

STATES OF JERSEY

Committee of Inquiry: Reg's Skips Limited – Planning Applications

FRIDAY, 19th FEBRUARY 2010

Panel:

Mr. J. Mills, C.B.E. (Chairman)
Mr. E. Trevor, M.B.E., F.R.I.C.S.
Mr. R. Huson

Witness:

Mr. J. Rogers (Chief Officer, Transport and Technical Services Department)

In attendance:

Mr. I. Clarkson, States Greffe (Clerk)

[15:05]

Mr. J. Mills (Chairman):

Mr. Rogers, we will just take the oath, if that is all right?

The Chief Officer, Transport and Technical Services Department:

Sure.

Mr. J. Mills:

Do you swear that you will declare the truth, the whole truth and nothing but the truth in the present proceedings before this Committee of Inquiry which you will do without favour, hatred or partiality as you will answer to Almighty God at your peril?

The Chief Officer, Transport and Technical Services Department:

I, John Rogers, do solemnly and sincerely ...

Mr. J. Mills:

No, you just need to say: "I do."

The Chief Officer, Transport and Technical Services Department:

Oh, all right, I do. It is like getting married again.

Mr. J. Mills:

Thank you. That was an alternative version, it is slightly confusing.

The Chief Officer, Transport and Technical Services Department:

Okay, sorry.

Mr. J. Mills:

Thank you very much. Let us just introduce ourselves and then we will ask you to introduce yourself.

My name is John Mills, I am the Chairman of this committee of Inquiry. I have Mr. Edward Trevor on my left and Mr. Richard Huson on my right and we comprise the committee. Perhaps you could just begin by telling us who you are, for the record, your present role and your background, please?

The Chief Officer, Transport and Technical Services Department:

Sure. My name is John Rogers. I am Chief Officer of Transport and Technical Services. Previously ... from 2005 I have been Director of Waste Management for Transport and Technical Services, formerly Public Services Department.

Mr. J. Mills:

Thank you very much. I am very grateful to you for coming. The purpose of asking you to come really is because we are keen to set the case with which we are concerned - Reg's Skips Limited case - in a context. While the key context is the development in the Island, especially since the 2002 Island Plan, of the waste strategy of which one key element is the development of policies for increasing recycling and the use of recycled materials and the kind of implications that flow from that for such companies in such cases. So, if you could just begin by explaining to us, just in sort of broad outline, just for the record and for our benefit, if you like, the broad development of policy on recycling, with particular reference to inert waste, aggregates and so forth, and the way in which this policy drove the issue such as the differential pricing of single loads and mixed loads at the reclamation site, and so forth. We just want to set a context, really, starting with the Island Plan and the solid waste strategy.

The Chief Officer, Transport and Technical Services Department:

Okay. I think can I start with definitions because there is ... I have got confused slightly by some of the terminology and it might help, I think, the panel understand. The term "mixed load" from T.T.S.'s (Transport and Technical Services) perspective means a load that is a combination of non-inert waste, which comprises of chipboard, wood, burnable materials, and inert waste, which is soil, rubble, bricks, whatever. So that is one category; that is as we define a mixed load. Then the other side of it, you have got a recyclable aggregate load and a non-recyclable aggregate load, both those are inert. Basically the burnable stuff should go to Bellozane and the non-burnable stuff should go to La Collette. Since 1978 we have put a charge on for mixed loads and that charge is ... it ties in very well with the commencement of the original energy from waste plant. What it was doing was effectively saying that if it is a burnable product it goes to Bellozane and if it is an inert product it goes to ... I think it was Field 44 at St. Peter at the time in 1978. So our principle very simply has been in place since 1978. Taking a step forward a few decades to the year 2000, the Island Plan and our waste strategy of 2004-2005, the emphasis was on the waste hierarchy which is about reduction, reuse and recycling and that is about at source producing less waste and not being in this constant hamster-wheel of land reclamation, feeding more land reclamation which then needs digging out to lead to more land reclamation. So my intention as Director was to extend the life of La Collette, which is what we have got now, for as long as possible because it is a key asset for the Island. To do that what we attempted to do and what we are still attempting to do is change behaviour at source and again in context this is not about skip companies, it is about the developer, the builder, the person doing the work to, at the source, segregate materials into their waste streams so that they can then be recycled or treated most appropriately. The charging mechanism of La Collette is about behaviour change and what we have done is we have capped the recyclable element since 2004 and we have allowed the non-recyclable element of inert waste to increase with inflation. The mixed-load charge, which was instigated in 1978, had gone up with inflation since then and we have done nothing to change it, it is fairly punitive as a figure and it pretty much stops anybody bringing any ever.

Mr. J. Mills:

Can you just describe what is the cost per tonne of a mixed load and the cost per tonne of an unmixed one, please?

The Chief Officer, Transport and Technical Services Department:

The 2010 figures, the cost per tonne of a clean load of recyclable material at La Collette is £3.80 a tonne. The cost per tonne of non-recyclable inert waste, which will be a lot of clays and sands and stuff you cannot recycle, that is £11.92. The cost of a mixed load and it is quite interesting that we define them as small, large and extra large, because this is pre us having weighbridges, I think, it shows the age of it, a 3-tonne or less figure is £109. A large load, which is 3-6 tonnes, is £153 and an extra large load, which is over 6 tonnes, is £172.

Mr. J. Mills:

An enormous differential.

The Chief Officer, Transport and Technical Services Department:

Yes. If we ever charge anybody a mixed load generally I get phoned up because someone is very cross. So what we have tried to do is get behaviour change so that in terms of our waste acceptance criteria for La Collette, I do not want wood, chipboard, material which is not inert going there and at Bellozanne, on the counter side of that, I do not want rubble, rocks and soil going through an energy from waste plant. So our policies have tried to have simplicity at the start but then become more elegant in this decade, last decade, to try and get better behaviour change from the developers and the builders.

Mr. J. Mills:

How do you judge that the behaviour has changed over, say, the last 5 years or thereabouts, or the period since the Island Plan so post 2002?

The Chief Officer, Transport and Technical Services Department:

It is quite difficult because the amount of waste coming in varies depending on the viability of development on the Island. At the moment waste acceptance has dropped substantially. Last year it dropped because of the recession. Prior to that it was increasing enormously. We saw a lot less waste generally, so our waste acceptance figures, which I can provide the panel if you are interested, have definitely flattened off because either third party people have been recycling on site, which is an excellent solution. So if you have got a site that is big enough you can recycle your stone and aggregate and reuse it on site, which is brilliant, there is no transportation, there is a smaller nuisance and nothing comes to La Collette. The other opportunities people have is to recycle on to other projects they have, which are down to planning conditions, and there are other people who recycle on this Island. That does not mean that it comes to La Collette. So, for us to really define the success of that is very hard because some of the waste does not ... we do not measure all of the waste, just the waste that comes to us.

Mr. J. Mills:

But there are still obviously many developers or builders and people generating waste who either have not changed their behaviour or do not want the luxury of doing it themselves who would fill, let us say, a skip or a lorry, a container with all sorts of stuff and pay someone else to do the sorting.

The Chief Officer, Transport and Technical Services Department:

That is right. That seems to be how the business model has developed, yes, and there are competitors to Reg's. All the skip companies, I think, offer this facility. I think, to be fair to the developers and the industry, if you are on a very tight site in the middle of St. Helier and you have got room for one skip it is ... I am not making excuses, I still think you can do it if you are clever enough and you can innovate, but you can understand why it is one skip and why that needs further sorting.

[15:15]

Mr. J. Mills:

This is a business model which, in your opinion, has grown in leaps and bounds in the light of the Island Plan which has put fairly firm strategies in place on recycling.

The Chief Officer, Transport and Technical Services Department:

Yes, and also the world has moved on in terms of best practice. Our waste acceptance to criteria is tighter; it is going to get tighter again. The sustainability of the construction industry on this Island is still a long way behind best practice. There are some exceptions to that but the industry has to move forward and everyone else is doing so. The Island Plan was probably the catalyst in Jersey, but it is not in isolation. The rest of the world is doing it and we are probably 5 years behind.

Mr. J. Mills:

That is a very helpful introduction. Richard, any questions?

Mr. R. Huson:

No, not just now, no.

Mr. J. Mills:

Edward?

Mr. E. Trevor:

Just one, I think. Wearing the hat you wore before your present position, did you encourage companies to deal with their own waste?

The Chief Officer, Transport and Technical Services Department:

The difficulty is, as Director of Waste, I received whatever was given to me. What I tried to incentivise through a very subtle change in the charging mechanism was better behaviour, but I cannot dictate to the private enterprise what they do with their waste. That was merely through planning obligations and development of waste management plans for a lot of the larger sites. Part of their planning application is a waste management plan, which is a plan which says: "This is what we are going to do with our waste" and we even worked with Planning and made sure that we had alignment with them in terms of what the effects of that was. We were very supportive of that using W.R.A.P. (Waste & Resources Action Programme) protocols from the U.K. (United Kingdom) looking at best practice.

Mr. E. Trevor:

Would that mean that you would encourage anyone to continue with the company they had or start a new company to deal with waste, or was that outside your purview?

The Chief Officer, Transport and Technical Services Department:

Outside our remit. As Director of Waste that is a double-edged sword for me because if more waste comes into La Collette I get more money, but I also fill my site up, so I had to make a fairly strategic decision to say: "The intention for this Department is to make sure La Collette lasts as long as possible, as in a no waste fill site, to actually maximise the capital investment for the Island."

Mr. E. Trevor:

So that more waste could be dealt with by other people and the longer La Collette could in fact continue in business?

The Chief Officer, Transport and Technical Services Department:

More waste can be dealt with appropriately and sustainably, yes. I think the difficulty with the waste industry is that there are people in it wherever you work, who are working at different levels and with

different levels of social responsibility. So, you have to be very careful that you do not promote bad behaviour because the waste industry is full of it. What we have tried to do very simply within T.T.S. is to make sure our waste acceptance criteria was maintained and that it promoted good behaviour.

Mr. E. Trevor:

Thank you. Thank you, Mr. Chairman.

Mr. J. Mills:

Could I just go back to what you said a moment ago about the steady increase in your waste acceptance figures prior to the current recession. I think it would be helpful if you could let us have that data running through from 2000/2002. That would be very helpful. If you could just remind me, I think you said obviously things have tailed off over the last 18 months or 2 years.

The Chief Officer, Transport and Technical Services Department:

Yes, the last 2 years.

Mr. J. Mills:

In the period before that, let us say from about 2003 onwards, was there a fairly substantial rise?

The Chief Officer, Transport and Technical Services Department:

It was definitely rising as development ... the total inert waste we were dealing with was to the order of 200,000 tons per annum.

Mr. J. Mills:

On a rising trend.

The Chief Officer, Transport and Technical Services Department:

On a rising scale, yes.

Mr. J. Mills:

This reflected the economic conditions?

The Chief Officer, Transport and Technical Services Department:

Absolutely, it did. Planning policy talks about submerged car parks and underground car parks which means more waste. We do have a slight ... we tend to develop a land reclamation site and then we tend to dig big holes in it and move that waste somewhere else. I have never quite understood the logic of that. There has been a lot of ...

Mr. J. Mills:

Most of the inert waste that eventually arrives at La Collette comes in skips and containers on lorries presumably.

The Chief Officer, Transport and Technical Services Department:

That is right, yes. It is the only way it can arrive really.

Mr. J. Mills:

Do your figures just go to the tonnage, or do they go by number of skips, or is there an easy relationship between the 2?

The Chief Officer, Transport and Technical Services Department:

We could probably do some research on that. I have some figures here of who has delivered what.

Mr. J. Mills:

That would be very helpful to us.

The Chief Officer, Transport and Technical Services Department:

I can forward that to you. It comes in a variety of ways really. Companies tend to specialise either in skips or in wagons but there are some companies that have both.

Mr. J. Mills:

That is how the stuff arrives at the door.

The Chief Officer, Transport and Technical Services Department:

Well, how else does it get there? Yes, that is right. It is skips or wagons.

Mr. J. Mills:

So, what one was really observing in the period of 3 or 4 years before the current recession was a fairly steady intensification of arrivals or acceptances at your site, reflecting the very high state of economic activity and construction work in the Island.

The Chief Officer, Transport and Technical Services Department:

Yes, and also in parallel to that a lot more other options and other people doing it and a lot more recycling on sites. The industry has matured certainly over the last 5 years and become far more proactive in even talking about waste as a commodity which is exactly what we have tried to achieve.

Mr. J. Mills:

You would accept the mixed, unsorted load at the price you quoted?

The Chief Officer, Transport and Technical Services Department:

Absolutely. It would be great. We do not have facilities to deal with it now because we get so few mixed loads, as defined in our acceptance criteria.

Mr. J. Mills:

So, you can farm out the sorting of mixed loads?

The Chief Officer, Transport and Technical Services Department:

I am not sure when we had the last one.

Mr. J. Mills:

So, you have achieved that behaviour change, because you used to get a lot of them presumably?

The Chief Officer, Transport and Technical Services Department:

I assume before 1978 there must have been a lot, yes.

Mr. J. Mills:

That is helpful. The second question is, obviously the strategies that you have been pursuing, pursuant to the Island Plan policies and the strategic decisions you have had to take and the behaviour changes you have been trying to institute through your various pricing mechanisms and so forth, these obviously impact more widely. Have you, at any time, or your senior colleagues on an ongoing basis, had a

relationship with the Planning Department about, if you like, the implications for the environment and for the economy generally of the changes you are trying to drive from your perspective?

The Chief Officer, Transport and Technical Services Department:

We have been criticised recently in another field for working closely with Planning and Environment, but we do work collaboratively with them on things like this policy. In fact, I went to Birmingham to look at W.R.A.P. protocols with the Planning and Environment Department about 4 years ago to a conference there. We do work together on this. The call from my staff is that the Planning and Environment Department need to be firmer with regulations so that there is an even playing field for the waste operations on how we do this because I get a lot of anecdotal evidence of problems with how people deal with waste in certain areas, which we then feed back to the Environment Department. We have noticed when we see a big development and the waste does not come to us, then you just have to think: "Where is it going?" so we try to have some link in, but again the Planning and Environment Department are limited on resources and these things ...

Mr. R. Huson:

Can you explain on that anecdotal evidence?

The Chief Officer, Transport and Technical Services Department:

There are some big developments where the waste does not come to T.T.S. or to the La Collette site and it goes somewhere else.

Mr. R. Huson:

Maybe to like Wayne Le Marquand or something?

The Chief Officer, Transport and Technical Services Department:

Well, there is other people who deal with waste, yes.

Mr. R. Huson:

But there are really only 2 other people that deal with it when we were talking about inert waste and burnables. There are really only Wayne La Marquand and Reclamait, is there not?

The Chief Officer, Transport and Technical Services Department:

No. No, there are more companies than that.

Mr. R. Huson:

Who are the other ones then?

The Chief Officer, Transport and Technical Services Department:

There are Dave Cummings, BRB, Alan Langlois all work and Alan Langlois works ...

Mr. J. Mills:

Is there an implication that these other companies, or these developers are either disposing or receiving the waste either unlawfully or inappropriately? Or is it just a question of best practice?

The Chief Officer, Transport and Technical Services Department:

It is sometimes best practice, but one of the optimum solutions is you have a central site and then in periphery you have smaller sites and they feed into the central site where they can reprocess the waste and reuse it on the other - like a satellite operation.

Mr. J. Mills:

It is like a sorting operation.

The Chief Officer, Transport and Technical Services Department:

Indeed, yes. So, they will have a big development and then with a lot of smaller developments, where you cannot put the infrastructure in place, they will bring the material in, sort it, deal with it, recycle it, and then it may go out for reuse on a site. A very elegant, clever solution. That happens as well, so it is not all bad behaviour; some of it is really positive behaviour.

Mr. J. Mills:

From an environmental, and/or recycling perspective.

The Chief Officer, Transport and Technical Services Department:

From a sustainability perspective, absolutely, yes.

Mr. J. Mills:

I understand the point. Are you, as a Chief Officer of your department, or your staff, consulted either regularly or from time to time by Planning on planning applications that are germane to your field?

The Chief Officer, Transport and Technical Services Department:

We are a strategy consultee with respect to traffic implications and drainage implications.

Mr. J. Mills:

But not in respect of recycling and the management of waste, if I could put it that way.

The Chief Officer, Transport and Technical Services Department:

Not particularly, unless it was a specialism which they wanted some expert advice on from my officers, who are experts in those fields. If it was one like this I would be surprised if they did not speak to us.

Mr. J. Mills:

Can you just explain to us please how the statutory consultee process works? Do you, as a department, have someone who receives a list of applications regularly from Planning and then you say: "Gosh, there is a traffic thing there; we had better comment" or is it proactive on the part of Planning who say: "Please will you tell us about the traffic."

The Chief Officer, Transport and Technical Services Department:

Yes, it is a proactive system that has been set up for operators.

Mr. J. Mills:

So, they take the lead? They say to you: "Please would you tell us about traffic or drains."

The Chief Officer, Transport and Technical Services Department:

That is right, yes: "We want you to respond on traffic and drains on these planning applications" and we have been doing that for many years.

Mr. J. Mills:

You do not look at the list and say: "Well, they have not asked us about that one, but we think we have a view" or does that happen too?

The Chief Officer, Transport and Technical Services Department:

No. That is their job. It is not ours. You would spend your life doing it, would you not?

Mr. J. Mills:

I understand. That is very, very helpful. Edward, do you have any more questions?

Mr. E. Trevor:

No more questions, thank you.

Mr. R. Huson:

Just one other. Do you feel that your pricing policy ... and I can see you are trying to be subtle but your pricing policy has obviously driven operators, skip operators to sort their own loads. Would you say that is a fair comment? Because you literally do not take a mixed load now.

The Chief Officer, Transport and Technical Services Department:

But we have never taken a mixed load.

Mr. R. Huson:

You have.

The Chief Officer, Transport and Technical Services Department:

Well, mixed loads have been fairly priced out of the market since 1978.

Mr. R. Huson:

That is what I mean. By almost pricing yourself out of the market, have you not sort of forced the haulage operators and skip operators to sort their own stuff by that very, very high charge you make?

The Chief Officer, Transport and Technical Services Department:

That is an interesting way of looking at it. What I would say is I think Jersey is probably unique in allowing commercial waste activities to tip for free burnable waste, which we do.

Mr. R. Huson:

Do not stop now because I think it is a great service. I regularly use it.

The Chief Officer, Transport and Technical Services Department:

I think you take it that what we have had on this Island since the late 1970s instead of having a big hole in the ground, which the majority of jurisdictions have had, we have had the energy from waste plant. The energy from waste plant does not accept rubble and it kind of wears it out very quickly. Glass recycling was done here for many years because glass causes a problem with the energy from waste plant, so our mechanisms for dealing with waste have dictated that since the first incinerator, which is 30 years ago. Does that force someone to sort it out? That is one way of looking at it. What it should do, and the intent should be to force people to not put it all in the same skip in the first place. Our kerbside recycling is about separation at source so that we do not have a shed full of people sorting it out, as they do in many other places.

Mr. R. Huson:

But I think probably you get the builders who are obviously pretty savvy because they do not want to pay a lot of money to have the skip but you get a typical household, perhaps they are moving house and they are having a bit of a clearout and the new people do not want this old bicycle and the lawnmower and all so they just get a skip and take it all away and wash their hands of it.

[15:30]

The Chief Officer, Transport and Technical Services Department:

That would be accepted at Bellozanne without a problem.

Mr. R. Huson:

But a mixed load?

The Chief Officer, Transport and Technical Services Department:

Again, it is defining a mixed load.

Mr. R. Huson:

Yes, but I mean I would say a typical example would be someone who is moving house or something like that, or they are having a clearout and then they just chuck everything in the skip and then the skip operator is going to send them some huge bill because you have wanted to charge £170 for it.

The Chief Officer, Transport and Technical Services Department:

Only if it is a mixture of soil, rubble, and burnable, but if it is a mixture of household debris, which we all have, then that would be accepted at Bellozanne without a charge. What we try and do is incentivise good behaviour, so metal is recycled prior to going into the incinerator because if you put metal in the incinerator it comes out as metal and you have just set fire to it; it is a pointless activity. So, if you can resource it so you separate it out first and at Bellozanne now, although we are very limited for space, the commercial element it can segregate at Bellozanne. So, I take it a house clearance skip would be accepted at Bellozanne if it is a mixture of all sorts of stuff. What is preferable is ...

Mr. R. Huson:

But where do you tip it at Bellozanne? If it is all mixed you cannot go up to the top because that is only burnables.

The Chief Officer, Transport and Technical Services Department:

The only thing that would be non-burnable would be electrical goods which we do not ...

Mr. R. Huson:

But what about if you had metal, cardboard, bits of wood. Where would you tip it at Bellozanne?

The Chief Officer, Transport and Technical Services Department:

If the metal is easy to segregate, there is a metal skip at the top. Metal does go through the incinerator and it comes out in the ash, but it would not be turned away with metal. The other thing you mentioned ...

Mr. R. Huson:

You get cardboard, wooden boxes ...

The Chief Officer, Transport and Technical Services Department:

If there is lots of cardboard we will turn it away and send it to Reclamait because our strategy with cardboard is to recycle it and again it is about behaviour change.

Mr. R. Huson:

So, really as long as it has no rubble in it and that sort of thing you will take it?

The Chief Officer, Transport and Technical Services Department:

The mixed load is stuff that you do not want to incinerate; electrical goods we do not want through our incinerator. We do not charge for it, but what we do is we get them segregated at Bellozanne now.

Mr. R. Huson:

It is a fine balance.

The Chief Officer, Transport and Technical Services Department:

It is a fine balance, yes, but we want behaviour change from the good builders, joiners, carpenters. If they bring a van full of cardboard we will politely tell them to take that van full of cardboard to Reclamait. It does not cost them anything, apart from the grumblings that they have to drive all that way but it is just about doing the right thing with the waste.

Mr. R. Huson:

Okay.

Mr. J. Mills:

Okay. That is very helpful. I think you have answered the questions that we were seeking answers on. If you could produce the waste acceptance figures at some suitable time.

The Chief Officer, Transport and Technical Services Department:

From?

Mr. J. Mills:

I think it is really some suitable date but the Island Plan is perhaps the year 2000 and the year 2002 are the key ones. I think we are interested to see how this market, of which you are so very knowledgeable, intensified really over those years and then probably forward them back to us. That would be quite helpful to our deliberations.

The Chief Officer, Transport and Technical Services Department:

Okay. That is no problem.

Mr. J. Mills:

Thank you very much indeed for coming.

The Chief Officer, Transport and Technical Services Department:

Pleasure.

[15:33]