

2019.03.12

11 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the steps which had been taken to prevent any further episodes of contaminated soil being flushed out by excavations for the Horizon development: [OQ.65/2019]

Will the Minister, as shareholder representative, advise what steps the States of Jersey Development Company is taking to prevent any further episodes of contaminated soil being flushed out of excavations for the Horizon development and the resultant risk of polluting the Elizabeth Marina and, potentially, the sea beyond?

The Bailiff:

Would you like the Assistant Minister to answer?

Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):

Thank you, Sir. The Assistant Minister will take this question.

Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - rapporteur):

Obviously, any possible pollution of our coastline has to be taken extremely seriously and I have met with S.o.J.D.C. (States of Jersey Development Company) to discuss this. There is an ongoing investigation by the Environment Department as to what occurred at the Horizon development and whether and to what extent contaminants were released from the site.

[11:00]

The construction of Horizon is being carried out by Legendre Contractors Limited, they are the main contractor. As their responsibility, they have initiated the following steps: they have installed a geotextile membrane on the area, where the deep excavations are taking place, in order to access a filter that will prevent silt from exiting the site on the fall of large tides. They have increased the frequency of the water testing in the Elizabeth Marina from once per month to once per week during this period of works. They have committed to not carrying out works in the area concerned during high tides, so as to not further disturb the soil.

6.11.1 Senator S.C. Ferguson:

Given that, ultimately, the States will carry the risk resulting from such pollution, which is clearly visible in the marina, what actions will Treasury, as shareholders, take to reduce any risks to the States and the taxpayer?

Deputy L.B.E. Ash:

Under the contract, it would come down to a negotiation between the States, I have enquired on this, and the contractor as to who would foot any possible bill should there be any contamination. What I can say is: the main contractor is committed to complying with their obligations.

6.11.2 Deputy R. Labey:

The Assembly was informed that toxicology tests were being carried out on this discharge, what were the results of those tests?

Deputy L.B.E. Ash:

As yet, we are still waiting the results of those tests to be returned to us. As soon as they do, I will advise this Assembly.

6.11.3 Deputy K.F. Morel:

Given, as Senator Ferguson has suggested, the States of Jersey would be liable in the event of negligence being found, is the shareholders' representative, the Minister for Treasury and Resources, content that there is no independent environmental regulator in the Island and, instead, it is the Minister for the Environment as regulator? Let me rephrase that. Would the Minister for Treasury and Resources feel that it would be a better situation if Jersey had an independent environmental regulator, rather than the Minister for the Environment, who, by nature of being a Member of the States of Jersey, is conflicted?

Deputy L.B.E. Ash:

I cannot say I have given that an awful lot of thought. I have always felt the Minister for the Environment does a fine job and I am happy with him overseeing anything that we do in that area.

6.11.4 Senator S.C. Ferguson:

Given that investigations are on, will the Assistant Minister, as soon as he gets knowledge of the results of the tests, come back to the States with that information? I know that there are talks between the Save our Shoreline Jersey and - I really do not know which part of the department he is - [The Group Director Regulation, Growth Housing and Environment]. But, as soon as these results are available, or the official results, will the Assistant Minister come back to the States with those and they can be compared with the Save our Shoreline Jersey results as well?

Deputy L.B.E. Ash:

As I have said previously, I am more than happy to come back to the Assembly as soon as we get the results and indeed to compare them with any other results from any other body.