law.

The purpose of these meetings was to discuss the background to the proposed legislation and to agree with the consultant the form and content of the drafting instructions.

Although the law drafting instructions have been forwarded to the Law Draftsman they have not yet been finalised. Therefore, no law drafting time has been spent on the preparation of the proposed legislation, but the Law Draftsman estimates that the meetings referred to above have occupied about two working days in total."


Greffier of the States

Mike Haden

From: Mike Haden
Sent: 08 September 2004 10:48
To: 'dwpe@bgs.ac.uk'
Subject: Jersey Scrutiny Panel review of Water Resources Law

Dear Dr Peach

I have been instructed by the Vibert Scrutiny Panel to send an invitation to Dr N. Robins to attend as a witness at the next public hearing (date to be decided) in Jersey for the Review of the draft Water Resources (Jersey) Law 200-. I would be grateful if you would forward this message to him.

The Panel initially issued this invitation through the Environment and Public Services Committee. However, the Committee has indicated that, as it had been working with you on the issues for the past few months, it did not propose to ask Dr Robins to give additional evidence on its behalf.

The Scrutiny Panel takes the view that it is vital to its enquiry to hear the evidence of Dr Robins, who was the author of the BGS studies of Jersey's water resources. The Panel wishes to understand the reasons for the apparent failure of the BGS reports to take account of the complex geology of Jersey. The studies have only investigated shallow water resources and have made no attempt to investigate deeper sources of groundwater. In addition, the knowledge and experience of local water engineers appears to have been consistently discounted.

The Groundwater Review Group set up to monitor the BGS studies told the Public Services Committee in 1991 that 'there was a requirement to define the water resources in the Island on a localised basis and to identify the total usable quantity of groundwater in the Island and its distribution, together with the identification of the saline/fresh water boundaries and potential recharge and that this could only be achieved by a greater physical understanding of resources, possibly by the establishment of local monitoring stations with specialist interpretation of data.' In the Panel's view, it is essential to understand why the BGS reports appear not to have met these objectives.

The Panel is aware that there were various attempts in the mid-1990s to address criticisms of the BGS studies and that a planned meeting in Jersey with Dr Sutton, who had been engaged on an independent basis by Mr. G. Baudains, was cancelled. Again, the Panel feels it is essential to understand the context of the meetings held at that time.

In conclusion, the Panel feels it would be detrimental to its enquiry were Dr Robins to refuse to the invitation attend the Panel's hearing as a witness. The Panel will meet the expenses incurred by Dr Robins, since this invitation comes directly from the Panel.

Yours sincerely

Mike Haden
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**British
Geological Survey**

NATURAL ENVIRONMENT RESEARCH COUNCIL

17 September 2004

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Dear Mr Haden

Thank you for your email of the 8th September 2004.

We disagree totally with the points made in your email concerning BGS' Investigations in Jersey. The position in this regard should be clearer to the Panel when they have had an opportunity to consider the Committee's Final Submission document.

Whilst working on Jersey, BGS has gone out of its way to maintain a dialogue with parties interested in groundwater on the Island. BGS has, however, been conscious of an element of mischief making, and BGS has had to tolerate a great deal of public humiliation and bad press on the island. Indeed the biased and poorly informed reporting from the Jersey Farmers Union Annual Report in 1993 and from the Jersey Evening Post in the same year is almost beyond belief, and may have ended in libel action had our client (the States of Jersey) requested us not to pursue such action. That this trial by media using the unsubstantiated assertions used twelve years previously has again reared its head is an alarming indictment of the level of debate on Jersey.

Refusal to accept scientific argument above unproven mystique may lead Jersey to make decisions that it might regret in the future. Given the unpredictability of climate change, Jersey risks stepping back into the unregulated past with no safeguard in place for its water resources, and thus for its people whose regard some seem to hold in contempt.

Dr Robins' views are already set out in the various Reports by BGS in relation to Jersey's water resources (copies of which have already been supplied to the Shadow Scrutiny Panel).

Dr Robins now works for me. As Head of Hydrogeology for BGS I believe that I am able to deal fully with any queries that the Panel may have in relation to the BGS Reports referred to above. If not, I would of course liaise with Dr Robins and revert expeditiously to the Panel thereon in writing.

Nevertheless, entirely out of deference to the States of Jersey, BGS is prepared to arrange for Dr Robins to attend, along with myself and as my advisor, a Hearing of the Panel. This is, of course, subject to our other work commitments that are considerable. I would expect such a meeting to take place in October.

We would expect the normal fees and expenses of both Dr Robins and myself to be fully reimbursed. We would require to make a presentation to the panel, briefly outlining the important and relevant science regarding the water resources of Jersey.

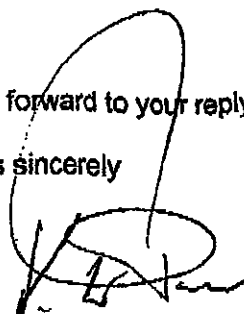


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I look forward to your reply.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Peach', written over the 'Yours sincerely' text.

Dr Denis Peach
Groundwater Systems Programme Manager

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24th September 2004

Scrutiny Review: Draft Water Resources (Jersey) Law 200-

Dear Dr Peach,

Thank you for your letter of 17th September 2004.

There are some points which it is essential that you understand regarding the rôle of the Shadow Scrutiny Panel and I would be grateful for your consideration of these which I set out below.

In the first instance, whilst noting your comments in respect of "mischief making" and "trial by media using unsubstantiated assertions" which you claim occurred some twelve years previous, the Panel wishes to make it clear that such matters are irrelevant to it in its undertaking of the review into the above draft law. It is imperative that you understand that the review is evidence-based in the widest sense and the Panel intends to fulfil its terms of reference which I reaffirm for you as follows -

To review the consultation draft of the proposed Water Resources (Jersey) Law 200-;

To consider the evidence supporting the rationale for the draft Law's stated objective of 'protecting water resources in Jersey'; and

To review the degree of regulation to be applied under the Law and the resultant resource implications.

Secondly, you attended on the Panel in your capacity as adviser to your clients, the Environment and Public Services Committee, thereby making your case on behalf of that Committee. In order to fulfil the above terms of reference, the Panel will explore all necessary avenues it decides are necessary and consider all evidence which comes before it by way of submissions or research through the Scrutiny Office.

As you rightly state in your letter, "Dr. Robins' views are already set out in the various reports by BGS in relation to Jersey's water resources". It is these very views, *his* views and related reports upon which we wish to question him directly. The fact that Dr. Robins now works for you is

irrelevant to our inquiry. As we have already had a detailed presentation from the Environment and Public Services Committee, we cannot see how a further presentation will help us.

The Panel has no further questions to ask of yourself and requires only Dr. Robins to attend as this forms a pertinent part of the assimilation of its ongoing evidence-taking. Of course, if you wish to attend with Dr. Robins at your own expense and add anything to your evidence we would be happy to include you as a witness with Dr. Robins. The fact that you expect the normal fees for both Dr. Robins and yourself is, consequentially, an irrelevancy. You will of course appreciate that it would be a wholly inappropriate and an untenable use of Jersey tax-payer's money for the Panel to pay fees and expenses for a person to travel to the Island whose presence was not requested by the Panel.

I enclose a copy of the questions posed to the President, Environment and Public Services Committee for your information. We will not be receiving any further submissions from that Committee and this has been reaffirmed to them by way of a letter. We do, however, require an answer to the questions. One of these questions, as you will note, is directed to you and we would be pleased to receive that in writing from you directly.

Hopefully, you now fully appreciate the Panel's position.

Yours sincerely

Senator Ted Vibert
Chairman, Shadow Scrutiny Panel

cc: Dr. N. Robins.

502/5/10(2)



British Geological Survey

NATURAL ENVIRONMENT RESEARCH COUNCIL

30 September 2004

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Dear Senator Vibert

SCRUTINY REVIEW: DRAFT WATER RESOURCES (JERSEY) LAW 200-

Thank you for your letter of 21st September received on 27th September 2004.

I am sorry that you do not wish to take up BGS' offer to attend the Panel. The data, information and interpretation of the information gathered on Jersey is contained within the two BGS reports "The Jersey Groundwater Study" (BGS Research Report RR/98/5) and "The Water Resources of Jersey: an overview" (BGS Report WD/00/28). There is nothing that BGS wishes to add to this or to the information provided by BGS on behalf of the Environment and Public Service Committee. I have provided contributions to the Environment Department in answer to questions posed by the Panel to the Committee. They will no doubt be providing their views shortly.

Yours sincerely

Dr Denis Peach
Groundwater Systems & Water Quality Programme Manager

SCRUTINY OFFICE	
RECEIVED	
- 4 OCT 2004	
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ACTION	



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