

STATES OF JERSEY



ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – TWENTIETH AMENDMENT LA GIGOULANDE QUARRY

Lodged au Greffe on 12th July 2021
by Senator K. L. Moore

STATES GREFFE

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After the words “the draft Island Plan 2022-25” insert the words “except that –

- (a) Field MY966, La Gigoulande Quarry (St. Peter/St. Mary) should be removed from Policy MW1;
- (b) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of (a); and
- (c) the Draft Bridging Island Plan Proposals Map Part A – Planning Zones be amended to reflect the adoption of (a).”

SENATOR K. L. MOORE

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

to approve, in accordance with Article 3(1) of the Planning and Building (Jersey) Law 2002, as amended by the Covid-19 (Island Plan) (Jersey) Regulations 2021, the draft Island Plan 2022-25, **except that –**

- (a) Field MY966, La Gigoulande Quarry (St. Peter/St. Mary) should be removed from Policy MW1;
- (b) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of (a); and
- (c) the Draft Bridging Island Plan Proposals Map Part A – Planning Zones should be amended to reflect the adoption of (a).”

REPORT

The purpose of this amendment is to remove from the Bridging Island Plan (BIP) reference to the quarry as being potentially acceptable for extension. This would allow additional time to conduct an audit of the conflicting information contained in the two ARUP reports and to provide the clarity that is needed to answer the outstanding questions which are raised by the planning consultants who have provided the report which can be found in the attached appendix.

Questions

According to the BIP there are less than 8 years of economically winnable reserves remaining in the current quarry, therefore taking the time to further consider the facts and consult with the public prior to debate in 2024 of the full Island Plan would not have a detrimental impact on the short term delivery of aggregate in the island. In any event the extension of the Ronez quarry has recently been passed. Therefore, there is adequate supply available for the projects such as the hospital and additional housing that are identified in the plan.

The capacity at the ports and the cost of importation are further areas that requires greater clarity. During Ask the Ministers on 29th June the Deputy Chief Minister, Senator Lyndon Farnham stated, "it certainly won't be more expensive to do that [import aggregate] it could be a little less." However, when considering the feasibility of a dry bulk, aggregate importing facility at St Helier the ARUP report claims, "for the likely volumes involved the cost would be prohibitive resulting in prices far above current quarry gate prices for locally produced aggregates." A letter to states members from a local business owner Robert Paterson on the 9th July confirmed the view of the Deputy Chief Minister stating:-

I import aggregates into the island using existing logistical links and I am able to remain profitable and competitively priced to the consumer. Claims made by ARUP on Granite Products' behalf do not fully represent the facts available to the public; to state that importing aggregates doubles the price compared to locally produced aggregates is simply not true, otherwise I would not have a business. It is also mentioned that the current infrastructure is unable to support the market for imported aggregates, this is a fallacy. I am aware of what importing aggregates costs, and I am also aware of economies of scale in relation to order size. Whilst we import large quantities of aggregate, there will be companies that import more, and therefore their rate would be more preferential than mine.

As the appendix sets out, there are a number of inconsistencies relating to this proposal which should be resolved before the Assembly takes a decision. States Members will have received a high number of emails from islanders and tourists raising a variety of concerns. One argument raised in this correspondence points to a lack of good governance:-

The Minerals strategy has been based on reports produced by the consultants Arup since 1999. No other consultants have been used in 22 years. It is now accepted that for good corporate governance, accountants and consultants should be periodically changed to provide fresh ideas, prevent clients and

advisors becoming too dependent and close, and to follow best practice. The prime example of 'why?' is the 2008 Financial Crisis and the flawed decisions that caused it.

Members must be assured that good governance has been observed and that the facts have been clearly presented to them prior to allowing such an extension to go ahead. The issue is put quite simply by a lawyer, Claire Smith of KE Planning who has stated in a letter “We do think the ARUP report is flawed and irretrievably biased because they only had access to data provided by those financially interested in the outcome of the report. Effectively the report reads as though ARUP were given the answer to the question that they were being asked and then produced a report justifying that conclusion.”

Another correspondent with 30 years’ experience in senior regulated roles in financial markets in the City of London questions ARUP’s role as the Planning and Environment department’s “designated strategic partner.” They suggest that having recommended that the Government of Jersey should produce a bridging island plan and then providing the consultations to feed into it, “it is reasonable for islanders to have this process independently scrutinised.” :-

“ARUP were also employed by the Planning and Environment Minister to produce the following reports that all fed in to the BIP that they (ARUP) had recommended:

- I. Dec’20. Minerals Waste and Strategy (ArupMWW). £93,750
- II. Dec’20. Employment Study. £28,987
- III. Dec’20. The Infrastructure Capacity Study. £61,950
- IV. Feb’21. Historic Environment review. £42,842
- V. Apr’21. Public Realm and Movement Strategy. £129,500
- VI. Apr’21. The Bridging Island Viability note, subcontracted to HDH Planning and Development Ltd £ unavailable
- VII. May ’21 Sustainability Appraisal of the BIP (produced by AECOM. Joint venture partner of ARUP) £ unavailable”

The responses to the consultation on the BIP will be subject to examination by an independent planning inspector. Given the particular technical nature of the proposal to extend a quarry, it could be required that independent technical advice should be made available to support the Inspector in this matter where some knowledge of geology is necessary to provide an independent assessment of the life span of the quarry in its present form.

Sustainability

Although the BIP states that it “supports the re-use of existing buildings in the interests of minimising waste, reducing building obsolescence, increasing their longevity and making best use of their embodied carbon.” (p.85) Policy GD5 provides a loose preference rather than setting distinct goals to minimise demolition and therefore the use of aggregate. There is very little mention of sustainable building methods that would reduce the use of aggregate.

There is now much wider understanding of alternative building methods and the benefits of a circular economy in construction. The Environment department should use this

additional time to consult with the industry and develop guidelines to ensure the island adopts sustainable construction methods.

Wider economic impact

Many of the letters and submissions regarding the quarry extension express concern in relation to the potential impact upon the surrounding countryside and with a hotel only 200m away, the tourism industry. This year alone three hotels have been granted planning permission for conversion or demolition to make way for flats and another is under consideration. Whilst islanders are experiencing huge problems due to a shortage of housing, there is a strong desire to maintain our much loved tourism industry which enables islanders to share our beautiful home with visitors. The Greenhills hotel is one of the only remaining country hotels in the island. The expansion of the quarry places the future of the establishment at risk.

Road

Although a very small country lane, Mont Remon and Rue Bechervaise links the St Peter's valley cycle route up into St Lawrence and St Mary. Extinguishing this road would I believe go against the wishes of the Roads Committee of St Mary, it would also remove a part of our cycle and walking network (enjoyed by a considerable number of local residents and others) which would be contrary to the sustainable transport plan for the island.

Conclusion

The inclusion of the quarry (and Field MY966) in the BIP serves no purpose other than to 'signpost' the field as a site for possible quarry extension in the future. There is no need to 'safeguard' it as such given that the quarry itself is the owner of the field and that, unlike the United Kingdom where there might be more than one authority involved, Jersey's Planning Committee (and related process) is the sole arbiter; as no other form of development can be carried out without its approval, so omitting reference to the quarry in the BIP cannot be said to prejudice the present position.

Support

As reported in Bailiwick Express on the 9th July, 48% of submissions to the Bridging Island plan consultation have been about the quarry expansion. I have not seen a single submission that is supportive of the proposal. A Facebook page has been created This amendment is supported by the Constable and Deputies of the parishes of St Mary and St Peter, along with several other States Members who have attended meetings with relevant parties:

Constable John le Bailly
Constable Richard Vibert
Deputy David Johnson
Deputy Rowland Huelin
Deputy Kirsten Morel

Financial and manpower implications

There are no financial or manpower implications in relation to the adoption of this amendment.

Child Rights Impact Assessment review

This amendment has been assessed in relation to the [Bridging Island Plan CRIA](#). There are no adverse impacts to children implicated by this amendment.

Bridging Island Plan Policy MW1 – Provision of minerals – Field My966

This submission has been prepared on behalf of neighbours to Field My966. The information presented has been researched jointly.

1. Introduction

- 1.1. La Gigoulande Quarry, owned by Granite Products Limited, is located in the 'Green Zone' in St. Peter's Valley, on the parish boundary between St. Mary and St. Peter. It is one of only two local producers of crushed rock products for the construction industry. Operational since 1946, La Gigoulande produces ready-mixed concrete, aggregates and concrete blocks for use in infrastructure, housing and civil engineering projects.
- 1.2. Planning permission was granted in 2012 (ref: P/2012/0121) for the installation and operation of an inert waste recycling facility for the production of secondary aggregate and soils and the restoration of the Western part of the quarry to agriculture and woodland using inert fill. EIA Submitted. Planning permission was also granted 2016 (ref: P/2016/1437) to demolish existing concrete plant. Install new concrete plant, laboratory, batch office and JEC substation.
- 1.3. The ARUP Minerals, Waste and Water Study Final Report (December 2020) (**the ARUP Report**) draws two conclusions directly relating to La Gigoulande Quarry:
 - i. On balance, the future of La Gigoulande Quarry as an integrated minerals and waste asset, rather than as an additional reservoir, better meets the island's needs. There are a number of reasons for this, including the existing permission at La Gigoulande which supports inert waste management uses, the environmental and economic impacts associated with a more aggregates import-focused solution; and the other options available to meet future water demand without requiring La Gigoulande to be used as a reservoir;
 - ii. Dual use of La Gigoulande, as an integrated minerals and waste asset, has the potential to increase traffic on the constrained local road network. Mitigation is likely to be possible through access route management (making use of set routes or circuits), avoidance of peak periods where possible, and shared vehicles and trips.
- 1.4. The ARUP Report states:

“La Collette reclamation scheme coming to the end of its current (do nothing) capacity is leading to a new appreciation that commercial and planning policy trade-offs may need to take place in the context of the following objectives and pressures:
- La Gigoulande Quarry’s desire to combine implementation of its planning permission for inert waste storage and secondary aggregates production with a new quarrying permission that allows production to continue while releasing much of the current void space to the new activities.”

- 1.5. The ARUP Report emphasises that “the aggregate recycling industry is best understood within the context of the inert waste management sector and, as such, its commercial viability is linked to that sector” and suggests strongly that at La Gigoulande Quarry “trade-offs may be required between aspirations for restored natural landscapes and the commercial means of achieving those objectives; with waste management and recycling potentially being a key to achieving those objectives.”

2. Questions

Neighbours feel very strongly that there remain a number of concerns that need clarification and meaningful public consultation on, before clear minerals planning recommendations can be made about the future of La Gigoulande Quarry and Field My966.

Page 3 of the Bridging Island Plan states that each new policy is supported by written justification that explains the considerations that have applied in developing the policy. It goes to say that:

“ The policies of the Island Plan have been carefully formulated to achieve the sustainable development of the island with a balance between social, environmental, and economic considerations. The policies do not stand in isolation and should be read together, with other relevant policies and the proposals, as a holistic response to the needs and issues facing the island, which is supported by the evidence collated to support preparation of the plan.”

Neighbours of Field My966 are very concerned that the evidence that has been collected to support proposed Policies MW1 and MW2 is confusing. They are also very concerned about the statement on page 4 of the Bridging Island Plan:

“The Island Plan Review has enjoyed the benefit of regular engagement from States Members, stakeholders and the public in a range of ways and at different times. Key engagements have included the following.”

The first neighbours knew about Policies MW1 and MW2 was when the Bridging Island Plan was published on 19th April 2021.

Questions arise from this context and include:

2.1 *Public consultation*

- 2.1.1 Who was consulted in terms of key stakeholder public interest groups and members of the public, such as neighbours in the locality to Field My966 regarding the proposed use of Field My966 as an extension to La Gigoulande?
- 2.1.2 The sustainability appraisal carried out by the Department appears to be deficient as sustainability appraisal should be applied as an iterative process informing the development of the plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic, and social objectives. It should be transparent and open to public participation. It cannot just be done as a 'looking back' exercise at the end. Failure to carry out the sustainability appraisal process properly can expose the plan to legal challenge via judicial review.

2.2 *Conflicts of Interest*

- 2.2.1 The apparent conflict of interest inherent in the ARUP Report data. The ARUP Report centres on data provided from sources listed on page 9, section 2.1. Information concerning the reserves and likely future demand for aggregate is supplied solely by the quarries. Why wasn't this data independently assessed by ARUP as would usually be the case, rather than just being relied on as fact? The quarries have an undeniable vested interest in the expansion into Field My966 and as such, any data provided should be independently scrutinised to ensure accuracy. Without independent review, it is unreasonable and poor practice, to base policy on figures provided by companies with a vested commercial interest.
- 2.2.2 ARUP have been advising the States of Jersey on minerals strategy for 22 years suggesting that 'fresh eyes' might have been prudent from a governance perspective to avoid them simply rubber stamping their previous advice and strategies.

2.3 *Conflicting population growth assumptions*

- 2.3.1 The non-technical summary of the Sustainability Appraisal refers to net migration of +610 for the period 2021-2025 (see p10).
- 2.3.2 However, page 25 of the Bridging Island Plan (BIP) refers to net migration of +700 for the period 2021-2025.

- 2.3.3 Whereas the Objective Assessment of Housing Need (OAHN) at p14 refers to net migration of +500 for the period 2022-2031.
- 2.3.4 Jersey Water population assumptions in the ARUP Report at p72 refers to net migration of +700 for the period until 2045.
- 2.3.5 This level of confusion is unacceptable when the demand for aggregate is calculated and forecasted from the size of the population. It is noted that ARUP's aggregate pollution assumptions are greater than any of these figures. On page 78, section 5.1 of the ARUP Report, a figure of +1,000 is used as the 'medium' scenario to determine the demand for minerals, inert waste management and potable water over the next twenty years. The ARUP Report 'low' scenario figure of +800 net migration is already greater than any States of Jersey agreed policy, and +100 greater than the Jersey Water assumption. This is misleading and can only serve to inflate the final demand figure quoted by ARUP.
- 2.3.6 It seems somewhat illogical to have such disparity in net migration figures when the Census 2021 figures will shortly be available to use. It is therefore premature to make decisions whether to rezone agricultural land for mineral extraction, before the results of the 2021 Census are known. The sensitivity of aggregate demand to population growth is such that a better understanding of net migration is essential before decisions can be made as to the expansion of a quarry.

2.4 *Reserves at La Gigoulande*

- 2.4.1 On page 379 of States of Jersey Island Plan 2011, it is reported that La Gigoulande had reserves of 3.2 million tonnes:

“The operating company presently estimates there are approximately 3.2 million tonnes of consented reserves remaining at the quarry, giving a theoretical life expectancy of 27 years at current average extraction rates (118,000 tonnes per annum).”

- 2.4.2 The report later states that the life of the quarry may be extended to 2076 should recycling operations be established:

“However, it argues that the life of the quarry could be prolonged by a further 40 years to 2076, when recycling operations are established under the auspices of

Policy WM6 (if recycling volumes are available), because primary aggregate production would be reduced by 50%.”

- 2.4.3 The following is reported from the ARUP Report: on page 11, section 2.2.2, figure 1, the stated recent average annual output from La Gigoulande is 0.125 million tonnes. Applied over a ten-year period, this would equate to 1.25 million tonnes of aggregate extracted, of the 3.2 million tonnes remaining in 2011. There should therefore be approximately 1.95 million tonnes remaining.
- 2.4.4 However, it is further stated that La Gigoulande has reserves of 0.9 million tonnes, a reduction of 2.3 million tonnes in ten years, or 0.23 million tonnes per year. Page 16, section 2.3.2 tells us that production has not exceeded 0.18 million tonnes in a year.
- 2.4.5 No explanation is provided for this significant discrepancy in figures, reemphasising the need for independent scrutiny and verification of the data.
- 2.4.6 Furthermore, the figures are assuming zero recycling which was stated in 2011 could prolong the theoretical lifetime of the quarry by up to 40 years, to 2076. Yet we are advised that recycling accounts for approximately 257,000 tonnes of aggregate per year in the island.
- 2.4.7 They also do not appear to have considered changes in building practice reflecting sustainable building methods.
- 2.4.8 This conflict makes it hard for the public to have faith in what is being asserted - namely that La Gigoulande’s primary aggregates supply role is required to sustain the island’s construction industry and if not extended into Field My966 it will prevent +4000 homes being built – particularly given the overall increased level in secondary aggregates use which seems to strongly refute this.
- 2.4.9 The justification for winnable reserves at La Gigoulande is also difficult to follow.
- 2.4.10 In 2017, La Gigoulande replaced its plant and machinery installing it on top of winnable reserves, at a site of its choosing, as a commercial decision. The omission of winnable reserves beneath the plant and machinery from the figures could explain the reduction in remaining reserves being claimed - further explanation is required to explain that that is what they are doing and how this influences the volumes being used to justify the extension into Field My966.
- 2.4.11 The data on winnable reserves in La Gigoulande has been provided solely by Granite Products. The winnable reserves are estimated at 900,000 tonnes; however this figure omits the reserves underneath the plant and machinery. While Granite

Products did not volunteer the data on potential reserves under their plant and machinery provide this data, one can draw comparisons with data provided by Ronez for their quarries at Sorel, Jersey, and Les Vardes, Guernsey which would suggest that 700,000 to 1,000,000 tonnes would be winnable. This would equate to an extra 5.5 to 8 years of reserves which have not been included in the data provided to ARUP.

2.4.12 Neighbours feel that it must surely be right and reasonable for the Government of Jersey to insist Granite Products access those reserves below their plant and machinery before committing to an extension of the quarry.

2.5 *Importation costs of aggregate*

2.5.1 It is asserted that the import costs for aggregate are 1.93 times more expensive than locally produced aggregate (page 28).

2.5.2 However, at page 27 Ports of Jersey state that imported aggregates would be the same price as locally produced aggregates, and the imports of sand or other aggregates could be achieved competitively with locally produced products.

2.5.3 ARUP disregarded this as inconsistent with “available information” relying on data that it compiled itself back in its 2011 report but without providing evidence of what ‘available information’ it was referring to.

2.5.4 In arriving at any decision to rezone a green field as an extension to a quarry the Government of Jersey needs to understand why the opinions provided by Ports of Jersey are disregarded and instead a greater importance is placed on the out-of-date 2011 data that was collected by ARUP. It appears that an argument is being run that importation is uneconomical when there is strong evidence to suggest to the contrary. Thorough scrutiny and independent analysis is required to reassure.

2.6 *Demand for aggregates*

2.6.1 The assumptions provided in the ARUP report regarding demand for aggregates are confusing.

2.6.2 Page 11, section 2.2.2, figure 1 states that the recent average annual output of La Gigoulande is 125,000 tonnes. The same table states that the 2020 demand for aggregates is 480,000/485,000 tonnes year.

2.6.3 The ARUP report was completed in December 2020, yet without further explanation, the 2020 demand figure is increased by 20,000 tonnes, and a baseline aggregate requirement figure for 2021 of 500,000 tonnes is used.

2.6.4 ARUP forecasts an increase of 52,000 tonnes in the ten-year period from 2021 to 2031, so how can an increase of 20,000 tonnes be justified in a 1-month period? From the perspective of neighbours, the effect of muddled assumptions is to artificially increase the perceived requirement for quarry expansion, where no solid case has in fact been made for it.

2.7 *Safeguarding Field My966*

2.7.1 No meaningful public consultation has taken place and no data was obtained by ARUP weighing the environmental benefits and disbenefits to safeguarding Field My966.

2.7.2 An Environmental Impact Assessment is necessary to properly understand the impacts and any possible mitigation making the Scenarios Assessment carried out by ARUP of limited value. It is unclear how it can be stated that “acceptable impact on ecology, as La Gigoulande is already an operational site” when the environmental, noise and neighbour amenity impacts, for example, of extending into Field My966 have not been assessed.

2.7.3 Furthermore, the need for the site to be safeguarded appears to be based almost solely on the need for 10 years of winnable reserves to be banked and the assertion that there are only 8 at La Gigoulande. However as has been highlighted, the figures have not been independently checked and appear to be confused as regards source of reserves, output, demand and indeed net population figures.

3. Conclusions

3.1 Neighbours feel very strongly that the data and facts on which the policy at La Gigoulande is based need to be independently audited and verified, which cannot be done in the timescales in the BIP.

3.2 Accordingly, we will be requesting that the issue of La Gigoulande quarry and indeed the entire Minerals Policy, be removed from the BIP and dealt with as part of the next full Island Development Plan to allow meaningful public consultation and independent scrutiny to occur.

3.3 The confusing and what seems to be selective reporting of figures in the base data reports that appear to underlie the BIP, however unintentional, is very concerning to neighbours and there is great concern that it leads to misleading outcomes.

3.4 Safeguarding and re-zoning Field My966 at this time is premature and entirely without planning merit.