

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY THE DEPUTY OF ST. MARY
ANSWER TO BE TABLED ON TUESDAY 11th MAY 2010**

Question

“Further to the 1996 legal advice referred to in the PWC Report 1999 (page 14) has the Minister taken recent legal advice on the need to avoid any contamination of neighbouring properties on the Talman site and on the consequences for the States of Jersey if such pollution does occur and, if so, would he advise members what advice was received?

Has the Minister formally evaluated the risk of contaminating neighbouring properties under the different options for the creation of the Park, especially the ‘Park only’ and the ‘Park with buildings wrapped around the eastern edge’ options and, if not, why?

If an evaluation has taken place, would the Minister inform members what the different levels of risk are and how these were arrived at?”

Answer

The legal advice to which the Deputy refers (actually on Page 13 of the PWC report) was provided in relation to the States liability for remediating contaminated land on both the Talman and Gas Place sites. The advice suggested that a court could find the States liable for any future contamination to neighbouring properties caused by the site, if it did not take *"reasonable steps to prevent or minimise risk"*. No further legal advice has been requested as the advice given in 1996 still remains valid.

Planning and Environment’s involvement in respect of this site will only extend so far as to include determining any planning application that is submitted in connection with the site and acting as regulators of both the Water Pollution (Jersey) Law 2000 and the Waste Management (Jersey) Law 2005. The department will require that any planning application submitted – whether for the as yet unresolved ‘*park only*’ or ‘*park with development*’ options - is accompanied by a contaminated land remediation strategy for the site. This responsibility lies wholly with any applicant although officers of P&E are happy to discuss the content of such information prior to an application being received.

Any contaminated land remediation strategy must demonstrate that contaminated materials within the bounds of the site are remediated or removed in order to demonstrate that users of the site and any surrounding premises will not be at risk from any contamination. Further the strategy must demonstrate downstream compliance to show groundwater quality to a level that has been prescribed by the department. As always P&E requires that any developers that any ground remediation strategy minimise and mitigate risks to controlled waters. If buildings were to be constructed on any part of the site the remediation strategy should appropriately reflect this element.

Any strategy would be developed and agreed with regulators not only from P&E but also from Health and Social Services as the safety of users of the site and the wider public must not be compromised whatever the form of final development. Consideration of any risks would include any contracting or construction period for works on the site.