

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 9th JULY 2008

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The Roll was called and the Deputy Greffier led the Assembly in Prayer.

PUBLIC BUSINESS – RESUMPTION

1. Energy from Waste Facility: Establishment and Acceptance of Tender (P.72/2008)

The Greffier of the States (in the Chair):

The debate continues on the proposition of the Minister for Transport and Technical Services.

Deputy S.C. Ferguson of St. Brelade:

Yes, I wonder if I could just clarify a point made yesterday by Deputy Duhamel. He stated in his capacity as Chairman of the Environment Panel that the Environment Panel has been existing with one officer since before Christmas with no attempt at having tried to replace the officer off ill. In actual fact, the officer's first day off ill was 22nd January, not before Christmas. The officer has had certainly until now 24 weeks worth of sick notes, but I have quite a dossier here. Every attempt has been made to provide additional support for the Environment Panel by the Scrutiny Officers. It really is not fair, it is not equitable to say that there has been no support. If Members would like to see the details, I will not go through them all. I have 3 pages here of facts and I also have a long list of topics that have been covered over the last 6 months or so. If any Member would like to see this, I will be delighted to show it to them.

1.1 Deputy J.A.N. Le Fondre of St. Lawrence:

I hope you are all feeling refreshed after a good day yesterday and looking forward to more enlightened debate this morning. I have managed to resist the temptation up to now to use the rather worn statement about a group of politicians talking a load of old rubbish, or perhaps I should say about a load of old rubbish, but that rather denigrates what is an essential debate that we have been having since yesterday. When I first came to this subject I was fairly ambivalent; if recycling could solve all of our problems, then great. Alternatively, we already burn our waste; therefore, there should not be anything wrong with continuing to burn it, especially if it is a lot cleaner. Over time, particularly through my Treasury involvement, I have been reasonably involved in seeing the information being gathered and presented that backs-up the present case. I concur with the view this is not a decision that can be delayed or deferred any longer. This is not one of those decisions where delay just means a building lies empty or a plot of land lies undeveloped. This decision has very real health and financial consequences. Before I go into the main speech, Sir, I would like to address some of the comments that were made during the course of the debate yesterday. I would like to welcome Deputy Duhamel's corrections on, for example, the Scrutiny comments regarding, for example, the difference between energy and electrical efficiency. I do have to say I was disappointed when those comments were reported on the radio I think last week. I assume his correction also extends to the comments on page 3 of the Scrutiny report of comments.

Deputy R.C. Duhamel of St. Saviour:

A point of correction perhaps. The calculations if they are done properly still show that it will be a disposal operation.

Deputy J.A.N. Le Fondre:

All I can say is I have a note from the department which states that energy efficiency at the plant - I cannot find the note - is in the order of 63 per cent and that the current directives require 60 per cent as of now, Sir, and that the electrical efficiency, which is what the Deputy quoted on the radio and on Talkback - because I listened to it again last night - is 24 per cent. Yes, it was a very sad listening. But also I presume that correction then applies to the facts in the comments in the scrutiny report where it describes the proposed incinerators not being an Energy from Waste plant but rather it will be a waste of energy plant. I think hopefully we have corrected that comment because particularly given that these remarks were made on Talkback, I do agree with Deputy

Duhamel, we do not want to run the risk of allegations of spin or figures being taken out of context. In relation to the look and the location of the building which has been raised from time to time during yesterday, Sir, the location was agreed at the last debate and that at the end of the day is democracy. I suspect that certain Members remain unhappy about the look or the location of the building; if you prefer, the visual aspect of the building. The look is a matter for planning. What we are debating today is the preferred solution. Whatever solution is ultimately decided upon will be at La Collette. Location is not what we are debating today. I hope Members as well have also had the chance to read the letter to Senator Walker from Fichtner, the T.T.S. (Transport and Technical Services) consultants. I would say it covers an awful lot of the basic concerns that have been expressed already. Both the Connétable of St. Martin and Deputy Power refer to the burning of plastics. It does depend upon the type of plastic we are talking about. If we have high grade clean plastic, it will be recycled - and that is referred to in the packs that Members have had - but low grade contaminated plastic, there are markets for them. They exist in the Far East. I would have to say they are fairly questionable. Those are the pictures you see of very low paid workers or children or whatever it is digging through rather nasty piles of rubbish. Trying to recycle those and certainly using them for the primary markets in the Far East is more questionable, but energy recovery through the proposed E.f.W. (Energy from Waste) facility is considered preferable. Hopefully on a slightly more positive note, I would obviously draw Members... I do not know if they have read the letters; hopefully they have. From the comments circulated from the Medical Officer of Health yesterday, 2 comments I thought were particularly helpful: one of which is the reference to the head of Health Protection who has described to the Medical Officer of Health the extensive investigation that had been undertaken. He does recommend the current strategy as the optimal way forward for the Island using tried and tested technology. Obviously that is presumably from a health perspective. The Medical Officer of Health concludes that the need to replace the incinerator at Bellozanne is urgent given the already unsatisfactory performance of the current plant and given that the new plant will take some time to build and commission. The point you need to know, Sir, is those are professionals. They are not all from within the T.T.S. Department and I would treat them as reasonably independent, basically backing-up the case that has been presented to us so far for supporting the proposition. Let us just remember where we are and why we are here. This debate has been going on for a long time. I think it was some 6 years ago the cost of this project was around £60 million. We are now at £105 million and my understanding is that is for a smaller plant. To an extent that is irrelevant. The point is that the delays have cost the taxpayer huge amounts of money and, in addition and more importantly, have restricted the suppliers we can use. The key thing that we all seem to forget to an extent is that we are living on an Island that is 9 miles by 5 miles. We have very little choice about exporting untreated rubbish to our main neighbouring countries. We have to come up with a solution that will cover our requirements for the next 25 to 30 years that meets our needs and our requirements as an Island. That will, of course, be different to a town in the U.K. (United Kingdom) who can transport products to different plants by truck for different treatment. We cannot do that. Equally, Sir, I am not going to base my decision today on an article in a Parish magazine which I read yesterday. We are looking for robust solutions. As an aside and something I certainly was not aware of, the Department of T.T.S. has dealt with 2 suppliers in France and is also conducting a trial at present as to the feasibility of shipping to France. But at the moment when the Euro is at its best for this type of project, even now it is still cheaper to ship to the U.K. I confirmed that yesterday with the officers. The other point to bear in mind is that all the recycling generally - not entirely always but generally - costs us something, i.e. on a net basis we are paying money out but with the exception of, yes, things like aluminium cans. Although we may get some form of revenue from every source, it is still not enough to cover the costs. I think far more demonstrable in terms of the urgency of the case, the current plant is breaking down. I do not think anyone can deny that. We have had the problems of the grab earlier this year. We have the current issues of - I cannot even say the word today - sulphuric acid corroding the crown, if you like, of the chimney stack. We are crossing our fingers hoping that it can last until a new plant is built. There is no kidding, no

niceties about that. Those are the facts. There is no more time. Consider the issue of other technologies and I think it is fair to say the department has considered over 60 suppliers of various technologies and whether they are appropriate to Jersey and whether they are robust enough for this Island. Do not forget again if it goes wrong, we have a serious problem because we have huge amounts of waste building up and basically you end up with rodent infestation and other health issues if it is not controlled. The reference in terms of robustness for those technologies is to start off with they have been in operation for 2 years and for the operation to be comparable with Jersey requirements in terms of tonnage. That is not unreasonable and that seems eminently sensible to me. Again, as I said, I unfortunately listened to Talkback again last night on this again and would just like to reiterate to Members that the decision of the States on 13th July 2005 was to adopt the proposition as amended. The proposition - and obviously I have summarised it slightly - was to charge the Committee to investigate fully alternative and conventional technologies and to recommend a preferred solution for a replacement of the Bellozanne incinerator to the States. To clarify, a solution was instructed and a solution has been proposed. That proposition did not request multiple options to be presented to the States to be decided upon. In other words, it did not say: "We are going to come to the States with 2 options and you can choose between them." "We are going to bring you a preferred option." It is no good basing matters on what was said or inferred in a debate over 3 years ago. It is what the proposition said. I have forgotten how many times Members have told me to vote upon the proposition, not what was said about the proposition. Let us look at it slightly cynically. Are the officers or the consultants biased? I have raised this and all I can say is I am satisfied that the officers are sufficiently open-minded that if there was one glaring technology that suited Jersey that did the job as well as Energy from Waste, I believe they would have grabbed it, particularly if it was cheaper. The new Director for Waste has categorically stated he would be highly insulted if that allegation was made, having worked with and implemented a number of different technologies in past positions, including anaerobic digestion. If you look at the white ring binder file that Members have all been given, there you will find a comment from the Fichtner consultants to the effect that they have been involved with over 10 U.K. mechanical biological treatment plants (that is M.B.T.) as well as steam autoclave projects. They have expanded upon this in their letter of yesterday but their professional view - what is being proposed today - their preferred solution is also the most deliverable and sustainable option for Jersey. That solution is the proposition facing us today. Those are top notch professionals and I would consider them independent. It is their opinion that this is the best option. Most recently Members have received the review from Deloitte as to the best financial option. Again based on net present values, which it appears they have challenged, the option being presented is the best option. As far as I am concerned that is another set of professionals, another independent opinion. But let us just consider the Juniper report which obviously those opposed to this proposition have placed quite a lot of emphasis upon. There are some caveats on some of these but I will deal with those afterwards. Paragraph 3.5 states that the use of a modern, well-designed Energy from Waste plant is increasingly accepted as best practice. Paragraph 3.15 states: "In our opinion independent experts would not judge continued operation of Bellozanne as compatible with complying with best international standards." I think everyone agrees with that. Paragraphs 3.39 and 3.40 state: "The States-appointed consultant's report stresses the need for the residual waste treatment facility to use proven technology. We concur with this view. If whichever process was selected was subsequently proved to be unreliable, the Island would face considerable difficulties in managing its waste in a safe and effective manner." Paragraph 3.42 for people trying to keep up: "In our view those in Jersey who champion novel technologies as better solutions for the Island's waste need to recognise the reasonableness of this type of procurement test, i.e. what T.T.S. are doing." I suppose an example would be that the Connétable of St. Helier referred to a Jersey company of a trial plant. It sounds fantastic but he referred to a trial plant. This, therefore, implied that it is not presently a robust solution. It does not pass the test of 2 years and 2 reference plants on a full commercial scale which has been agreed by Juniper. It is purely a demonstration plant and you cannot rely on that for the future of waste handling in Jersey. Juniper continues at 3.52: "We are not convinced

that any robust, deliverable and proven technology that would meet the criteria adopted by T.T.S. and which we are recommending to continue to be used would necessarily be cheaper. We believe it would be a mistake to adopt preferentially any alternative technology solely on the basis of its indicative costs.” Basically because they rather felt these were likely to increase as matters are finalised. Juniper have the following cautions about alternative technologies: “We cannot at this time say that any of these is better than the E.f.W. approach currently proposed. Indeed, all have significant disadvantages.” One comment from one technology is that the leading suppliers of this type of process are not supplying it in Europe. That is pretty key because we would not be able to get it even if it matched our needs. To continue: “The issues of finding sustainable on-Island outlets for the outputs from an A.D. (anaerobic digestion) facility are complex.” I hope Members get my drift. The Juniper Report can be interpreted a number of ways. To me, whichever way one looks at it, there is a huge degree of caution pervading the entire report. With that in mind I intended to meet on Monday with the Juniper consultants. I have to say I left slightly disappointed as I was no clearer as to their conclusions. They rather appeared to be in the position of saying that they could not categorically conclude one way or another because they needed further information or because circumstances had changed. It is fair to say that their review is a preliminary one, but I am also unclear as to how much information they did not receive and the causes of that lack of receipt. Therefore, what I am forced to take with me from the report are the following 2 sentences: “In our opinion, handling all of the Island’s residual waste within a single E.f.W. is an acceptable way of dealing with the problems.” There are caveats to that sentence but that is what it says. It also says: “In our opinion, handling all of the Island’s residual waste within a single E.f.W. is technically, commercially and environmentally sound.” The caveats are, basically, is this the only practical approach? All they are arguing about is whether there is a better solution, not whether this is a good solution. All the professionals seem to accept that this is a good solution and I have to say I found the letter from Fichtner again particularly helpful. As far as I am concerned, we are at the point where we need to take a view as to whether the solution is acceptable to Jersey now, not because something may change in 5 years’ time but we are unclear exactly how. We need to consider the position of us today. The analogy I use is buying a new computer. I will look round, consider the various new gadgets that are available and try to spec it to have the best hardware I can afford: memory, size of the hard drive, chip speed, *et cetera*. But I have to accept it will be out of date as soon as I buy it, but I cannot afford to keep waiting indefinitely because my current P.C. (personal computer) which is already well out of date may keel over and then I will no longer have the luxury of time. That happened to me 6 years ago when I was drafting and doing up our wedding invitations. So I can say it can happen at a click and, boy, is it rather inconvenient at that time, especially when there are other parties involved. To use Deputy Power’s analogy of cars, I think he referred to driving a Morris Minor, but do Members remember the Sinclair C5? What I would say is that being first with innovative products is not necessarily a good thing. This is a little more serious than a lost wedding invite. It has health implications, environmental implications and international implications just to start with. One of the key areas has been food waste. Again we go back to Juniper and the agricultural industry. Juniper does state it does not support the use of mixed waste derived compost to be applied to agricultural land. The consultants accept that there are logistical and economic issues associated with the adoption of pan-Island separate collection of food waste. They accept that at the present time consumer confidence and supermarket purchasing preferences remain a significant concern. Again there are obviously caveats there, but when they were pressed on the matter on Monday all the consultants were able to say is that the future is less clear as regards acceptability of food waste compared to the past when it was not acceptable. In short, I understand it depends on the use of the land. I would also like to remind Members of the correction made yesterday in respect of the comments by Deputy Duhamel concerning a statement made by the British Retail Consortium in December 2007. I am not going to read out the whole statement, but major concerns are expressed regarding animal-based compost made from either animal blood, bone, meat and entrails which is applied to either permanent graze land or land that is going into grassland. The important thing to remember is that statement does continue on and I do

not think that was made clear yesterday: "We are also concerned about the application of this type of compost to crops." To put it in context, the remains of a chicken would be defined as bone and meat and perhaps even blood depending on how well it had been cooked. It is not just stuff from the abattoir and so it captures normal kitchen waste. Can we use the stuff on non-produce land, land used for grazing? Not according to their statement. According to that statement there is still the issue of potential contamination with regards animal diseases. I do not know if it is strictly relevant but think back to foot and mouth of a few years ago. What are the practicalities? Are we seriously going to be asking users who graze animals to give up land for 6 months or even one or 2 years to allow food waste compost to be put back on the land and left for a while? The key factor is the period of crop rotation. Basically we do not have the space to do this. Again what would be the impact if we eventually can do food waste; if technology changes? Now, if all of these reservations are overcome, and that includes not putting Jersey Royal out of business, it would reduce the requisite capacity of the plant by 2 or 3 per cent. That is not exactly going to make a significant change on our requirements, is it? Can the plant be flexible in operation? Yes, although Juniper disagrees, it is demonstrably the case the plant can operate as low as between 36,000 and 37,000 tonnes. It is possible to switch a stream off and then back on again. It can be flexed. That has been confirmed to us again as Members yesterday in writing. Bear in mind our current requirements are double that and that is with 30 per cent recycling as of last year. That is all based on the experience of T.T.S. of operating the current incinerator for a long period of time. It works. It can be done. Therefore, we are not going to have a plant which cannot deal flexibly. Can we recycle more? We are going to have to. That was covered again last night. But remember the size of the plant requires kerbside collection and 36 per cent recycling. We have to get up to 36 per cent and sustain it otherwise the plant will be too small. I heard a comment yesterday from one of the Parishes saying: "If we build the incinerator we will not need to do kerbside collection." We have to have both. The plant itself will also be designed with the ability to add district heating if necessary at some future date and that would also increase its efficiency rating above the 61 to 63 per cent that we are being quoted. Let us get back to reality here to July 2008; to today with a dirty incinerator that is breaking down. The proposition notes that 4 companies were short-listed. Lentjes is referred to in 4.12 of the Juniper Report. They were short-listed and they withdrew. Ener-G is referred to in 4.35 and they withdrew. Cyclerval was the original partner of Earth Tech and withdrew to be replaced by Fisia Babcock. It is not as if the department has been rejecting all the suppliers that Juniper suggested. Circumstances are building up against us. The fact that Guernsey rejected an E.f.W. plant has left some suppliers an uncertain view of how committed the Channel Islands are to this approach. It is very expensive putting these types of tenders together. There is far better and more certain demand in the U.K. and in mainland Europe, so if we reject this proposition it will be incredibly difficult to restart it and it will cost us more millions. Before finishing, I want to reiterate a number of points. The consultants consider the solution in this proposition to be the most deliverable and sustainable option. Juniper state that the solution is technically, commercially and environmentally sound. If Members have a look at this Fichtner letter, they list various types of alternative technologies that they have dealt with. They list anaerobic digestion plants, mechanical biological treatment, mechanical heat treatment, pyrolysis - I will get my teeth in order in a minute - and gasification projects, material recycling facilities, in-vessel composting plants and civic amenity sites. The conclusion on that first page of their letter is: "We, therefore, state without fear of contradiction that we are perfectly placed to provide you with impartial advice on the best selection of facilities to handle Jersey's waste." They state: "Jersey is an Island without alternative waste disposal routes." They talk about the problems on kitchen waste. They say: "Without a secure route the recycling of kitchen waste cannot be considered to be a safe option for the Island. It should remain open for the future but it does not significantly impact the capacity of the E.f.W." They confirm the flexibility of the plant and its ability to operate between 36,000 tonnes and 105,000 tonnes a year. That should address load factor issues raised by Deputy Power. They confirm at the end of it - I will assure Members I will be very shortly finished but it is important: "We confirm that we believe that the recommended option for a new plant with

a capacity of 105,000 tonnes per annum is the correct solution for the Island; a deliberately conservative one best suited to your situation with no alternative disposal route. It retains sufficient flexibility to allow you to continue to improve recycling or reduce waste flows if this is deemed economically and environmentally beneficial.” That is the summary. We already burn waste. This is going to be a lot cleaner. We will be recycling more because we have to. It is a prudent approach. I am risk-averse on these types of projects. I do not want to take risks with the future of the Island’s health. I consider the work to have been done. I consider the detail that we received to be appropriate. I consider the consequences of rejecting this proposition to be unacceptable for the sustainable health of this Island. I genuinely urge Members to support the proposition.

Deputy S. Power of St. Brelade:

May I be allowed to correct the Deputy? The Deputy quoted me.

The Greffier of the States (in the Chair):

Well, briefly, Deputy.

Deputy S. Power:

Very briefly, Sir. The Deputy quoted me as saying that I was suggesting the Island might try unproven technology or innovative products and be first. I did not suggest that and I quoted 2 examples of the technology I was suggesting, which was Bristol City Council and the Royal Navy.

The Greffier of the States (in the Chair):

If I could just mention before I call the next speaker, I do have quite a long list of Members waiting to speak, so if any Member has indicated their willingness to speak and has not been called yet, you are on the list I think.

1.2 Connétable P.F.M. Hanning of St. Saviour:

I certainly will not - hopefully - take long on this. We have had a lot of speeches about the problems getting to the situation that we are now. It is not worth worrying about. We are where we are. We cannot change that. We have a plant that is failing and we have a plant that is putting out pollutants. We have to do something different. The proposed solution I think has one or 2 problems. The building we are looking at is very, very large. I know the Minister for Planning and Environment said that it was a good design, it had good detailing and materials were good, but the Gherkin is a good design, it has good detailing and the materials are good, but it is huge and you cannot disguise the fact that it is a huge building. What we have is a large, square building. Good design is better than bad but it will still be a large, square building. We have an issue I think with safety. The Deputy of St. Peter has mentioned the fuel farm down there. I am concerned about that. The fact that only a few people may die if it goes wrong is not really the answer. One point that has not been made is that if we really had a bad catastrophe with it we could lose our power and not only that but we could also lose our ability to get rid of the Island’s waste. That could take a long time to put right. We would be in real trouble. I am not sure that enough work has been done to protect that. I hoped that they would do enough bunding and building of walls to try and shelter but I do not know if that has been considered. With the proposed solution we could run at lower levels of use than has been envisaged as a maximum. That is definitely a plus because I think people do want to recycle. Deputy Duhamel has done a lot of work in looking at alternatives. I have to say I do find these very attractive. The idea of a smaller, cheaper plant I think appeals to everybody. The problem as we have seen is that there really is not a proven track record for a lot of the items we are looking at. The solution that the Constable of St. Helier hoped to have with the trial plant was very attractive but, as has already been said, it was a trial. People do want to recycle. I am going to ask my parishioners in the next few days if they want us to investigate kerb collections [**Approbation**]. Thank you. At least my Deputies are supportive. I think people will want us to do that but there is a cost and we have to investigate the best ways of doing it. I think

everybody wants to do this. The resulting cut-down in the amount of material burnt I do not think is that much of a problem. I would rather we ran a new plant at half stream or on one stream rather than 2 than have a lot of extra waste being burnt. I would rather we went down the recycling route. The plant they are proposing can be run at a lower rate. I have been told it would prolong its life so it may be there is a benefit there. One thing I believe the previous speaker mentioned, we do need to be self-sufficient. It is all very well saying we will export our materials to other places to be dealt with but we are an Island. We have to be self-sufficient in power even though we import all of that. I believe we have to be self-sufficient in getting rid of our waste even though we may be able to get some of it off Island. We do have to be able to stand alone in an emergency. As I have said, I am concerned about the timescale. We have a problem now. Perhaps I am new to the States but I do feel that if people think that once this is voted out and we have to start again that we are going to go through the whole procedure and get it voted through by the States and get it built in less than 3 years, I am afraid they have a greater confidence in this House than I have. I think if we are back to square one we will be arguing again. Although a lot of work has been done I think it is going to take a long time to get us to the situation that we are now and then we have to build. Admittedly, new plants would be built quicker but I still do not think we are going to do it in 3 years and the plant we have is failing now. So that is the situation. I do wish I could vote against this because I like the idea of the smaller, cheaper solutions. My heart says do that but my head says that as a Constable I have a responsibility to get rid of our parishioners' waste. I do not think we can gamble. Therefore, Sir, I think unless I hear something spectacularly different I am going to be voting for the proposition.

1.3 Deputy K.C. Lewis of St. Saviour:

I will be very brief. I would like to start by congratulating the Transport and Technical Services Department, the welders and the repair gangs that have kept the Bellozanne unit running for so long, well beyond its useful life. I do not think anyone could argue the fact we definitely do need a new incinerator/Energy from Waste plant. It has been claimed that La Collette is the preferred site because any flue gases would be blown out to sea. As the prevailing wind is usually a south-westerly this would blow over St. Helier, St. Saviour and St. Clement. Ask any sailor, never throw into the wind. I just hope the gas cleaning units are top-of-the-range as promised. I understand the new Energy from Waste plant will be using the J.E.C. (Jersey Electricity Company) chimney. I was led to believe that flue gases cannot be transported horizontally from the Energy from Waste plant to the power station chimney, so I would be grateful if the Minister could clarify this point. Besides the operational issues, I am also concerned about the actual size of the new plant; not just operationally but physically. Looking at the drawings, the height of the new plant will be nearly halfway up the J.E.C. chimney and will be a complete eyesore from La Collette right the way round to Havre des Pas and well out to sea. What would be the cost of the proposed emergency road running round from Green Street to La Collette? Could the Green Street promenade be converted at a later date? The questions I have, Sir, are: (1) flue gases through the shared chimney; (2) actual size of the Energy from Waste plant; (3) possibility of an emergency road; and (4) are flue gas cleaning units going to be top-of-the-range?

1.4 Deputy P.N. Troy of St. Brelade:

Cornwall County Council are looking at putting in an incinerator. They have posted some information on their website. They are looking at an incinerator that is 240,000 tonnes per annum of waste, when you look at their website, and the Constable of St. Helier alluded to this yesterday. From incineration there are large amounts of ash generated. The main solid residue is bottom ash, which is basically similar to the ash below the grates of a domestic fire. That accounts for 25 to 30 per cent of the original weight of the waste and about 10 per cent by volume. Metals are also recovered from the bottom ash which can be recycled. The remaining 90 per cent can be used in construction or can be land-filled in the U.K. after testing to ensure that it is not hazardous. My question really for the Minister is that what will happen to all of the metals recovered from the

bottom ash and where will the remaining 90 per cent of bottom ash be disposed of? Then, of course, not only do you have to deal with the bottom ash but then you have to deal with fly ash. Fly ash is the term used for the material removed during the gas cleaning process. It consists of small quantities of flue particles trapped in the gas stream. The largest proportion are reagents such as lime or activated carbon and salts which we use to clean the gases. Fly ash and air pollution control residue represent 2 to 4 per cent by weight of the input waste and the material has to be treated as hazardous waste. In the U.K. it is sent to landfill in separate, specialised, secure landfills or in a separate cell of a landfill. It is a hazardous material which really has to be treated very carefully. There is no hazardous waste landfill in Cornwall. What they are having to do is consider sending it to the nearest facility in Gloucestershire. In Jersey we do not have hazardous waste landfill as such and I really again would like to ask the Minister what will happen to this hazardous, toxic material - the fly ash - what will happen to it in Jersey? It is going to be sent to sealed pits but where are these sealed pits going to be? What sort of volume can we take? When we do this for the next 25 years we dig big pits over Jersey to put in our toxic ash; where are they going to be? I will come on to how much we might have in a minute so that you can see how many pits we might need. In Cornwall their 240,000 tonnes per annum waste plant will produce 48,000 tonnes of ash, so our plant will produce 21,000 tonnes of ash worked on the same basis. Of that 48,000 tonnes, 43,000 in Cornwall is proposed to be recycled as aggregate. The remaining 5,000 will be sent to landfill. So we will have 21,000 tonnes of ash and we will have a residue of about 2,200 if we could recycle all of that ash, but I do not believe that we do recycle all of it. Where is that all going to go, 21,000 tonnes of ash from Jersey? Then we have the fly ash which I mentioned before; highly toxic, highly dangerous. In Cardiff their 240,000 tonne plant will produce 7,000 tonnes of fly ash, so our plant will produce 3,060 tonnes of fly ash per annum based on the same figures given by the Cornwall County Council, because I have to work on Cornwall County Council's figures because we do not have any figures from our crowd here. States Members are flying totally in the dark. So we are going to have 3,060 tonnes of fly ash to dispose of and we are going to put that in pits. We have 3,060 tonnes per annum and we are going to have this going out for the next 25 years so we are going to have pits all over the place of toxic material. What is our department really going to do with it? Are they going to dispose of it correctly? The plant in Cornwall will also produce 264 tonnes of nitrogen oxide and we will produce 115 tonnes of nitrogen oxide but that is not really a worrying point at all. The main thing there is that we are going to have extraordinarily large tonnage of ash and toxic ash. We really do have to have a policy of how we are going to deal with it. We have seen no evidence at all of how we are going to dispose of 3,000 tonnes of fly ash every year for the next 20 years; 60,000 tonnes to be put in the ground; toxic material in our soil 60,000 tonnes. We have not got any figures from Transport and Technical Services about this at all in the documents. Members are not being kept fully informed. Also the battle lines are drawn over a Cardiff incinerator. They are proposing to have an incinerator in Cardiff. Friends of the Earth commented regarding the Cardiff incinerator. Mr. Julian Rosser, Director of the Earth Cymru ... I do not know how you say that. **[Interruption]** It is Welsh, yes, I know. He said: "Incineration is not the best way of dealing with waste. It means burning paper and plastics that should be recycled. It is not a renewable way of generating energy because so much of the fuel comes from plastics which are made from oil." That is one of the points about this whole incineration business is it is not the best way of dealing with waste at all. Recently the E.P. - the European Parliament - voted that by 2020, 50 per cent of the E.U.'s (European Union) household waste and 70 per cent of construction waste should be recycled. This really demonstrates that there is now a European wish to move towards higher recycling rates. We, of course, are going to have our great big incinerator burning everything under the sun that we can chuck into it and we will have a low recycling rate of 36 per cent where everyone else in Europe is heading to 50 or 60 per cent. We are going to throw tyres into our incinerator, as has been mentioned previously. When States Members had a presentation by T.T.S., I asked the Chief Officer whether we were still going to put tyres into the incinerator. The answer is, yes, we are going to put in 4,000 tonnes of tyres into the incinerator. There are ways that you can deal with tyres now. There are companies that

bale them up and they can be baled and used in construction. If you remember on rock faces where you have falling rock faces, you put gabions of stone inside a metal mesh and you can put tyres inside a metal mesh and that can be used as well. It works to good effect and has good drainage qualities and those can be used in other ways. Deputy Duhamel in the past has shown Members how tyres can be shredded and used in other manners as well. There are ways that you can deal with tyres but we are not going to do that because we are just going to chuck them into the incinerator. In fact, we are going to chuck pretty much everything into the incinerator because the thing with an incinerator is you have to feed the beast. That is what it is all about. Feed the beast. Keep throwing things in. Do not recycle anything because we need to keep throwing everything in. That is one of the problems. With computers "You put rubbish in, you get rubbish out" is the saying. Anyone who has used a computer; use a computer, you put rubbish in, you get rubbish out. The same thing is with an incinerator, you put toxins in and you get toxins out. We are going to have, remember, 3,000 tonnes of toxins every year to bury, as I said earlier. Transport and Technical Services are in my opinion currently totally irresponsible in putting highly toxic materials into Bellozanne. We have a letter from the Medical Officer of Health saying: "I am really concerned." I am not going to read it. She says she is really concerned and Members have this letter so they have seen it. She is really concerned about Bellozanne. There are toxins coming out and it is bad for everybody's health. So I ask: "But what are you going to do about it, Medical Officer of Health? Are you going to rush down there and stop them putting toxins into the incinerator? No? Why not?" Because maybe her department might have to prosecute another department for throwing in materials which are highly dangerous. We really are irresponsible; we should not be putting batteries in, we should not be putting tyres in, we should not be putting metals into the current incinerator. If it is failing, as we are told; T.T.S. are totally irresponsible in the way they are operating the plant at the moment, totally irresponsible. Quite frankly, they should be prosecuted, Sir. Someone should be prosecuting T.T.S. today. Someone from the Health Department should be running round there and checking all the levels of toxins coming out of the chimney. Now, in the U.K. there is a group, SITA, who own incinerators and they publish all of their toxins and their rates and their ash recovery, everything, all of the information is there in the public domain, as to what is coming out of their incinerators. Here, it is all totally secret. Certainly, we should be publishing our tests. The public should know what is coming out of that flue and they should know how dangerous it is for them. But T.T.S. will still throw in tyres, they will still throw in batteries, they will still throw in plastics. Maybe I am wrong, I have not got a list of the things they are throwing in because I do not think there is one published, but I can tell you now, they are vastly irresponsible at the present time. Now, I spoke to Friends of the Earth and they sent me some documentation, and one of the things they pointed out is that incineration crowds-out recycling. Once you have got an incinerator and you have to keep throwing things into it, there is no incentive after that to improve your recycling rate. So, you start with a 33 per cent recycling rate, as we have done, and then you say: "Well, we need to chuck as much in as possible. So, what we will do is we will give Deputy Duhamel a little extra 3 per cent; we will make it 36 per cent because he is giving us a bit of pressure on that, and then we will keep chucking everything into the incinerator and that will send him away and that will send his compatriots away, who are absolutely against this incinerator." Do you believe that once we have started on a 36 per cent recycling rate, they were going to try and increase it up to 70 per cent, like the rest of Europe, 60 per cent, 70 per cent in the rest of Europe? In Flanders - a district in Belgium - they recycle 71 per cent of municipal waste. We are going for 36 per cent. Wow, big stuff, hey? In Denmark, to demonstrate that incineration crowds-out recycling, I have got some regions in Denmark here. There is no way I can say these names; they are totally foreign to me but I will call them Region 1 and so on. So Region 1 has an incineration rate of 77 per cent and a landfill rate of 2 per cent and a recycling rate of 21 per cent. Region 2 has an incineration rate of 63 per cent, a landfill rate of 8 per cent and a recycling rate of 29 per cent. Region 3 has an incineration rate of 59 per cent, a landfill rate of 10 per cent and a recycling rate of 31 per cent. What that proves is that as soon as you go to incineration, you are dooming yourself to low recycling rates. Now, with the Cardiff

plant, in the year 2015 - the year that the Energy from Waste plant in Cardiff is expected to come on line - it is assumed that municipal solid waste of 222,000 tonnes will be input into the incinerator, with a recycling recovery performance of 129,000 tonnes, through recycling. So, that is 58 per cent recycling is going to be aimed for in Cardiff in 2015. We are going to be aiming, still, in 2015 - I would not be surprised - for 36 per cent, maybe 38 per cent. Goodness knows, but the point is that that leaves a residual waste through their incinerator of 93,000 tonnes in 2015 because they might have an incinerator but they are saying: "We will have an incinerator but we will recycle as much as possible and get a smaller incinerator", which is what they have done. They will have 93,000 tonnes to process on a population of 340,000. We are going to process 105,000 tonnes on a population of 100,000. So, if we tried to look at this objectively, we could have a totally different strategy. What I am saying is that this strategy is totally wrong. This strategy is totally out of step with the rest of Europe, where everyone in Europe is aiming to recycle 60 per cent of waste at least, and more, out into the future. Recycling in Europe is recognised as highly important. Recycling in Jersey is not recognised as highly important, as can be demonstrated by our commitment to a low recycling rate. We are taking on a policy which is out of step with the rest of Europe and it is criminal.

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):

I have resisted but I think, on a point...

Deputy P.N. Troy:

I am not giving way, Sir.

Deputy G.W.J. de Faye:

I think on a point of order, to suggest that the Department is indulging in criminal behaviour, I would ask the Deputy to withdraw that statement. I have listened to an awful lot...

Deputy P.N. Troy:

It is a policy, Sir. This is totally out of step with the rest of Europe...

The Greffier of the States (in the Chair):

Deputies, will you both please sit down? Deputy Troy, will you please regain your seat when the Presiding Officer is speaking?

Deputy P.N. Troy:

Sorry?

The Greffier of the States (in the Chair):

Will you please regain your seat when the Presiding Officer is speaking, as per Standing Orders.

Deputy P.N. Troy:

Yes, Sir.

The Greffier of the States (in the Chair):

I think Deputy de Faye took the word "criminal" to mean "criminal" as in criminal prosecutions. I thought the Deputy was using it in the more liberal sense of saying it is outrageous or not the way to go.

Deputy P.N. Troy:

Outrageous, contemptible, in that sort of format, Sir. The Minister has demonstrated that he is ignoring the rest of Europe, Sir. He has demonstrated that he is taking us on a path which totally, for our Island, brings us into discredit environmentally, on a European basis. European M.E.P.s (Members of the European Parliament) have voted to create a recycling society.

The Greffier of the States (in the Chair):

Deputy, I am sorry, you will have to regain your seat again because we are becoming inquorate.

The Greffier of the States (in the Chair):

[Interruption] Deputy Troy, please continue.

Deputy P.N. Troy:

The European Commission, as I said, has just voted that they will create an E.U.-wide recycling society. The Minister said yesterday: “Well, we are not members of the E.U.”, so maybe that does not matter in his book. A recycling society across Europe, with a recycling target, as I said earlier, of 50 per cent of municipal waste and 70 per cent of industrial manufacturing and construction and demolition waste by 2020, a 70 per cent rate for that. There will be a provision to ensure that materials exported from the E.U. for recycling or reuse can only count towards recycling targets if it can be demonstrated that the reuse or recycling operation took place under conditions that are equivalent to those in the E.U. It is proposed that there will be a phase-out by 2020 of the incineration or landfill of any waste that can be reused, recycled or composted. So, the E.U. is deciding that by 2020 waste that can be reused, recycled or composted should not be in incinerators. This is exactly the point that Deputy Duhamel has been talking about and he has suggested that we need to deal more effectively with waste before it goes into the incinerator, rather than just throwing it into the incinerator, just chucking everything in. Why do we want to proceed with this policy? Why would anyone want to back this policy, which is totally out of step with what the rest of Europe wants to achieve? Why would you do it? Why, Members, would you support this today when Europe is saying: “We, Europe, want to do something different to Jersey”? But they have not said that, of course; they have said: “We want to do what we want to do”, but it is the exact opposite of Jersey. For all the Minister’s protestations, surely even he must realise that this policy is totally flawed and we should really be reviewing this again as quickly as possible to come up with better solutions than this solution, which is appalling for the Island of Jersey. Incineration produces these toxins; it is going to produce this 3,000 tonnes of fly ash. It may be even more, I do not know, because we have not got any figures from Transport and Technical Services. Maybe the Minister will tell us, in his response, how many tonnes of ash and how many tonnes of fly ash he is currently having to deal with and what on earth he is doing with it. What is he going to do with all the ash and fly ash over the next 30 years? Because it is an ecological disaster, in my opinion, if we are going to bury 3,000 tonnes of fly ash per annum for the next 20 years. Where, I ask? The Minister has not got a back garden, I do not think, but maybe Members might volunteer their back gardens? I would not put any of this in my building sites, I can tell you. Someone is saying my building sites, no way is this stuff going within miles of my building sites. Of course, test results on the ash and the fly ash, if Members disastrously take this forward... test results on the ash and the fly ash should be public knowledge. We should know what is coming out of there, it should be tested and it should be available on T.T.S. websites for the public to see: “We are currently producing so many thousand tonnes of toxins. We have broken it down. These are all the toxins out of that 3,000 tonnes,” breaking it down into whatever materials one would break it down into so that it can be seen. That is what other responsible incinerator operators are doing. That is what responsible incinerator operators are doing; they are keeping the public informed. This, Deputy Power said, is a 25-year decision. Absolutely correct; it is not for today, tomorrow, next year; a 25-year decision; Europe that way, Jersey that way; north and south almost. How can we justify this position? There really does need to be a will to move in a different direction, to look seriously at proper kerbside collections in every Parish. I think the Minister is looking at it. I do not know how much work has been done but even then there needs to be a promotion of home composting so we could take out an awful lot of waste through home composting. In the U.K. now, 27 per cent of households with gardens in 1997 were home composting. By 2005 it was up to 35 per cent home composting. Jersey, we need a proper program introduced. We need adverts in the newspapers saying: “Get your home composting kits. This is how you operate. This is how you

carry out home composting.” We could take a lot of the waste out of the stream. That could be done. Then, in the U.K., of the compostible material collected separately from households, as I said, most is collected from kerb-side or civic amenity sites, so they have got a lot of sites where you can drive your car there and put your waste directly into it. That is, again, something that we should be looking at here. The idea is to make recycling easy; it is not to make recycling difficult. The idea is to make recycling easy for the public so that they can fully sign-up to the whole system. When you get to home composting, that can be composted under correct conditions by T.T.S. They could, if they wanted to, introduce a full food waste composting system from homes. But they do not want to because they want to throw it into this great big beast called the incinerator, or Energy from Waste plant, whatever the heck you want to call it. They want to feed it and that is the mistake that we are all making in supporting this policy. T.T.S. can deal with waste if they want to, but they do not want to. They could deal with it properly in those conditions, or they could purchase an anaerobic digestion system for maybe £4 million or £5 million and that would deal with it effectively. That would deal with it effectively but they do not want to do that because they want to take you on the opposite path. They do not want to go the European route; they want to go the Jersey route because we are Jersey and we just do things differently to everybody else, do we not? We are going to and it is an environmental disaster, this policy, and I urge Members to chuck it out and to come back with something much better.

1.5 Connétable J.L.S. Gallichan of Trinity:

Well, Sir, anyone who is still listening to this debate will need psychiatric treatment, I think. **[Laughter]** I think it is fair to say, Sir, we have heard enough statistics. Can we get a little bit back to basics? I was quite surprised, when I became Connétable, how emotive a subject that waste is. Last week, in the Waterfront debate, we kept on hearing from certain Deputies: “We have lost touch with the electorate; we have lost touch with the people in the Island.” Well, this is the one thing, Sir, that everyone in the Island uses on a daily basis. I must say I am pretty sure that most of the Members sitting here know on what day the refuse will be collected in their Parish, and I am pretty sure that if they do not, the wife will certainly inform them that it should have been put out by 7.30 a.m. because if they have not put it out by 7.30 a.m., that is when the refuse is collected at a certain part, and if it is not picked up, I can assure you the one thing that the Parish Hall will get is a phone call to say: “Do you realise I put my rubbish out at 7.30 a.m. and it has not been picked up? What is wrong? What is the problem?” Well, occasionally the refuse truck does have a few problems, but it is one of the things that most people want to be picked up. I must say, I had a Parish Assembly a few weeks ago - well, about 6 weeks ago - to look at recycling. I will be quite honest with you, I have a contract on my desk now which is waiting to be signed but I just feel that I cannot sign it until I have had my Parish Assembly on 17th July to inform my parishioners that there is a cost to recycling. I must say I am sure I will be supported, but it is now my duty to go back to that Assembly and get their permission to go forward. We hear of all sorts of things; environmental taxes are wonderful but we are, as ratepayers in certain Parishes, paying a tax to pay to recycle their own rubbish, so surely it must be right as the Connétable of that Parish and the parishioners to decide the way forward and the costs. I think it is fair to say most Constables try to keep their budgets as slim as possible. There are ways, maybe, in the forthcoming year where most Parishes will decide to go down a recycling way but the Constables may say, “Right, well, it is just going to cost but what we can do in our budget, we can shave a few thousand off this part of our budget to lighten the load on the recycling costs.” I think that is frugal and I certainly hope, Sir, that all Parishes will go down that way but in a sensible and measured decision. Recycling is not cheap. It is the way forward, I agree, but what the parishioners want and most parishioners, I am sure, right across the Island, and ratepayers, is something that they know is reliable that will maybe move away their rubbish. I am saying, at my meeting the other day, yes, we do want to go down the recycling way; we do need an incinerator. I know there are people saying it is too big. Well, just for instance, say, come the end of the year, and it could be 3 weeks before the election, and Bellozanne would collapse. All of a sudden we have voted out this projet today. Is it not

wonderful? We have got nothing else planned, Sir; we only have this projet to vote on. I do appreciate there are a few Connétables who have entered the States recently and did not vote on where the site to place the incinerator would be, compared to Bellozanne, and it is a big monster, if you want to call it that, but it is a thing that I would say, Sir, is essential to the Island, to every person who lives in this Island. I am not sure people worry where, once it has been put in the back of the dust cart, how it is treated. What their main thing is, Sir, is it is picked up regularly. They still want to have a weekly collection plus recycling, which will be once a month. They definitely do not want to go down what is happening in England: “Oh, well, we will do recycling this week, leave your other household rubbish for 2 weeks”, and then we will find the countryside being littered with fly-tipping. You know, it is wonderful to hear all these people. Unfortunately, the Scrutiny Panel, if we gave them 10 years on this, Sir, they would never come up with the right solution because, unfortunately, they are dead right; every day there is something new. They will never come to a decision and we have to make a decision which we feel is for the benefit of all Islanders and will keep ... I tell you one way, which if you could get somebody to change this rule I would think it is a great one, get rid of sell-by date tickets because unfortunately the youngsters today, I have seen this, they go into their fridge and they look and say: “Oh, goodness me, it is 15th July and it is now 22nd. We cannot eat that; bin it.” Now, if we could get some of the people to get rid of that, that would be a great move forward but nobody comes up with those sort of ideas, oh no. You know, we have got people; the Deputy of St. Brelade, goodness me, where does he come from? **[Laughter]** Well, Sir, I do wonder sometimes. I know he has a ... but to be fair, all I am trying to bring back to this debate is a bit of commonsense that everybody wants this. We all agree we do not like incineration but the thing is, we have a small Island. We do not have infill. It will cost to recycle but we are going to go that way and we will do more but these things take time and if we do not get ... listen, we are going to get to vote some time, maybe not today even, but once this vote is taken, we have got no alternative if we vote this projet out. We have got nothing to take over from Bellozanne. I think we have all agreed Bellozanne is well past its sell-by date, it is a health hazard, and it is a matter of time before it collapses and it is not usable. It is time for responsible Members of this House to take a decision they may not be 100 per cent with, to consider the population of the Island in general, not just the few people who have some wonderful ideas on the way forward. I certainly will be supporting this projet, Sir, and I hope others likewise will do so. Thank you.

The Greffier of the States (in the Chair):

Before I call the next Member to speak, I wonder if I might just say, from the Chair, that the debate has been going on for quite a long time and this Assembly is unusual in the sense that no time limit is imposed on debates at all and the system only works because Members exercise self-restraint in the length of time for which they speak. I respectfully draw that to Members’ attention so that they can bear it in mind in considering how long they should speak. Senator Routier.

Senator T.J. Le Main:

Could I, therefore, propose the closure motion, Sir, please?

The Greffier of the States (in the Chair):

Well, you can give ...

Deputy P.N. Troy:

Not on spending £105 million, Sir.

The Greffier of the States (in the Chair):

Well, you can give notice, Senator, if that is what you want to do? Senator Routier.

1.6 Senator P.F. Routier:

I will try and be as brief as I possibly can but I think I was right, leading up to this debate, we were going to approach it with a sense of trepidation because I thought we would be heading for a debate where Members would be faced with the Minister and his department saying one thing and the Scrutiny team saying something else. I think we have got a flavour of that on the Sunday airwaves, when some people listened to it twice - which amazed me - but fortunately my Sunday was brightened up by Wimbledon. We had a really good, lengthy Wimbledon final. I think this is turning in to be one of those occasions, having a lengthy debate. So, this debate has turned into Members having to decide whether to accept the information we have been provided by either or both sets of technical advisers, those helping the Minister or the advisers helping Scrutiny. It will come down to Members, like me, with little or no particular technical expertise to try and make sense of all of this. I have now attended several presentations on the subject of recycling and incineration and also carried out my own research to try and help me to make an appropriate decision for Jersey. I have now heard the Scrutiny Panel's advisers twice and I really found Monday's meeting very useful because we were able to get down to some of the real questions that I needed answering. Having had the Scrutiny advisers' report and the department's report and briefing papers, I think I have come to the conclusion that they are both saying something very similar. They are saying similar things and it is really the assumptions about recycling rates; the number of households and whether food waste can be recycled. I also wanted to know about any health hazards for the new plant. So, the first question for me was - as the consultants called the plant an incinerator, which everybody seems to be calling it - is it the right type of plant for Jersey? Well, the Scrutiny Panel's advisers, their comment was it is not wrong. We then went on to talk about the size of the plant and the appropriate tonnage and how the 2 streams would operate. With regard to the size and appropriate tonnage throughput, I think their most telling comment was: "Well, we are talking about futurology; we are guessing." One of the consultants, when asked: "What is an appropriate recycling target?" said they were not competent to comment about a suitable target for Jersey; it was for our community to decide how much they wanted to go down the route of recycling the more difficult costly items. I had it confirmed on Monday that there are some recyclables that we could sell and get more than it would cost to burn. Then there are also items that would be cost neutral to either recycle or burn and that there are items that it would be more cost effective to burn. I accept that we have a duty to the world and ourselves to recycle as much as possible. As the consultants mentioned on Monday, plastics can be recycled but, environmentally, it is becoming questionable. It really does not stack-up much now and it costs more to recycle plastic. It is obviously better to use less plastic than to recycle and that is probably what we should be considering and we should be really focussing on. In general, although there are a few exceptions, we were told that the cheapest way to deal with waste was to landfill, which we do not want to do and it is not appropriate for us to do that. So that is followed by incineration and then recycling. Recycling is not cheap and I will take that into consideration when I vote. As someone who has a particular interest in social issues, if I was asked to prioritise, to say how I would spend £1 million, and I had to choose between recycling or providing funds for perhaps long-term care for the elderly, I know what I would choose. I would choose long-term care for the elderly. My understanding is that one of the main considerations which are in contention is the viability of being able to recycle food waste and to take this out of the incineration streams. This is something I have been interested in for some time and, on the face of it, when I heard the presentations, I think it was last year at the R.J.A. and H.S. (Royal Jersey Agricultural and Horticultural Society), where it was shown that it has happened in some areas in the U.K., I did think it was a particularly good option. Since then, I have inquired whether our own local farmers were prepared to have recycled food waste on their land and I am told that the protocols placed on them by the buyers of their produce would not permit that to happen. So, the question for us is: are we prepared to risk the quality and the good name of our Jersey Royal? I think that is what really sealed it for me was on Monday when the Scrutiny adviser described the difficulty of ensuring the collection of uncontaminated food waste. He described the possibility of shredding what was supposed to be good clean food waste but there being batteries shredded in amongst the food. With

the best will in the world, I do not believe that the whole population in all areas of the Island will be prepared to go to the lengths that many of us, including myself, would be prepared to do in separating our waste. So, reluctantly, I do not believe that we should put at risk our commercial crops in the vain hope that we can encourage the very stringent separation of food waste that would be required. There is a big difference between environmentally aware people wanting to separate everything and those who would be prepared to do it. Over the weekend I heard some concerns aired about the possible health problems that could be caused to those living near to the proposed plant. I do have a particular interest in that, being the Member who lives nearest the proposed plant, so I would really want to have a reassurance that there were no health problems to be associated with that plant. So, I took the opportunity to ask about those health concerns. I know perhaps experts on incinerators are probably not the best people to speak to, but certainly I took the opportunity to ask them that question. So, I was told that if the supplier of the plant followed current E.U. guidelines, then there would not be a health problem. I do hope that perhaps if the Minister for Health and Social Services makes a comment if there are any particular health problems that he is concerned about. So, after a great deal of thought and research, I have to say, with assistance from the Scrutiny advisers and others, I think that, subject to health concerns being covered, I will be supporting this proposition. I do still have a great deal of concern about the visual aspect of the project and I will urge the Minister for Planning and Environment to use his initiative in finding ways to mask the building, especially to the east. The States have been considering this matter for many years now and we are facing a collapsing existing plant, we are facing increased prices and the difficulty of exchange rates if we were not to go ahead with it, because we have a deal on the table and there is a seller's market at the present time. I do not believe that we can put this off any longer. Even though I do have some concerns about the visual aspects, I believe we have a duty to face up to the reality that this project must go ahead, so I urge Members to support the proposition.

1.7 Deputy J.A. Hilton of St. Helier:

When we debated the Solid Waste Strategy in 2005, I thought we had a way forward for the Island in terms of waste management for the next 25 years. Listening to the presentations over the past few months, it was apparent to me that the Minister for Transport and Technical Services had investigated the many different technologies and was recommending a good solution, but I was concerned when the Environment Scrutiny Panel brought their advisers to the Island and presented to the public in April of this year. Since that time, I have attended many further presentations and listened carefully to the pros and cons of the alternatives. What has become clear to me is that the Island needs the right solution that is a wise investment and, above all, provides us with a reliable and safe solution for waste management. I represent St. Helier No. 3 and 4 District which, of course, includes Bellozanne Valley. Bellozanne Valley might have been the ideal location for a sewerage works and the incinerators in the 1960s, 1970s and early 1980s because there was relatively small development in the area. Life has changed at Bellozanne and it is now a heavily populated residential area with 3 schools nearby. Our children and people living in the area are entitled to a good and decent way of life and should not be living under the threat of a dirty old incinerator. I was shocked to find out, from Transport and Technical Services, that the Bellozanne incinerator exhaust emissions are the dirtiest in Europe. The Bellozanne incinerator would have been closed down in 1996 if we had been in the European Union. Sir, enough is enough. How much longer can we go on? The decision has to be made today. As a representative for the Bellozanne area, I want to go home tonight and be able to tell everyone that the end of the old incinerator is in sight; we have a decision and it is just a case of getting on and building the new plant. I attended the presentations from Transport and Technical Services last year when we were considering Bellozanne and La Collette as a preferred location. The old plant has a significant impact on the majority of the Island, whereas the new plant at La Collette will be a clean, well-controlled and regulated facility which not only meets E.U. limits, but vastly exceeds them. In other words, residents of La Collette will have a greatly improved air quality than they have at

present, from the Bellozanne emissions. If anyone is thinking about health, do not think of the impact of the new plant; think instead of the impact that the emissions from the existing plant are having on people living nearby and also throughout the Island. Then think again about the impact on people's health if we delay making a decision and lose yet another day, month or year. I was on the Committee in 2003 when, under Deputy Dubras' presidency, there was a decision about how to move forward with a strategy as we were getting bogged down with all of these new technologies. I believe, since that time, there has been more than a thorough evaluation of all technologies and it is time to accept that if we are to approve a new plant, it has to be robust, reliable and have a proven track record. Certainly there are many other technologies out there but, Sir, remember there is no alternative for Jersey if we get it wrong. The Committee set guidelines for the department; any plant had to have at least 2 reference plants operating for 2 years on a commercial scale on the same type of waste. Some will say that we should go for a new technology that is claimed to cost far less. I have recently heard a figure as low as £35 million. Well, maybe they do exist but are they proven? Do they pass our test and that these have operated 2 plants for 2 years? Some have suggested a high risk approach by using one of these technologies. If they are as good as they claim to be, why are they not being built everywhere in Europe and incinerator manufacturers not going out of business because their plants are old technology, as described by some? I for one am not going to agree to invest vast sums of public money in a plant unless I am satisfied that it is going to work for the next 25 years. I believe the proposal being put forward by Transport and Technical Services is proven. It is reliable and will serve the Island for many, many years. I want to know that we have invested in something that will serve this Island well. I am not going to take a risk with something that is not proven. I do have a concern about the size of the plant and what it will look like at La Collette. Personally, I think we made the right decision by moving it from Bellozanne to La Collette. After all, La Collette is and, from what I have heard, will remain predominantly as an industrial area. Where better to put the plant, next to the J.E.C., when many of the services can be shared? The chimney, especially, is a huge benefit as the Island will only have one big industrial chimney. That has to be an advantage. I have heard many arguments about La Collette. Is it safe being near the fuel farm, for instance? I am satisfied that having employed the same experts that prepared the reports on the Buncefield disaster to review La Collette, we have the certainty we need to proceed with this development. I am also very pleased to see that, having reviewed the risks associated with the fuel farm, there is now a group representing all organisations that are looking very carefully at the future of the fuel farm and any future development for the entire area. Perhaps for once there really is a bit of joined-up government going on. Sir, much of the debate will focus on recycling and the capacity of the Energy from Waste plant. I, for one, was very unhappy about the original 32 per cent recycling target. I thought we could do much better. I was not too happy either, when the Minister for Transport and Technical Services amended the increase to 36 per cent. Again, I thought we could do better. My view was that we should have set a target of approximately 50 per cent; the same as the U.K. and the European Union and, to some degree that is still my view but I have listened to the arguments over the past few weeks and can see that to reach anything like 50 per cent, we will have to treat food waste separately. What has become apparent to me and was particularly enlightening was when I saw the presentation that showed the increase in the amount we have to recycle to get from where we are today to 36 per cent. The figures were quite staggering, effectively doubling the quantities we have to recycle. It is because we have to take the population increase into account and the number of new homes that are going to be built over the next 20 years; we have to set a target for recycling that we can meet as it is key for sizing the new plant. Time after time we have heard one argument for food waste to be composted or digested and then put on to the land from Scrutiny, and the counter argument being put forward by Transport and Technical Services saying that it is not a long term viable solution. From what I have heard, there does not appear to be any argument saying that the technology does not exist. The argument comes down to the land bank and the other materials that have to be applied to the land. When I heard of the competition for land between green waste compost, dairy industry slurry and thermally treated sewerage sludge, I realised that perhaps it was

not quite as simple as it was first made out to be. I then inquired a bit further and found that for a few months in the winter, especially if it is a wet winter, it is very difficult and almost impossible to get on any land. Understandably, the farmers do not want their fields destroyed by large machines running over the grass and disturbing the soils, only to allow the soil to be washed away by any heavy rainfall. What started out as a simple disposal route suddenly gets complicated and then, on top of land availability, the many protocols issued by the regulators and retailers have to be carefully considered. A vast area of the Island's land bank is used for our potatoes; a rich treasure that we must protect. To protect this unique crop, the agricultural industry has to conform to not just the U.K. Government guidelines but individual supermarkets' strict protocols. I am very concerned about putting food waste compost to land. I know the Council of Ministers asked officers from Transport and Technical Services to get confirmation directly from the supermarkets about their position regarding food waste compost to land. One of the major supermarkets have provided what I think is some very strong advice, which the Minister read out to the House yesterday, and I would just really briefly like to recap what he said: "Jersey is a pretty unique place. I know of no other location that produces a legally protected named crop of such sought after potential. By introducing kitchen/house waste, you are running the risk of contaminant objects that cannot be composted finding their way on to the land. I am sure you will use the best state of the art kit but, on our concerns, as a retailer for Jersey, if on one field on one occasion something goes wrong and an adverse headline or experience occurs, the States need to ask itself whether the gain outweighs the risks. Are we solving one problem to create another?"

Deputy P.N. Troy:

That quote is total rubbish, Sir, because ...

The Greffier of the States (in the Chair):

Deputy, wait a moment. I do not know if Deputy Hilton is going to give way. We cannot have 2 Members standing up at the same time.

Deputy P.N. Troy:

There are proper ways of dealing with this waste, Sir and that quote does not take into account that Transport and Technical Services can correctly deal with any waste in the proper manner, under European guidelines, Sir, and then spread it on to the land, and that quote is totally incorrect.

Deputy J.A. Hilton:

The quote is not totally incorrect. The quote came from a major supermarket who sells our produce, and so it is not totally incorrect and I would ask the Deputy to sit down, please. Sit down.

The Greffier of the States (in the Chair):

Sit down please, Deputy Troy. The Deputy is not giving way.

Deputy J.A. Hilton:

Well, Sir, I am getting a little bit irritated with my colleague on the left of me who proposes to come out with facts and all the rest of it and I am not sure that he is. Well, Sir, if I have ever heard one piece of advice from a major retailer, that has to be it. I urge Members to think very, very carefully about agreeing to food waste going on to land. As I said earlier, I was not convinced by the 36 per cent argument for recycling but I accepted that if we were to go much beyond this figure, food waste has to be included in some form of recycling, which would get the figure up to about 45 per cent. Having listened and read for myself some of the comments about food waste, I do not think we should take this level of risk with our land. Damage our reputation through a simple mistake and we will lose our marketplace overnight. I am sure Members can recall when an English M.P. (Member of Parliament) made a comment - I cannot remember who it was now - about eggs and decimated the U.K. egg industry. Edwina Currie, correct. I would not like to see the same thing happening to our potato industry. The risk of wiping-out our agricultural industry is

a price that is just too high for me. I started out a few weeks ago with serious reservations of supporting the Minister's proposals because I thought the plant was too big and he could do more in terms of setting up higher recycling targets and taking food waste out. I have listened; I have been to the Scrutiny presentations and the Transport and Technical Services presentations. Two things are going through my mind today: firstly, we cannot delay any longer; and secondly, I want Bellozanne shut down as soon as possible. So, now it is time to make a decision, a very important decision for the Island. We need a new, robust and reliable plant. So, Sir, I will be supporting the Minister for Transport and Technical Services and urge other Members to do the same. We owe it to the people who have put us here and future generations to ensure we make the right decision and build a clean, efficient and well run Energy from Waste plant for the Island. Thank you, Sir.

1.8 Connétable M.K. Jackson of St. Brelade:

The technicalities of the proposed Energy from Waste plant have been well ventilated, Sir and I am not qualified to add more. The proposed site has been debated and agreed upon in democratic fashion in this House. I wish, therefore, to comment on the household - the kerbside - collection aspect of the cycle, which, of course, dictates what we are discussing today from the point of view of the Parishes. I have to be confident that, from the point of view of the Connétable of the Parish, I can provide an efficient kerbside collection service. From the point of view of St. Brelade, I together with many parishioners am dead keen to recycle. There is no question about that. The Parish contractor is always willing to accommodate the needs of parishioners as far as he is able and happily collects glass once a week. The problem, however, occurs further down the chain, it would appear, in that we are missing that essential link between kerbside collections and recycling. We could really benefit from a better organised and funded recycling arrangement which, to date, has been operated on a very limited budget. There is clear public support for this but when you ask T.T.S. what their plans are, they simply say they have no money. I shall be meeting shortly, Sir, with T.T.S. to see how we can progress this aspect of the Parish kerbside collection. In order to be better informed on the decision to spend £105 million, I took myself to Cardiff, at the suggestion of Deputy Duhamel, to inspect the M.R.F., or the material recycling facility, that they have in successful operation over there. It was an impressive bit of kit, serving a population 3 times the size of ours, working at about 50 per cent capacity. It is a co-mingle system in that it was dealing with everything but food and garden waste. There was a £1.7 million return from 34,000 tonne input in 2007. Food waste, however, was being put into landfill and clearly, as has been explained earlier on, this will come to a close as a result of E.U. directives and costs and, therefore, Cardiff was researching the purchase of an incinerator. Now, the effect of comments that have been made by my esteemed Deputy regarding the proposed tonnage or the capacity of the incinerator which is proposed to be built at Cardiff, being 95,000 tonnes for a population of 340,000 - but bearing in mind this is a projected figure based on a 58 per cent recycling level - now, is this achievable? I think, Sir, possibly not and I would not be able to, with confidence, make a decision on that basis. The 36 per cent we are aiming for we have not yet achieved. I would like to see that achieved before basing a decision to have a reduced size incinerator. The other comparison was the kerbside collection costs, which were some 3 times that of ours in St. Brelade. There is a cost to recycling which needs thorough analysis from household to end product. The strained exchanges of information between the Scrutiny Panel and T.T.S., Juniper and so on do not reflect well on the machinations of this House, and Members are left having to make assumptions which may or may not be correct. I also picked up on the proposed emergency road from Havre des Pas to La Collette. I presume, at a glance, that this could be accessed only at low tide. Perhaps the Minister would confirm this? I consider that Hopkins have contributed little to the design of the building. They have changed what was, in my view, a more aesthetic design, as far as it could be, into what appears, to all intents and purposes, to be a large shed and I question whether the exercise has been good value for money. Perhaps the Minister would confirm the extra costs incurred? I am also concerned as to the longevity or the practicality of the ash pits which will be necessary with the new plant and would appreciate the Minister's comment on this. We clearly have continuing

technologies evolving day by day, it would appear, but we do need to make decisions. I would conclude by saying, Sir, that while I respect Deputy Duhamel's academically driven views on the matter and the extensive research he has undertaken, which I have read at length and I have taken on board - I have also listened to the engineers, who have a problem - they have got a problem to resolve. We have got dumped rubbish down at La Collette; the surplus, Sir, is not acceptable. We will end up with a rat infestation next. We cannot allow this to continue. The engineers, the experts - extensive research with experts whom I respect - have examined and analysed a multitude of alternatives of permutations, which we have all received, and I am left with the thought that our options, at present, are extremely limited and I would urge the House to take a positive decision today. Thank you, Sir.

1.9 Deputy D.W. Mezbourian of St. Lawrence:

We are asked to approve the preferred solution for the replacement of the Bellozanne incinerator, that preferred solution being an Energy from Waste facility. Most of the technical arguments have, of course, already been made during this debate and I do not propose to enter into discussion along those lines. We have also, though, been provided with much background information and yesterday we heard the Minister's reasons, urging us to support the proposal. He told us that the current position is dire; the Bellozanne incinerator is crippled and, following previous failures to make a decision on the matter, without a decision by us in favour of the proposition, the Island faces a crisis. The pressure is undoubtedly upon us to heed his words and to approve the bargain that we are being offered at £106 million. Members may feel, as I do and I think others have mentioned, a sense of *déjà vu*, as we face yet another major decision on a huge capital outlay. The recent Waterfront debate immediately springs to mind, of course, where we were under pressure to approve spending hundreds of millions of pounds of taxpayers' money and yet were without all the necessary information relevant and essential for us to make an informed decision. We know that because we received additional information after the debate, so where is the comparison between the 2 debates? Quite simply, it is to be found in the independent report of the scrutiny advisers. They were commissioned by the Environment Scrutiny Panel to provide an independent review of the proposed approach to delivering the Island's waste strategy. They had drawn upon their knowledge of international best practice and also upon the documentation and briefings provided them in order to understand the local situation. We know, of course, that had the Environment Scrutiny Panel decided to not conduct a review of this issue they would have been severely criticised for not doing their job properly. Yet, we know too that their advisers were refused documents that were deemed to be confidential and in one instance were refused a particularly important piece of analysis that they had had listed by T.T.S. as being available to them. Consequently, the Environment Scrutiny Panel's advisers, Juniper, delayed their report for a month in order to give an opportunity to receive that document, which we understand from their report was not forthcoming. We have before us then a report prepared by professional independent consultants, a report intended to support the scrutiny process, which process, as we heard yesterday, is to provide the information and add value to our decision-making process. We have before us then a report that is unable to provide us fully with the analysis of all the documentation upon which Transport and Technical Services have come to their decision because access to that has been refused by either the Minister or his officers. As a member of the Scrutiny function within this Assembly, I am appalled that that system has been so seriously undermined by the Minister for Transport and Technical Services. Every Member of this House should be concerned at this blatant disregard to the due process of the effective scrutiny of Ministerial government. The Chairman of the Environment Scrutiny Panel spoke in the House recently of a recommendation he understood to have been made by the Council of Ministers. That was that the Minister for Transport and Technical Services should, prior to this debate, extend an invitation to Juniper to review any material available at the department which they had not previously examined. They could then, of course, have considered whether or not they remained of the opinion expressed in their report. We, this Assembly and the public of Jersey, will never know whether revisions would have been made

to their report had they received such information. We were assured by the Minister yesterday that the evidence to support his department's view that we should invest £106 million plus in an Energy from Waste plant was corroborated by the independent opinion of Deloitte & Touche. We would be better assured, surely, had that same Minister undertaken the recommendation we understand was made by the Council of Ministers to extend sight of all information to Juniper. I urge all Members to give careful consideration to this matter and when making their decision on this to remember that all of the information they should have upon which to make an informed decision is not available to them. Members must ask themselves why this is: for what reason information has been withheld, has been denied not only to the scrutiny process but ultimately to this House. Members may only conjecture, as did Deputy Le Fondré when speaking earlier. He told us he did not know what information had been denied nor the reason for that denial. He told us that he took the word of the 2 independent advisers employed by Transport and Technical Services. There is, of course, no reason for him to not, therefore, accept the concerns expressed by the independent professionals working for Scrutiny. While bearing this in mind, I urge Members, too, to remember the findings of those independent consultants and I quote: "We feel that a proper comparative evaluation of the options should be carried out - it does not appear to have been done so - even though this will involve a delay which we accept is undesirable. However, focused evaluations of certain attractive alternatives might help the States to procure a more appropriate system and avoid [Approbation] among other things a costly plant that might be a poor fit with rapidly changing societal practices." They were referring, of course, to the increasing and quickly changing attitude that the public are adopting towards waste, towards packaging and towards recycling. I appreciate that Members will not want to delay this decision. We recognise, and it has been acknowledged by many speakers, that the current position is unacceptable. However, I do not believe we are quite in the position that we should be to make that fully informed decision that is so necessary in this Chamber. Sir, this is a decision that cannot today be made with certainty one way or the other unless we have all the facts for consideration. Yet it is a decision that will affect this Island for at least the next 25 years. I believe the Council of Ministers recognised that when they recommended that the Minister for Transport and Technical Services provide all the background information previously not submitted to the independent scrutiny reviewers. Until the Minister complies with that recommendation of his fellow Ministers, it is not only we in Scrutiny but the Executive, too, who will decide on a less than well-informed basis. I urge all Members to bear this in mind and if they, like me, feel the least bit uncertain, to reject this proposition. Thank you, Sir.

Senator T.J. Le Main:

I proposed 40 minutes ago a notice of closure motion, Sir.

The Bailiff:

Very well. Is the proposition of Senator Le Main seconded? If there is no seconder for the proposition then the proposition will fall away.

Deputy J.A. Martin of St. Helier:

I did rise for a very serious point of clarification because I am accusing the Chief Minister of misleading this House again yesterday when I asked for a point of clarification. I asked him that the figures that were given back to me were an inward migration of plus 250, which is 540 people a year from Imagine Jersey. The Chief Minister said: "No, it is in the Island Plan." What Members do not know and talking about facts, it is in the Island Plan that you are going to be presented at lunchtime, and I would like this clarification made clear that the information to the plan is based on a population increase of around 15,000 people in the lifetime of the plan; 540 a year. You will get this information this afternoon. The point of clarification: the Chief Minister denied that it was from Imagine Jersey; it is in the new Island Plan.

Senator F.H. Walker:

I did not deny it but I did also refer the Deputy to the figures in the Island Plan.

Deputy J.A. Martin:

The new plan that we have not seen until this lunchtime, Sir. Will the Minister confirm this?

Senator F.E. Cohen (The Minister for Planning and Environment:

Perhaps it would help if I clarified. The papers that will be seen by Members at lunchtime are a Strategic Options document. It is not an Island Plan; it is a range of options from which we are expecting States Members and members of the public to comment.

1.10 Deputy G.P. Southern of St. Helier:

There were moments yesterday when I was suffering from extreme existential angst. The whole point of life seemed to be negated, and indeed there were moments this morning when I relived those moments once more in one particular speech. I will not mention the Member by name. However, there were highlights and life is worth living. The highlight this morning was Deputy Le Fondré's speech; the highlight last night was Senator Walker's, and both were magnificent in very similar ways. For the second time in 2 sessions I found myself doffing my cap to Deputy Le Fondré; in the last debate on the Waterfront it was because I totally agreed with him. Today it is because I have to lift my hat to the Deputy for the most magnificent one-eyed, biased, partial filleting of a report that I have ever, ever heard. He took this apart, filleted it absolutely to his own point of view. Magnificent job, Sir, magnificent. Completely misleading and biased, of course; nonetheless, well done; good job. A similar job was done last night by the Chief Minister, except unlike the relative newcomer Deputy Le Fondré, Senator Walker, the Chief Minister, manages to do the same job but without any facts at all. He fillets the ideas. Now, last night I had rushed back into the Chamber to listen to Senator Walker because I thought: "Ah, Chief Minister, always good value" and indeed he was, excellent value. But halfway through I thought: "I have heard this speech before. Is it the same speech he gave in 2005 because it seems very, very familiar?" By the time he arrived at the end I realised where I had heard it before: this is the bog standard Chief Minister's speech with the same criteria which he can apply to almost any situation, and lo and behold it was that. No wonder it was so familiar, I have heard it dozens of times and it goes something like: "The material I wish to support is absolutely thorough, well researched and soundly based. The opposition case contains absolutely no evidence; no evidence whatsoever. The experts we have used have an international reputation to protect (how often have we heard that, but let us examine that in a minute) and, therefore, can be absolutely trusted." Then finally, finally, the killer that he often puts in: "Dare we take the risk? There is a risk in this, dare we take it?" This is classic Chief Minister debating tactics. So let us have a look at it. The case for T.T.S.'s proposed solution is absolutely thorough and I believe he used the usual 3: "It has been thoroughly researched, thoroughly checked and thoroughly analysed." Of course, it has not, as we have heard from Deputy Mezbourian, a lot of material has been withheld and the material has not been checked and double-checked. So we have from the Juniper report: "3.6 Furthermore, we do not feel that T.T.S. has explained sufficiently the reasoning and justification for the size of the Energy from Waste plant they propose. This facility represents the bulk of the investment proposed and we were struck by how little comparative financial evaluation appeared to have been carried out versus the other options that might be cheaper; these alternatives are considered elsewhere." Further on: "When we sought to update supporting spreadsheets that substantiated the calculation in terms of materials flow analysis and forecast demand using various scenarios, we were at first informed that these had been prepared and were being made available to us at the end of the meeting. It transpired that the document which the officers referenced was not in the dossier provided." Information central to checking thoroughly the proposed solution not presented. At 3.20: "For example, T.T.S. point to the high cost associated with boosting recycling but do not compare this with the high cost associated with processing waste through the Energy from Waste plant. We do not accept their argument there is no cost saving because the C.V. (calorific value) of the waste is unaffected and it seems to us that it is not the absolute cost that is relevant but the differential cost." So, completely false argument presented, material missing, completely inadequate case presented

for the size - and this is the fundamental question - of the burner that we acquired. Then we have from the Chief Minister: "Of course, no evidence on the other side." No evidence? It is there; an extensive report. Let us just examine one of the pieces of evidence. Let us just have a look at the alternatives. Now, we heard this morning from Deputy Hilton. It seemed to me that she was using a speech that could well have been made ... maybe she did make it in 2005, because she said: "The alternatives have not been checked, have not been tested, and there are not any proven alternatives." Well, of course, there are proven alternatives and the Juniper report suggests some of them: perfectly viable, tested by the criteria that the T.T.S. have used at the right sort of size with loss of plant around doing them. But we have moved on in 3 years. Alternatives are there; just T.T.S. does not want to examine them still. So, for example, in 4.12 a whole passage on fluidised bed combustion: "There are more than 100 fluidised bed facilities operational worldwide. Scale varies and plants of capacities from about 3,000 to over 500,000 tonnes per annum are in operation. The assertion in section 5 of the document that fluidised bed technologies are unsuitable for Jersey because they require preparation of the waste input ignores the fact that such pre-processing, whether it takes place before a fluidised bed or moving grate technology, could offer significant opportunities for the Island to boost recycling and implement integrated infrastructure." So, T.T.S. rules out this alternative on the basis - listen to this - that it requires some pre-sorting and pre-treatment which goes hand in hand with increased targets for recycling, that is the sorting and pre-treatment. This is a completely circular argument: "We do not want to look at this facility even though it could be smaller, it could be modular, it could be more flexible, because it means we have to change our target from 32 per cent recycling to something much more substantial." A completely circular argument. Further on, if I may, indulge me, please, Members, at 4.36 under "Other Alternatives", again which have not been examined but nonetheless are up and running and reliable: "Because of the smaller capacity of each line, it will be possible to implement the E.f.W. facility in a phased manner only commissioning additional capacity if and when it was needed as discussed earlier. We see this as a major advantage as it would mean there is no need to oversize the plant." Back to: "This plant is too flipping big" which has been much of the focus of our comments. Then, finally, in discussing further on one of the alternatives: "Turning to the second option, there is one big advantage associated with this concept that makes it attractive: it offers more security than the approach favoured by the officers while reducing the scale of the infrastructure needed and the increasing flexibility to adapt to evolving needs." So a flexible approach completely ignored because it is not the answer that T.T.S. first thought of. So, no evidence? Ample evidence, solid evidence that alternatives have been ignored that should not have been ignored because they adopt a different approach which has been turned down by T.T.S. Third point: the international reputation of the advisers. Of course they have an international reputation and a good one. Their advice is absolutely correct in terms of the classic how do you get advice that you want to hear? We all know it, every one of us, how to do that: we set the terms of reference. So the terms of reference are without going to increased recycling, increased sorting, increased treatment, give us a recommendation for what we ought to do. Inevitably, as night follows day - and I believe it still does - we end up with a solution that we wanted. T.T.S. wanted this and set up the terms of reference to produce exactly that. International reputation not solid at all: "Not a problem. Within the terms of reference this is the answer we are going to give you." Just referring briefly back to the good Deputy Le Fondré, the analysis that he did on what was happening here in talking about international reputations, what about the international reputation of Juniper? The report is written in such a way that made it very easy for Deputy Le Fondré to rip it to shreds and say: "It proves my case" when it does nothing of the sort. Why? Because it is meticulously even-handed on the one hand and on the other it is no good analysing it and then saying: "Of course, there were reservations, there were caveats, but we will not talk about them." There were major substantial highways of caveats you could drive a bus down not mentioned by Deputy Le Fondré. In terms of international reputations, 2.27, just briefly: "Juniper favours no particular technology. Experience has taught us that the optimal solutions will vary depending upon the specific circumstances locally. In many instances we have recommended adopting

conventional incineration because this is a proven and reliable solution to managing household waste, but in others alternative technologies have been, in our opinion, more appropriate and indeed they are in this case” say Juniper. Finally, let us look at the risk, and let us look at the risk in a slightly different manner to the Chief Minister. The risk of commissioning a vastly oversized, vastly over-expensive facility which is completely inappropriate in the context of a changing attitude to waste and repackaging and recycling, in 307 then: “In terms of waste growth the actual amount of residual waste sent for incineration over the past 3 years has risen just less than 1 per cent per annum,” the moment we received 1 per cent growth. Why? Because we started initiatives to recycle: “So waste is not growing at a historical rate that it was with recycling increasing over the same period by an average of about 3 per cent to end up at 30 per cent. This can be contrasted with earlier assumptions that in the short term historical growth trends will continue. This historic trend is reported to be a growth rate of 3.65 per cent.” So stick 3.65 per cent. No, they came back from that. Stick 2.5 per cent growth rate into the equation and what do you get? You get a big burner. A big, oversized burner. Combine that with relatively low targets for recycling, and you get the answer that you want, completely inappropriate. The fact is for the past 2 years we have managed only 1 per cent growth, completely ignored, but pointed out by Juniper. So, therefore, under 3.111: “Based on the limited information made available, a strong case can be made that the proposed plant is grossly - grossly - oversized. Finally, into the costs, because this is the risk that we are throwing money away on something that is unnecessary: “Maintaining 100 per cent redundant capacity for some time into a project is very unusual for E.f.W. projects worldwide. The argument that procuring a smaller plant is likely to reduce the turnkey price of the plant by about 14 per cent which amounts to a potential saving of £8.8 million derives from the fact that moving grate incineration has been preferred for which there are few economies associated with reducing capacity.” So, the argument put forward by T.T.S. is even if we were to scale it down, we only get relatively minor savings of the order of £9 million, so it is really not worth doing it. But that calculation is based with the technology that has been chosen and there are not major savings if you go for this technology. There are, however, it says here clearly: “This would not be the case with other technologies as discussed in section 4.” So do not look at the alternatives because they could be introduced on a much smaller scale with much greater potential savings to be made, but we have set it up so that we do not examine that case. No wonder it appears - if you only read this documentation - to be so cut and dried, but do not be fooled because that is not the case. Finally, there is an argument that says, and many speakers have already used it, that the chimney is falling down, we are in the muck, so we have to act now. We have to do something now. What do we have to do? Let us carefully examine what is proposed. Here we have the planning brief *Energy from Waste Plant Planning Application Supporting Statement, States of Jersey, Babbie Fichtner*, our world-renowned advisers, and they describe the way forward. Therefore, in line with a commitment given to the States debate on the Solid Waste Strategy on 13th July 2005: “Plant suppliers will be asked during the tendering process to provide 2 proposals: one for an 18 tonnes per hour plant, i.e. of the order of 105,000 tonnes, and one for a plant with a reduced capacity. This will allow a cost benefit analysis to be carried out to demonstrate whether it is better to build a plant with over-capacity in the early years or to opt for a smaller, cheaper plant at the risk of significantly increased costs if additional capacity is added later.” That is what will be proposed going forward to planning. So, alternatives are in the system. What is not in the system - and the answer is almost already pre-set - is a solution which says you could go smaller because we have set up this technology at this size. We could build smaller; give us an estimate for that. But, no, we do not get very big favours from it and we know that then having to go bigger would be expensive. What is missing is with higher recycling rates and pre-sourcing and with the tried and tested alternatives, now that cost benefit analysis of starting smaller and being modular would produce significant differences and that is the only thing we need to do to put into the equation. We are going to go forward with a small version and a big version. If we go ahead with this technology the outcome is almost known now: it will be big. If we vote against this today and do not pass this, if we go forward, and that is possible, with the big version and the small version - because that is what is

planned - with potential for increased recycling treatment, with the potential for the alternative tried and tested technologies which do respond best at smaller scale, then that system, too, can be made to work. In that planning process there need be absolutely no delay at all, if any. Probably very little delay, no delay at all. We could go forward, examine this small scale/big scale under these conditions perfectly feasibly. So, even voting this down does not put the kibosh on; we are not in a muck. We are in exactly the same position and we go ahead with a far better prospective scenario and a far better cost benefit realistic analysis going to planning than we would otherwise have had. That is the case, and that is the case that we have been avoiding and missing in the last day and a half. Please, please consider voting this down because it does not mean the end of the process. It means that we get a better process going forward. For each and every one of us who said: "Of course we are for recycling, and of course we are for a greener environment, of course the public is for recycling," do not let the "however" get into that sentence. It is absolutely clear that we can go ahead with those principles and that, in fact, this House should be going ahead with those principles. We have a heavyweight, serious political decision to make and it is between a pro-recycling, greener future in the next 25 years, perfectly viable without heavyweight risk, and saying: "Of course, in principle we are in favour of it but for the sake of expedience we will just simply throw our principles overboard and go ahead with more of the same from the 1970s and we will go with a future that burns instead of recycles." We have that choice; please use that choice wisely. Please vote against this T.T.S. proposition.

1.11 The Connétable of St. Mary:

I will not be too long, I will be about as normal as I normally am when I make speeches. **[Laughter]** Three proverbs as such spring to mind on this debate: necessity is the mother of invention; where there is a will there is a way; where there is muck there is brass. I think these 3 really bring it to mind of what I have heard over the last day and a half as being suggested. We have been hearing lots of means and ways and reasons why we cannot do anything, and it is quite typical of this House because it gets delayed, and we cannot do this and we cannot do that. Instead, as I have said in the past, let us be more proactive and decide that we can do something and find ways and means of doing it. We had 2 very long speeches yesterday and, naturally, as you would expect from Deputy Le Claire and Deputy Duhamel, giving all the reasons and all the figures, but I think we have to bear in mind and look ahead in all this respect. Necessity is the mother of invention. Certainly at this precise time we need some inventive thinking because we know that that incinerator is on its last legs; it has been on its last legs for over 30 years now and we, as the States, have done nothing about it. We have allowed it to get into the situation that it is. Time and time again when I have been in this House it seems that we get crisis situations. It is brought to us at the last minute: "We have to make an urgent decision; everything is falling down around us." Why has this not all been thought about and prepared for in the past, in the near past, as well? We had the Chief Minister yesterday getting up and making his speech: "Oh, this is the same situation as I heard 8 years ago." True, 8 years ago, but then how much recycling and looking into the future has been gone on in that period? Very little since the last year or 2, more since 2005 when we had the last debate, or was it 2006? Or was it 2001? I am not quite sure. But it was the same debate that was going on all the time. At that same time, every time Deputy Duhamel has raised that issue. We need to look into the future, more recycling so as to help the whole situation. But nothing has been done again, or very little has been done again in that respect. Not so many years ago, and I think all of you can remember, there was a quote made in this Chamber which said: "We have money coming out of our ears." What a prophecy that was. Now, the new one which I will now make is: "We have money to burn." That is what it amounts to: money to burn. We are just burning money away. Where there is muck there is brass. That is true, and there is money in all the muck that we are creating. Every part of it there is money. Some is worth more; some is worth a lot less. But there is worth a lot of money in that if we want to really be conscientious about our future, not just to throw it in the incinerator and let it burn away to its heart's content. The recycling, now, there are different ways and means of doing all this. We have heard this morning

of a couple of Constables who are wanting to go into the recycling situations from their Parishes. We heard from the Deputy of St. John on his, I think it is coming up for nearly 2 years now, when they progressed and started on that. They seem to have been caught on a bit of a plateau at the moment in that. But to look forward, we are one of the Parishes who will be looking forward and have it in the process of hopefully doing the recycling situation. It has been mentioned many times that recycling is not cheap. Correct, it is not cheap. We quite agree with you in that sense because we even had the Minister for Transport and Technical Services saying: "More recycling, it is a lot more expensive; incineration is cheaper." Incineration is cheaper. That is what he has been saying: "Let us just throw it away. Recycling is expensive to do." People want to do it. They understand that there will be more money needed. People want more recycling and they understand it is going to cost more. They understand that it is going to cost more to do the recycling. We had Deputy Huet yesterday saying: "We do not want to go down the Cardiff route, look at the extra expense and the people who they have to employ as well to do all that. We have a better system. We are going to desegregate it at the households." Fantastic. Who is going to pay for all that? It is not the Transport and Technical Services or the money from the States, it is the householders that are going to pay for that. If we want to do extra recycling in the Parishes, we have to employ the refuse collector to do extra hours. He is not going to do that for nothing; he is going to charge and will come back to the Parishes to charge, and the Parishes and its parishioners will have to pay. Just bear this in mind: the parishioners are going to have to pay to do the extra recycling. If we are going for this huge plant where we could have a smaller one no problem at all, that is going to have to be paid for by taxes, taxes coming out. "Where are the taxes going to come from? Let us have a good idea. Let us have an environmental tax on this and an environmental tax on that." So we end up that the parishioners - the Islanders - are going to be paying virtually 3 different ways of paying their extra taxes but Transport and Technical Services will say: "That is a good idea, we will encourage the Parishes to do it all." I had negotiations with a sponsor and with Transport and Technical Services with the Parish and we formulated a way through, and I had a discussion with my refuse collector and we decided the way forward. Very recently we had another meeting and it was decided: "No, so as to raise the amount of tonnage and recycling I think you should incorporate cardboard collection rather than plastic bottles and plastics." What a good idea, that will increase the tonnage, will it not? So what are we going to do with all the bottles and the plastic? "It will just go in the ordinary rubbish tip and it will go down to the incinerator and be burnt." Two things here: it is one of the worst things we can burn has been explained in that sense. On the other hand that plastic can be done in 2 ways: it can be packed up and it is one of the most important products that you will get some money back in that respect, or, as we should be doing, in thinking more within this little Island of ours, self-sufficient, costly to get off the Island as we are always being told. I have mentioned to the recycling people and mentioned to Transport: "Why do we not do more recycling?" "Oh, it is very expensive, we cannot get it off the Island." I have a problem with that because the majority of you, I am sure, have been on this little rock for ages and we like this little rock and we know that is always a problem, why has it suddenly become more of a problem now when we want to move things off the Island? It has always been a problem. It has always been a problem and so I do not see why it is any more problem than anything else. But also, as I say, with recycling, you can get money back on that. But, no, let us just burn it and throw it into the incinerator again. That is the easiest way. That is one way of increasing, is it not, the percentage of tonnage; let us just collect cardboard. We were informed yesterday to raise the level from 32 per cent to 36 per cent. That is a vast increase. We have to have a kerbside collection, 36 per cent in the future when others are aiming for 50 per cent. Then we are informed, and that is a bit debateable, about food waste, the amount of that. I am not going to go into the situations; you have heard all the arguments to do with it or not to do with it, but if you add on 36 per cent with 9 per cent or, shall we say, 14 per cent, perhaps - there is always contradiction on the amount - it takes us to 50 per cent, or just over 50 per cent. So that then leaves us another 50 per cent or less than 50 per cent, whichever way you look at it, of recycling. Where is that? Where is all that other recycling going to come from? Where is that other percentage to increase? It comes from all the

other items that you do not want to recycle. You have your very heavy, very heavy tyres. That is an enormous amount but that just gets thrown in. So you have to look for the other 50 per cent or under 50 per cent of the recycling. This is where I come back and, in fact, one of the officers the other day said he was fed up with hearing about Cardiff, Cardiff, Cardiff all the time: "What can we do? They can get rid of it easier" and such like. With all due respect to that young man, and I will call him a young man, he has not been on this rock very long so he has never appreciated that we know what to do, we are on a rock, we have been here for many years now. This is why so many people say: "What are we going to do with that?" Well, in Cardiff, and I will come back to that and bore everybody again about it - not only Cardiff because that is unfair on them because there are lots of other places that are doing it now, in any case - they then sort out the refuse before they recycle and that is the difference between it, because, yes, kerbside is selective recycling, very selective recycling. In fact, to the extent as I said to you, they would prefer us to select cardboard instead of plastic where we know there is a vast amount within the plastic one. So it is selective recycling that happens beforehand. It is a responsibility taken on where Transport and Technical Services have not taken on the responsibility as they should have done 8 years ago at least and organised the whole of the refuse collection within the Island. Yes, we, as Constables, are responsible. Yes, it is a good idea everybody pays for their own refuse collected at different prices as well. I am not saying that I would foresee whatsoever that it should have been taken over completely by the States. I think it is the best solution that we have as the individual Parishes because people and the parishioners then pay for the refuse collection as such. But I think it should have been a lot more organised and driven by Transport and Technical Services. I am not quite sure whether there has been recently, I do not think there has, but certainly I inquired not so very long ago that Transport and Technical Services have never, ever spoken together with the Constables and the refuse collectors, and especially the refuse collectors. They are the ones that are on the coalface, for the want of a better expression. They are the ones that are there and they should be. Transport and Technical Services should have been going there, organising it, co-operating it and getting it together. But no, I do believe they have been dragging their feet to the extent and every time - and I will mention it again - you suggest: "Why do you not do more recycling? Why can you not do this?" "It costs so much to get it off the Island." It costs so much to get it off the Island and yet we heard yesterday that there are the shipping companies who are returning back to the mainland with huge capacity that could be negotiated. We are told by Transport and Technical Services: "We have tried, we have tried, we have tried." I do not believe they have really tried hard enough. We have the Constable of St. Helier who was looking for alternative ways and means to nipping across the water, not too far away, to mainland France. Now that is another outlet out there. Whenever we mention about shipping products off the Island, immediately people think of hazardous waste and such like. That is not the one we are talking about; that should be done more internally. That should be done more on-Island. Let us do things on-Island. We always say how innovative we are, how forward-looking we are, how resourceful we are, and yet this is one of the main objectives and one of the main things for the future that we have not done and we are not in that league at all at the moment, far from it. We should be much, much closer. This morning it was quite interesting to hear Deputy Le Fondre getting on about the consultants and such like and about Fichtner and about Juniper and they are saying this and that. Well, of course, they are going to, they would all say that, would they not? We know that. So we are coming to the decision where it is individual decisions and thoughts that have to be borne in mind looking to the future. Unfortunately, I think to a certain extent, in a way because we do not have party politics and we are all individuals, 53 different Members, we only see to the end of our third year nose. We want to be - or some of us want to be - elected coming up shortly. Some of us - others - have thrown in the towel, as it were. I hope that gets recycled, by the way. Coming back to Deputy Le Fondre, he gave us a scenario about selecting his new computer. He had thoughts on what it can do and what it could not do and such like. He did not tell us what he did with his old one. I am sure that went into the rubbish tin, went down to Bellozanne, was incinerated, and I blame him for the cause of the chimney stack now. **[Laughter]** This is the

problem in this situation that we instantly think of all the new things we can buy without thinking of what we can do with the things that we have finished with, that we have discarded. It is the discarding of all these items and problems that need to be more thought about, more progressive, more innovative, which there has not been enough going on in that situation. This is the problem that we find here is that we are not innovative enough and we are not deciding what to do with it. That is why if we had that upfront collection thing as well, that is where it is. I have not been to Bellozanne in the last few months or so but you had the old tyres down there, you had all your wood, you had your mattresses, you had all those things. Those are the things that are going into the incinerator which causes this extra 50 per cent recycling and this is what we should be doing: spending more time concentrating on that side of things. The chimney stack: it is in a terrible state, there is no question about it. But I do ask the question and I do ask the Minister for confirmation because we have heard about the new E.f.W. plant, it is going to cost £x million. We have not decided how many £x million yet because there are people in the House here who want to spend £105 million and there are some of us who want to spend a lot less. So we are undecided on that. But it is going to cost £x million whatever way we look at it. We have not heard of all the other costs that are going to be, we have just heard: "Oh yes, we are going to save a lot of money, we can use the existing J.E.C. chimney stack." How old is that? I do not know. Some of you might know. How old is that J.E.C. stack? As old as you are? I did not think it was 55 years old, but there you go. **[Laughter]** Bit late, bit slow, but nevertheless. Built in 1952? Over 50 years old? No, you cannot be? But nevertheless, let us go back to reality. Whatever the age it is, it has been around a little while now and we are going to want to use it for another minimum of 25 years. It has to be converted as well with all this specialised flue cleaning and such like that has to be for the next one we were saying, this new incinerator with all the flue; therefore, it will not allow all the emissions to go out into the air, all the different toxins that are not good or bad. So, therefore, that has to be incorporated in it somewhere. We have not heard the cost of what that is likely to be on top of the incinerator, because the cost that we are wanting to aim for is just for that E.f.W. plant, not I am sure added on the top of that. How long is that likely to last? Will that last another 25, 30 years or would we find that in a short period it is then going to have to be replaced in 10 or 15 years' time, or will we be back to square one? No, I do believe that there has not been enough looked at, simply. We have not had enough alternatives and costings and that brought to us. We have heard about batteries and every other thing that is going into it. I do not believe at the moment there is that amount that goes into it because there are battery collection places. But you can rest assured - because at this moment in time we have only St. John who are doing the kerbside collection - that you have all the other 11 Parishes where the majority of that is going into the incinerator and, therefore, most probably a lot of those batteries and other things that should not be going into it at the moment. People do want to do recycling; there is no question about it. They do understand that recycling is more expensive. They do understand that, the people do. They have a responsibility that they feel it is their duty, their right to try and help the environment. They want to do it. They know it is going to be a lot more expensive. It is going to be a lot, lot more expensive in the near future because, as I say, and I reiterate that, it is through the Parishes they are going to make the extra collections. Selected recycling only, selected recycling. To the extent, as I say, I am being persuaded to collect cardboard instead of plastic bottles, that is what I mean by "selected recycling", whereas everybody else - and it has been said - is aiming for a far, far higher amount of recycling than we are. Once again, we have come down to a crisis situation instead of looking ahead and forward planning. We are also told that E.f.W. - Energy from Waste - look at all the amount of electricity or such like we can put back into the system, 6 or 7 per cent I think is mentioned. That is in full blast. That is in full blast where we are feeding, feeding, feeding that hungry animal. That is in full blast. Do not believe it, there is more to be made, a lot more to be made out of doing with your recycled things, more can be saved in that respect. If we want to do it as an Island, we can do more and be more forward thinking and planning than we are at the moment. That 6 or 7 per cent, do not be led by it. We have heard: "Oh, we can cut down. It is 105,000, we can cut it down to 50,000 tonnes, half the amount, then we can switch it on again and

we can switch it off again.” That is not going to give you your 6 or 7 per cent overall, far from it. You can gain a lot more, a lot, lot more, by using the product, recycling the product. It is reusing. Recycling, in a sense, it is a whole term. We are going to use this recycling scenario as recycling. Burning seems to be a part of the recycling situation, where it is not. Recycling is doing something: getting some brass back from the muck. From the muck. We are a throw-away society, are we not? We have more money than we know what to do with. We really have. We have more money and yet every time we say we are a very progressive society, we have great innovation and such like, you ask Transport and Technical Services for some help, any help: “We have no money. Have no money. We do not have anything.” They cannot do it; they do not have any money. So, therefore, our suggestion is try and find some money beforehand. Do not just throw it away into the incinerator, try and recuperate some of that money and that is the way forward that we should be going. It does not enforce that amount of money, suggest that you ship it off-Island, the recyclable stuff, far from it. It does not enforce that. I am sure, I am sure if you really want to and this is why - you have heard all the figures for the last day and a half; we are getting fed up with figures - now is the time to think real conscience, the conscience of everybody here. That is the time to come about. The conscience for the future. Do you really want to do it? All we have heard is: “We cannot, we cannot, we cannot. We cannot do this. We cannot do that.” Find ways and means of solutions that we can do it. Do not listen to everybody else. We can do it if we really want to and make sure that we do. We can, we can, we can. Let us have no more of this negativity. We can do it. We can do everything if we really want to and stop looking for the negatives. Thank you, Sir.

1.12 Connétable D.J. Murphy of Grouville:

The previous speaker made use of several sayings which are very *apropos* to the debate. I have got one as well and that is: “Never put off until tomorrow what you can do today.” Now, I have no problem at all with voting for this proposition. I have taken on board the information I have been given or the information that has been pushed at us from both sides of this argument and I say that at the end of the day we have got to react; that we will perhaps not have an incinerator in a year or 2 when the whole thing just crumbles to dust. So I do not think there is any question now that we have got to go ahead with an incinerator. The only option we have on hand is this incinerator so I think the sooner we get on with it the better and I think that is a lot of the information I am getting back from people in the street. They are saying: “Why are we waiting?” As the Constable of Trinity so rightly said, the phone that rings when the rubbish is not collected is not at T.T.S.; it is at the Parish Hall and we get it all the time. If you are slightly late with the collection or you do not collect the bottles or something goes wrong, it is the Parish Halls who get it and we do not have any control over the fact that we are in this position. Now, I would like to just go on briefly to the recycling point of this and we have to remember that, on garbage and waste, we have 2 distinct operations here. We have collection operations and disposal operations. The Parishes are responsible for collection. T.T.S. is responsible for the disposal. Now, we are all now, I think, moving ... all Parishes are moving towards the kerbside collection option. I have certainly organised a briefing and we will eventually go to a Parish Assembly on voting for kerbside collection in Grouville, having spent between 6 months and a year with our drop-off collection point which proved incredibly popular. For a Parish of 1,800 households we had something like 4,000 households using the point, which, of course, did not please the parishioners of Grouville too much because they were picking up the bill for it. I have to say that I am not happy with the centralised situation of disposal. We should be getting a complete merging of what we do with what T.T.S. are doing and that is we must be told exactly what is worth recycling and what is not worth recycling. There is no point in going into this to make a loss of money. There really is not, because we are going to be throwing money, literally, into the burner. We want to co-ordinate so that all the Parishes are thinking in the same way and are thinking in the same way as T.T.S. and that is we get together, decide what is important to recycle and deciding how we do it. For instance, I spoke to one of the officers yesterday about this and I said: “People just will not put up 5

or 6 bins in their kitchen which have to be then moved out and transported around.” He said: “Well, there is a situation where we can merge newspapers with tin cans all in the same bin because they are easy to sift afterwards.” There are other things like this that we must be told about. So, all in all, Sir, I would just like to say that I would like to see a new initiative on recycling coming from T.T.S. The Parishes will co-operate, I have no doubt about that at all. We are all very keen to get moving. Bearing in mind, of course, as well, that it is going to cost the parishioners more money and we have to get their permission obviously to go that route, and I think most of us are going to go and talk to them anyway. But as far as the plant itself is concerned, everywhere it seems to be ... Cardiff was the big thing that was held up to us as being the place to go and I could not go, unfortunately. I would love to have gone to it but I understand, at the end of the day, it was basically just a sorting plant and they were sorting out the recyclables from everything else. The rest was going for land infill and they are now going to go on to an incinerator. So I think, at the end of the day, we have got to have an incinerator. We desperately need it and I think we should go ahead with it as soon as possible, Sir. Thank you.

1.13 Deputy J. Gallichan of St. Mary:

I thought Wimbledon was last week but I am sitting here at the net and I am seeing baseline volleys from the Minister for Transport for Technical Services being returned and then resoundingly responded to by the Environment Scrutiny Panel. It is quite clear to me that from either of those quarters I am not going to get the match point that I need that gives me the clear decisive solution I am looking for. Anyway, I have been doing my own reading of all the background papers as well, as I am sure most Members have. For one point, I could at this juncture just respond to something that Deputy Troy mentioned in his speech about access to information by the public; about knowing all the facts, for example, about the disposal of incinerator ash. In the course of my research I have been ferreting around in the vaults of the Scrutiny Department and I have the transcript from the hearing that was held on 17th September last year at which the Minister and his Chief Officer responded to many points raised by the panel and the public generally, who were also invited to the meeting. This point has been aired before and I think this needs to be said. In response to various questions about the ash, Deputy Le Claire said that the panel had recently been to a local quarry and that they were using bricks made with incinerator ash from the U.K.: “They were importing bricks into Jersey and they cannot use our ash [this is a quote] because it is contaminated because we do not separate.” The Chief Officer said: “No, sorry, that is completely wrong. I am sorry, it is completely wrong and I would like to put the record straight because this is being recorded and the public are here tonight. There are 2 forms of ash that come out of the incinerator. One contains the contaminants which we know we cannot do much with but is very low quantity. It is contaminated. The other ash is cleaner and in the new plant we would build we would be able to fully recycle that into building materials, which is what we plan to do. The reason we do not do it now is because of the ageing condition of the plant and the reliability is such that we cannot guarantee the quality of the ash on a regular consistent basis.” The Minister went on to say: “In other words, the reason we are not pursuing the process locally is because the quality of the ash produced by Bellozanne is not of reliable order.” Sir, as I said, it is difficult to get to the heart of the huge amounts of information that are being sent from both sides of this argument but it seems to me that there is a fundamental issue that we cannot ignore and that is the reluctance of this House - of ourselves - to commit to so many things for fear of making a mistake. This fear has fettered this Assembly in many issues and I wonder how many times, first as a citizen and then later as a Member of this Assembly, I have really reacted strongly against the sheer volume of consultations and research which has gone into projects only to have them shelved just in case a better option comes along. The Constable of St. Mary said we must act with conscience, conscience for the future, and I think that is absolutely right; but conscience is also for the present. We cannot be reckless, not with the public’s money. We cannot take a gamble. But I ask you, after 8 years of delay how reckless is it to act now when we have had reams of information from the Minister for Transport and Technical Services; lots of reports, lots of additional information from scrutiny? How reckless is it to act now, and decisively

act, and how reckless is it to put off another hard decision yet again? All the evidence that has been presented by the Minister, as well as my own research, has led me to believe that at the most basic level, and also there is a gut instinct on this, I do not believe that food composting is right for Jersey but enough information has been given about that. We must recycle. Of course we must recycle. Only a fool is going to argue about that. The more the better, in fact; provided, of course, we do not cross that line where recycling becomes more damaging, either through harsh processing operations which is sometimes required or by the transport carbon costs. I would like to emphasise the 2 other pillars of sustainability which are “reduce” and “reuse” and these have hardly received a mention. However, I think it is irresponsible to assume that we will manage to reduce our waste to such a level that a disposal system was not required and, on the evidence, I favour the present solution of incineration. Today, like many other Members I am sure, I received an anonymous text message on my mobile saying: “Recycle more, incinerate less.” Well, that is absolutely stating the obvious. That is what we must be doing. But the question here is the balance. What is the capacity we should be looking at? Transport and Technical Services are looking at 105,000 tonnes and we know that the smaller option of 80,000 tonnes would save only about £11 million in capital cost. Well, I could do an awful lot with £11 million certainly but I would be taking a big risk with the Island’s infrastructure. If the economy does not grow as predicted, if there is no population growth and if we hit and exceed our recycling targets ... and please bear in mind that the targets we are talking about now, the figures that we are talking about, already have our increased recycling targets built into them. If we do all of those things consistently then we might just cope. We might just cope with that smaller plant. But if we do not, the result would be awful. We produce waste. We must be responsible for dealing with it. We should not be looking to export our problem elsewhere. That is one of the most basic issues and I think we cannot shirk our responsibility. If we needed to increase capacity, we know that at today’s prices we would have to pay an extra £30 million approximately on top of the £11 million that we had previously saved. A couple of years down the line it is likely to be a lot more. Now, that is quite a gamble. If you are going to take that gamble ask yourself, how lucky do you feel? Now, let us just be clear about one extra thing here. A vote for this proposition is most definitely not a vote against recycling. Recycling has to be done. It is a given. We have a responsibility to drive that forward and I am gratified to know that the Parishes are becoming more and more involved in the kerbside collection route. But even if we could magically jump to 50 per cent recycling today, this minute, based on the figures we are running at the moment we would still be able to operate the new plant. But is it responsible not to have a fallback position if, for one reason or another, the recycling initiative stalls? Because there does come a point above which it is very hard to push any more and I think you have to look at that in neutral terms, or perhaps we will reach the final limit of recycling. What happens if something goes wrong? For example, and I do not wish to paint the picture of gloom because there are lots of ways we can look at things, but I can remember when moves were made to recycle shredded timber at the Crabbé site and all was going very well with that and then someone thought: “What about testing for arsenic contamination?” Recycling has to be responsible. It has to be done in a responsible way as part of a strategy. However, I would say that the most compelling reason that I believe we need to act now and why, echoing the words of the Constable of St. Mary but I think from a different viewpoint certainly, we must have conscience in this issue. That crystallised for me when Deputy Le Claire was speaking yesterday about the impact of the current plant on nearby residents and, in particular, the local school children. There are at least 3 schools sitting almost directly under that chimney. Ask yourself, how responsible is that? It gets worse, of course, because we know that there is zero-filtration on that chimney; that it does not burn clean and that, because of its location, its effects are felt in every part of the Island. But this is not just an issue for the residents of the Bellozanne area, just as the new plant, as proposed, is not just an issue for those at La Collette or Havre des Pas. This is a whole-Island issue but if I am certain of one thing, based on the dispersal of information we all studied at the time of the last debate and the filtration technology which we know is available in the new plant, that thing is that the Island as a whole will be better off the very second that Bellozanne shuts down for the last time. We must not allow this

to go on for a moment longer than necessary. Deputy Le Claire said that waiting for another plant to be built would mean that Bellozanne would continue for 3 more years. Now, I certainly do not share his opinion that the Island could shut it down immediately, I just do not think that is viable, but I am certain, without any question, that the sooner we act, the sooner the clock for Bellozanne starts ticking. Please be decisive, act now. Thank you.

LUNCHEON ADJOURNMENT PROPOSED

Senator S. Syvret:

I propose the adjournment, Sir.

The Bailiff:

If Members agree, the Assembly will adjourn until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS - RESUMPTION

1.14 Senator S. Syvret:

This is one of those rare occasions, probably less than 10 occasions I can recollect in nearly 18 years, when I have approached this debate genuinely torn and undecided as to which way I should vote. Listening to the arguments and trying to do so with a degree of detachment, it is clear that there are a number of the claims on both sides which equally are right. Much of the case put forward by the Scrutiny side and others is right, but also there is no escaping the fact that some of the arguments put forward by T.T.S. and by the Council of Ministers concerning the appalling state of Bellozanne is also right. What do we do then? What to do? Well, as the proverb has it about asking directions to Dublin, you get told: "I would not start from here." The fact is we are in an utter mess as a public administration over this issue and I am not blaming any particular individual for it, but the decision about our waste production and how we dispose of it should have been taken many years ago. Those decisions were not taken, so now we remain in the kind of mess we are now. The main driver of my decision to, in the past, support the new incinerator construction and place it down at La Collette is the inescapable fact that the existing Bellozanne incinerator is toxic. The ash it produces is toxic and, in the particular context of Bellozanne, the emissions from the stack are clearly toxic. These emissions would have been stopped anywhere in the European Union in 1996, that is how quite unacceptable and toxic they are, and those fumes are spewing out around an area that is now surrounded by housing estates of one kind or another and has schools quite close at hand; in fact, schools downwind of the prevailing wind. I really wonder if parents of children at those schools knew of the degree of toxins in the emissions they would be quite so happy to let their children go there. Then, of course, we have the reliability issue of the Bellozanne plant which is clearly disastrous. The plant is obsolete. It is worn out. It is a mess and we have to do something else. But what is that solution? Is the solution to build a higher capacity new incinerator somewhere else the right one? Well, I do not know the answer to that question right now. I can say, most certainly, that if a new waste disposal plant is to be created, an incinerator or whatever it may be, that it must not be in the Bellozanne region, that region the States in its wisdom has now turned into a kind of a dormitory suburb. Many, many hundreds, perhaps even thousands of people, live around that area. There are 3 schools close at hand. It is not appropriate, by any stretch of the imagination, to carry on having a filthy, toxic, polluting, major industrial operation in the heart of a residential area as that is. I am not aware that other Members have mentioned this but one of the prime problems of the pollution and the health protection issues concerning Bellozanne is not ... well, it is the incinerator emissions but in addition to that it is the sheer amount of pollution that is emitted by the hundreds and hundreds of heavy vehicle movements to that site, straight

through the heart of a residential area; day after day after day, straight past a primary school. The diesel emissions, the fumes and filth that come out of those vehicles are a proven human health hazard and it is not environmentally acceptable from a human health perspective. So whatever we do cannot go in Bellozanne. I think that much is beyond any credible argument. It has to go somewhere else. So, should it be an incinerator or should it be something else that we build or should it be a smaller incinerator than the one we have planned? This is where I start to get into difficulties. As Deputy Troy remarked, we still have the disposal of the incinerator ash as a problem. Now, it has been remarked by some people that the bottom ash can be “recycled” and used as road coverings and aggregate and so on because it is the fly ash that is by far and away the most toxic component of the ash. It is certainly true that the fly ash is very, very toxic compared to the bottom ash but that fact does not make the bottom ash safe and non-toxic. It still contains heavy metals - contaminants of that nature - and I think the idea of putting it on roads or putting it in bricks to build people’s houses is completely unacceptable. It may well be a convenient and cheap option, preferred by other European administrations in some cases, but there is no escaping the fact that the bottom ash too is toxic waste. So we have got all these thousands of tonnes of incinerator ash which, as is well documented, we have made a complete mess of handling largely hitherto, and we are still going to have all of this ash. Now, I do not believe, as I have already explained, that we can recycle the bottom ash because it too is a hazardous waste; far less so than the fly ash but still a hazardous waste. So we are left with all that quantity of ash to dispose of, which will mean simply a variety of for ever expanding lined waste pits across La Collette II reclamation site where the current ash goes and, in fact, once that is full, across the next reclamation site and the next reclamation site, *et cetera, et cetera*, if we carry on down this path. It would have to be a reclamation site because, given the size of Jersey and its ground water issues, there is absolutely nowhere- no inland site - that could be regarded as even faintly acceptable for the disposal of the ash; even frankly things like builders’ rubble, which is why the plans to turn the granite products quarry at St. Peter into some kind of infill site are manifestly absurd and unacceptable. So there will still be all of that waste to dispose of. So what do we do? Do we build a new incinerator at a cost of over £105 million, confident in the knowledge that that will solve our problems? Well, assuming business as usual, the current volumes of waste and the growing volumes of waste that may come out of Jersey society in the coming years, then yes, you could see that the investment of that £105 million might make sense. But there are a number of assumptions on that, a number of predications that assume the quantities of waste we produce as a society will remain at least around about static but, in all probability, increase and not least for reasons of population growth. But I have to ask myself how likely the ever-expanding production of this waste that we need to dispose of is. I look around the Chamber and I really wonder whether a lot of Members have thought about the issues not just Jersey but modern industrial society around the world is facing right now and this is one of the reasons why I have doubts about voting for this. We are clearly - by “we” I mean the human race - now at the stage of what is called peak oil production and, in fact, we are beyond that peak. The most credible and independent consensus has it that all liquid production peaked in July 2006 at 85.47 million barrels per day and, while certain subdivisions of different types of liquid fossil fuels and gaseous fossil fuels have increased since then, the overall liquids peak was at that period. We can see the evidence for that in the current volatility and steady ramping-up of world oil prices and perhaps the realisation on the part of the markets and investors in businesses that it is not just a case of a techno-fix or a bit of market forces causing these prices, maybe this is the end of oil. We can see that in the fact that the stock markets around the world are tanking at the moment, cratering in many cases. The fact is oil is so crucially essential to modern industrial society, especially high consumerist societies such as ours, that it is difficult to overstate just how important it is. Most of our food is grown, moved around, packaged, marketed using oil products. The vast majority of the material we would put through the incinerator for burning are produced using oil. Now, given that there are credible, even right-wing, market fundamentalists, economists and investors who are hedging on oil hitting 250 US dollars, maybe even 300 US dollars a barrel in the next, perhaps, 2 years, how credible is it to imagine

business as usual as far as the amount of waste we have to dispose of is concerned? I do not believe it is credible. We have based this particular plan - and to be honest probably alternative plans as well - on the assumption that the kind of volumes of waste that we are dealing with will either remain broadly static or will continue to go up at the rates that we have seen in the last perhaps 20 years. People find it difficult, I think, to understand that that may just not happen; that it may come to an end quite rapidly. Personally, I think all the indicators are there that the world is on the brink of a depression of 1930s standard. In fact, that might be optimistic; it could be worse, such is the degree of our dependence on oil. Sir, it may be that we would be better off taking this £105 million and perhaps spending £20 million or £30 million of it on patching up the existing Bellozanne incinerator, enforcing a policy of proper waste separation so that we were not, for example, allowing things like electrical products to be burnt, which practice is absolute madness; electrical products being riddled with so many toxins as to be barely describable - heavy metals, dioxins, furans, PCPs. The notion that we allow to this day waste electrical goods to be put into the incinerator is absolutely crazy. It is madness. You are throwing computers and things into the incinerator which then get burnt; burning frankly materials which have some recyclable value, but which then end up in the toxic ash we have already discussed and things like mercury, lead, cadmium, arsenic, *et cetera*, coming out of the chimney stack and blowing over the schools. So I agree with the Scrutiny Panel, certainly, that a great deal could be done to improve and clean up the waste stream entering the Bellozanne incinerator and the emissions consequently produced. So that has to be regarded as a possibility. Given the issues I have already described, we have to consider that our society - all of Europe, all of modern industrialised society - might be on the brink of profoundly serious problems. We have to then ask is that £105 million best spent on a new incinerator or would a substantial portion of that £105 million be better spent on preparing ourselves for the peak oil era which is upon us now? May it not be better spent ameliorating the problems and attempting to ease the problems that we as a society are going to face? That tends to be my conclusion. As I said at the start of my speech, I am very torn as to which way to vote on this proposition because there is no question other than that the existing incinerator and its location in Bellozanne are utterly unacceptable, but I fear that we could spend, we could commit, we could sign up to £105 million contract only to discover that within 2-3 years' time the volume of waste throughput in our society has dropped by 60 per cent. The cost of peak oil, the cost of the global economic depression and, indeed, in that case, that £105 million incinerator would indeed be sat there as a vast white elephant. So, on the balance of probability, I am probably going to vote against the proposition to go ahead with the incinerator but I do so with doubt and with a heavy heart. But, on the balance of probability, I consider that to be the wisest way forward.

1.15 Deputy G.C.L. Baudains of St. Clement:

Speeches, in my view, have improved somewhat during the day, Sir. First thing this morning I was beginning to understand how an incinerator felt, having been fed with so much rubbish. In fact, I was thinking of having my own breakdown. We have had many speeches, Sir, and I am obviously going to try not to repeat what other Members have said, but I was concerned, especially yesterday, that some Members seemed to be content that they had sufficient information and I am going to explore in a moment the reason why I do not think that is so. Others have said, and today as well, Sir, that they are not terribly happy about the proposition but there is no alternative and we really cannot keep that old plant going, so we have to go with the proposition. Well, there are alternatives and I would say, especially to people like Deputy Gallichan who want the present plant closed as soon as possible - as I believe we all do - I suggest she votes against the proposition because the alternative, the modular plants, can be built much more quickly than that which is being proposed. As I said, we do not have all the information, Sir, and once again we find ourselves in a difficult position. To some extent I blame the Minister and his department for a certain degree of intransigence but I also blame the Scrutiny Panel for, at times, a lack of application. I do recall, Sir, one of the first meetings of the Environment Panel, probably almost 3 years ago now, when it was suggested that Members should really read the shadow waste report to enable them to have a better

understanding of where we were at that time, and unfortunately my fellow Members felt that it was too onerous so it was not done. I must admit, it is a fairly substantial piece of work. It was under that previous shadow panel, Sir, that was chaired, as those of us will remember, by Senator Ted Vibert, that I believe we really got to grips with the matter, producing that report that I have just shown. It was during that review that we first discovered that the Public Services Department seems to have set their heart on replacing the present plant with a similar plant and it was at that time that we were alarmed to discover that not only had most of the alternative, technologies not been investigated but it seemed apparent that the department was not even aware of some of those technologies. So the shadow panel did extensive work - 3 months of really extensive work - investigating the alternatives and we had several firms visit us to present their knowledge of those technologies, indeed their own technology. When the new Environment Scrutiny Panel came into being, Sir, as a member of that I pointed out that, while we were aware of the alternative technologies, other States Members were not. We had the knowledge, they did not. I suggested we invited some of those firms back to the Island to hold a presentation to the public and States Members and I finally got the panel to agree to hold such a presentation. It was the end of March, I recall that; I think it was in 2006, Sir. But it did not happen at that time and the result is this Assembly is not well informed on the subject. But it is one that we need to be well informed with because, as has already been said, not only are we talking about a substantial outlay of well over £100 million, it is also something that we are going to be stuck with, for better or for worse, for the next 25 to 30 years. We must not forget that the incinerator that we have got now was out of date just 3 or 4 years after it was installed. It is not out of date now, it was out of date 20 years ago; and we really cannot afford to make that same mistake again. The chances, I believe, of making a similar mistake are greater this time round because waste management has really moved forward in the last 5 years and continues to gather pace; whereas in the last 20-odd years waste management was the same one year to the next. Throw it in the incinerator. Recycling, what is that? We have already moved forward a considerable amount. What is acceptable today will not be acceptable in 5 years' time, which is why I keep maintaining that what we need is a piece of kit that is flexible; that lends itself to change as the world becomes more environmentally conscious, an issue which Senator Syvret just touched upon. We cannot continue as we were. But unfortunately what bothers me the most is that the plant we are being told we must approve is certainly not flexible. It is essentially another large boiler as we have now, except, of course, it will have flue cleaning added on to it. Well, we were going to add flue cleaning to the one we have got at the moment but we never got around to it. So there is really no difference and I do not think we should underestimate the cost of installing and maintaining that flue cleaning equipment. Another thing which has concerned me about this entire debate has been the terminology that has been used, especially by the Minister, Sir, because he focuses on an Energy from Waste plant as if generating power from waste is his main concern. That does bother me because producing power in this way has to be the most environmentally unfriendly way to create electricity. Certainly what we do with our waste, however much we minimise it, we will always need an incinerator of some sort to deal with the residue and clearly it makes sense to use the energy obtained, but it should not be the driving force behind the scheme. The point is, as other Members have said, we should be looking to minimise our incineration not only because of the cost, which I will just return to in a moment, but because of the emissions and the toxic ash produced. I must admit, when I was on Scrutiny I was astounded to learn that we are producing, I believe, something in the region of 30,000 tonnes per year which goes into landfill. I had always assumed there was a few dozen lorry-loads a year. It is really amazing. So, clearly, what we should be doing is seeking to minimise that as well, not looking to see how much electricity we might generate, which is pretty paltry anyway. It is between 2 and 3 per cent of the Island's needs. I notice in papers given to us recently by the department, the Minister has now upped from 6 or 7 per cent and it does alarm me because it gives me the impression he intends burning 5 times the amount of rubbish that he is now. Unless, of course, there is a plan to import Guernsey's rubbish, I am not quite sure where it is all going to come from. We should be seeking to minimise waste not expand it. But, of course, that produces a dilemma for

the Minister because he and the department have been looking mainly to the United Kingdom for advice and I have to say I learned 3 or 4 years ago that the U.K. is in the dark ages when it comes to waste disposal. Europe and further afield is the place to look but I believe his department have been reluctant to do so because they are familiar with the type of plant that they have got at the present and would like to continue with similar equipment, and who can blame them. The dilemma I mentioned, Sir, is illustrated by the answer the Minister gave to a written question I posed in May of this year, or shall I say the question he did not answer, because I asked how high a percentage we could recycle before the residue became unsuitable for disposal by incineration and I did not get an answer to that question. Because the issue is this: if you take out all that can be recycled - the car tyres, the cardboard, paper, wood, plastic and so forth - eventually you are left with something that will barely burn. Essentially you are left with mainly kitchen waste. That does not work very well in an incinerator, so you have a problem. Bluntly, you cannot recycle over a certain limit if you have got an incinerator because otherwise your fire will not burn, and it should not be forgotten that an incinerator is not like the coal fire that you might have in your lounge. You cannot run it at a low level or boost it up according to your needs. An incinerator needs to be fed a constant stream of fuel running at about 85 per cent, the optimum, which means if we opt for an incinerator similar to our current one we shall, for the next 25 or more years, be restricting our ability to recycle. There is no question of that. I did say I would return to the question of costs and I know the Minister is at pains, and indeed the Constable of St. Mary as well, to point out that recycling has a cost and, of course, they are right. But I think what is important is to compare that cost with the cost of incineration because if you do not recycle it, you have to burn it and incineration is not free. If, for example, plastic has a value of £50 a tonne and costs £20 a tonne to prepare, £40 a tonne to ship, you could easily assume: "Well, hey, we have lost £10 a tonne." Well, that is not so. Until the cost of recycling exceeds the cost of incineration we are better off financially recycling, apart from environmentally. I cannot remember the exact figure for the cost of incineration, I know it was difficult to obtain, but if you collate the amortisation of capital over the plant's lifetime - which historically we have not done - the running and maintenance costs for the plant, the cost of ash disposal, *et cetera*, clearly we are looking at over £100 a tonne and maybe quite a bit more. I seem to recall the figure was around £130 a tonne when we looked at it 3 or 4 years ago. Of course, the calculation is more complicated than that. The plant will exist whether or not you use it but where are those calculations? We do not have them and the trouble is we cannot even be sure because getting that information has proved rather difficult. I do not know whether that is because the Minister is reluctant to release the information or whether he does not have it and, as we heard yesterday, the consultants Juniper were similarly hampered. As I have to say, unfortunately, certainly in the shadow scrutiny process, some of the information that we received was not always correct. Of course, there are other aspects to add to the equation as well. How much recycling will the public be prepared to accept, as some of the Constables have outlined; because there is no doubt about it, it does incur inconvenience when compared to the present "put everything in the bag situation", which is why I was excited about the separating plant in Cardiff. That was until the department's Chief Officer alerted me to the fact that the financing of the plant is not quite as clear as some people might assume, which I think is a pity because an end-of-line separation facility which enables everybody to give way to the ...

Deputy R.C. Duhamel:

On a point of clarification, some of the costings of the Cardiff plant were put forward into the public domain through our comments. In fact, the Deputy is misinformed of the costings from the department.

Deputy G.C.L. Baudains:

Clearly, the chairman has more up-to-date information than I have. As I was saying, it seemed to me that such a plant had wonderful advantages and that people would not have to have half a dozen different bags in their kitchen in which to put stuff. They would simply continue to do what they

are now and it would be separated after collection, separated just before it entered the final process. But, as I say, it has been suggested to me that things are not quite as clear about that plant as one might have expected. But let us assume that the environment pressure that is patently building-up, the willingness not to be seen as carefree with our environment any more and the feeling that we should not be ignoring best practice of European directives - even though we realise they do not apply here and I wish some more people would remember that... But let us assume those pressures keep our recycling rates moving forward. Then I have ask, what then of our new but old-fashioned incinerator? Because there will come a time in the not too distant future when effectively it will be obsolete and maybe within 5 years. What we should be looking at, and have not been because it was effectively, to my mind, ruled out of the terms of the tendering process, are what people call the new technologies. But when people say "new", I think some people have the impression that they were invented 18 months ago and they have not been proven yet; whereas in many cases they have been running for decades. They are new technologies when compared with lighting a large fire. I agree absolutely with the Minister and his department that because we are on an Island our plant has to be proven and reliable. There is absolutely no question about that. We are not in a position to be able to cart our refuse along to the next county while our plant is broken down. That is perfectly obvious. So I agree with him on that but there is, nevertheless, an inference that the newer technologies are somehow unproven, whereas in fact they are not. That is why I took issue and still take issue with the terms of the tender for 2 reasons: because it requires firms making submissions to do so only on a plant that they can prove has been running at a similar capacity as our requirement and the 2 reference plants would be running at that capacity for 2 years, but, of course, the reason why I am concerned about that is because it virtually ruled out technologies that use a modular system. Whether that is by design or accident, I do not know, but it certainly does reduce our options and rule out the types of plant probably best suited to dealing with the type of waste I mentioned earlier, the type that does not really burn. I completely fail to see the relevance of requiring a plant to be of similar throughput when considering a modular design because the analogy I have used previously is this. If one wanted to run a taxi firm with 100 cabs, I would not need to buy 100 cabs to find out if a particular make of vehicle was the most suitable. I would buy one and extrapolate the evidence, but that does not satisfy the Minister in his world of waste management. Likewise the length of time the plants have been operating. The request for expressions of interest was published in the *Official Journal of the European Community*; I believe it was in 2003. That is 5 years ago. If there were any plants that... there were some that passed the test at that time but if there were any that were marginal, they may not have made the criteria then but they do now. But, of course, they are ruled out. It does seem to me that we are not trying very hard to discover the most appropriate plant for Jersey. As I said earlier, Sir, I blame both the Minister and the Scrutiny Panel because the Minister, in my view, has certainly been intransigent and the panel not pushing perhaps as hard as it should do. We hear it has struggled to get information but, let us face it, it has had nearly 3 years to update the waste report that I was referring to. I believe it would have been helpful to have the presentation of alternative technologies back in 2006. People would have had then plenty of time to wrap their minds around those alternatives. It would also, I think, have been helpful... I know we had a report from the Scrutiny Panel regarding analysis of recycling possibilities, but what I was really looking for in that was the current market price of a basket of recyclables, both in the U.K. and Europe; the current preparation and transport costs; and an update on incineration costs. But I do not have that information. Sir, I am afraid, as one or 2 other Members have suggested, we have a Waterfront-type debate here where I am expected to make a decision on behalf of the public based on a small amount of information and a large amount of guesswork. I am fortunate in that I am aware of the wider argument, having been on the shadow scrutiny panel and the Environment Scrutiny Panel afterwards for a period of time where we obviously did quite a lot of work on the subject, but in the absence of more up-to-date information I am having difficulty persuading myself to support the Minister. I am fully aware that the present plant is on its last legs. I have to say, though, having said that, I am not persuaded by the recent chimney and boiler announcements because they are

rather too convenient for my liking. We had a particularly gloomy picture painted of the chimney yesterday by the Minister and, of course, the chimney is not in good repair. But it happens that I know from shadow scrutiny, because we did investigate the subject, that what is going on there has been going on since the chimney was 18 months old. It is regular maintenance. The flues require regular maintenance. The maintenance schedule and the maintenance cost have been fairly flat for decades. Replacing parts of the flue between the concrete stages and the damage to the one stage that has been talked about; well, the damage to that stage I was aware of 4 years ago. But, that said, it is certainly true we cannot delay much longer but does that mean we should jump to any decision, be it right or wrong? Well, frankly I am minded to bang the heads of Transport and Technical Services and Scrutiny together because, regardless of their differences, we really should have had a definitive set of facts on our desk by now. I know the chairman gave us a very good speech but I have to ask why that was not included, perhaps with a little more detail, in a report that we could have perused at our leisure. There is a knowledge vacuum. Whether it is the realistic recycling limits, the most suitable type of incinerator or a host of other details about waste constitution and whatever, trying to get that robust information has been nigh impossible. It is all very well, as has been said on many occasions by the Minister and indeed the president before him, to complain about delay, but I am afraid the fault lies mostly with them because honest, up-to-date, complete information and a realisation that technology in waste management is moving faster than they are would have allowed us that detail to make an informed decision. Having said that, I can see the merits of the plant proposed by the department and the Minister. I also, having spoken to the department, understand how they intend operating it. But my concern that I go back to is my awareness that huge boilers are not flexible, whereas modern modular technologies are, and I believe that those newer technologies may be better suited to our needs but were effectively excluded at the outset. There is one particular system I recall from a couple of years ago that I quite liked and it would be a fraction of the size of the kit being proposed and at that time would have cost around £30 million. We are told, obviously, and we know, that the issue of location has already been decided but, of course, one is concerned about the flue emissions from the new incinerator and how good they can be. Well, as we know, that depends upon flue cleaning but the flue cleaning gets more expensive when the process before it is dirtier. So the better the system you have, the cheaper your flue cleaning is going to be in the future; the less maintenance, the less cost. Surely that is what we should be aiming for. As I said, time may be short, Sir, but a wrong decision on something with a 25-plus year life span could be extremely expensive in the long term. There are a couple of things I would like the Minister to address in his summing-up and one of them is to hear the latest position regarding his consultants because when I was on the Scrutiny Panel we were made aware that Babbie Fichtner were not only the consultant but we were also led to believe that they were in the frame to tender for the plant. Now, I do not know if that is still the situation because we did find that worrying at the time, especially as the consultant appeared to lean more towards the old-fashioned incinerators instead of the more modern plants. So I would be grateful if the Minister could advise of the latest position on that. I would also like to ask what is the latest position regarding the offer by ... I believe there is an offer been made by Babcock Wilcox Volund. This is a firm of extremely longstanding, branches and offices and allied companies all over the world. In fact, I have a handy book of conversion tables printed by them which is dated 1945, so they have been in business for some time. Surely you do not get much better than that. Yet, from what I can understand, their application to Transport and Technical Services seems to have been discounted; where they were offering, as I understand, a far superior piece of equipment to that proposed by the Minister for a sum of £65.8 million. Of course, we must realise if we adopt today's proposition that goes in the bin. So, I have to say, those Members who have expressed concern but thought they had to go with the proposition because there is no alternative: "We cannot continue using the plant for the next 5 or 10 years while we seek out a different form of equipment," I have to say to those Members you are misinformed. There are options and here is one of them. In fact, I would also add that the modular design allows it to be built in a much shorter timeframe than what is being proposed. The elements themselves are not quite but virtually

off the shelf. Clearly there is all the groundwork and that to do as well but if we are looking at a smaller profile, a plant that lends itself to being modernised in the future as standards change, that perhaps would require less expensive flue cleaning, or should I say will require less expensive flue cleaning, that surely has to be something we should be looking at and not just simply dismissing out of hand. Sir, we do not have to go back and start again, delay for years, or believe any other scare stories which have been so popular recently. Surely we can ask the Minister what is happening about this other firm. I believe the contract period does not close until November, so there is plenty of time to investigate it. Of course, I realise that spending £65 million is not as grand as spending £105 million and it is only taxpayers' money, so who cares. To conclude, Sir, the plant, as I said, that will most suit our needs would be modular. The ash is easier to control. The temperatures are easier to control. You can have different materials going into different lines, so you have got total control over the process; whereas in a large boiler everything goes in whichever boiler you are using at the time. I firmly believe, Sir, that what we need is something more flexible, unlike the Minister's option or in fact Deputy Le Fondre's computer. It will not then be obsolete even before it is switched on. There surely is no point in buying yesterday's technology for use tomorrow, but apparently that is what the Minister and some other Members, who may not have fully researched the issue, want us to do. I really do think that would be irresponsible.

The Connétable of Grouville:

Can I draw attention, Sir, to the fact the Connétable of St. Ouen is now in the Chamber. He was marked *malade* this morning.

The Bailiff:

He was marked *malade* but I am very pleased to see he has now recovered sufficiently to be here.

The Connétable of Grouville:

I think he has just been to Lourdes, Sir.

1.16 Deputy F.J. Hill, B.E.M., of St. Martin:

I am pleased I am following Deputy Baudains. Yesterday the Chief Minister referred to comments made by the former Deputy of St. John about getting on with it and I think we all concur with what the former Deputy of St. John was saying. However, what we did not hear was what the former Deputy of St. John was asking us to get on with. The former Deputy of St. John and myself, along with former Senator Vibert, Deputies Baudains and Duhamel, were members of the shadow scrutiny panel which looked at a variety of methods and systems to dispose of our rubbish and I think we were in general agreement that, whatever system was chosen, it would be expected to meet the challenge for the future. Therefore, the present incinerator system was not futuristic. However, while there were a number of new and alternative systems around, they did not pass the 2 by 2 test. That was something referred to earlier this morning by Deputy Hilton. What that meant, of course, was that the system had to have a 2-year probation period followed by a 2-year system of operation without any problems. Of course, when we were conducting our review then - we are going back to 4 or 5 years ago - many of the new systems had not passed the 2 by 2 test but clearly now, 4 or 5 years on, those systems are well and truly tested and are now seen to be operating successfully. Unfortunately, Transport and Technical Services has never varied, and I think this is something referred to by Deputy Baudains; it has never varied really from its original choice and, while it may well have been asked to look at alternatives, I have yet to be convinced really that they have looked at alternatives because I think they are into a mindset of the type of incinerator they are now proposing. That is so unfortunate because I think we are going to be the loser. I cannot claim to be an expert on incineration but I do understand a little bit about the financial and planning details or considerations. Like the Constable of St. Martin, I do share his concerns about the size of the proposed incinerator because, as we have heard from Deputy Baudains, there are alternative

schemes. I think one of the problems we also have ... I think the Environment Scrutiny Panel have done sterling work. It is unfortunate that they did not lodge an amendment to give us a choice so we could then say: "Well, we do not like A but we like B," or *vice versa*. So, of course, we are not in that position and, as said, we are in the familiar position of having to make a decision without a choice and a decision must be made today because tomorrow is too late and we keep having this sort of "gun at our head" type of politics. However, I do not think we should make any decision in haste and I would like to draw Members to an e-mail from another consortium. This is the other one that Deputy Baudains has referred to. It had been circulated to a number of States Members, including Ministers, and I think it deserves to be read because I think it illustrates and supports what Deputy Baudains was saying. With your permission, Sir, I would like to read what it says. It was sent out on 17th July. It was sent to me with a copy to Senator Ozouf and it says: "I have been copied the following e-mail content to Minister Le Sueur, Minister De Faye, Minister Cohen and the Chief Minister, Mr Walker." It says: "The Chief Officer was contacted last week by the consortium member Tony Manser saying there was previously no point in visiting Transport and Technical Services to be only told Babtie Fichtner, the appointed consulting engineers, had advised against advance type technology as offered by Babcock Wilcox Volund as unsuitable for Jersey." Now, this is the company that Deputy Baudains was talking about: "This is absolute nonsense and nothing could be further from the truth and we wonder what the agenda really is, being that they recommend another conventional - without any form of pre-sort - facility for a way-over-the-top price. We see this as evidence that every scrap of waste will be needed to keep the thing going within the exact temperature range. Kenneth Jorgensen of Babcock Wilcox Volund says that they can build a fully Kyoto protocol mass burn incinerator with a heat-to-energy power for around £60 million [as a matter of fact we have got the price for just over £65 million.], making the consortium [the one that T.T.S. are putting forward] price in our view even more suspect and engenders wonderment as to where this vast difference is going. For the record, Babcock Wilcox Volund have built hundreds of mass burn incinerators worldwide since 1930 and before and, as previously stated, are part of the massive McDermott Incorporated Engineering Company with an annual multi-billion turnover." They then list a number of benefits that they would have to us, which I am not going to read. But, in conclusion, what I would ask the Minister is to comment maybe on the viability of what is being offered by Babcock Wilcox Volund and, indeed, why there would be such a difference because we are looking at about £40 million of difference. I know we are not looking like-for-like but what I believe is that we would be offered something which would be much better for the Island and not something which is old and out of date. Thank you.

1.17 Senator T.A. Le Sueur:

Sitting here this afternoon, after 10 hours of debate, I must say my mind wondered temporarily and I was thinking about the poem of The Walrus and The Carpenter; not for any particular Members but the opening line: "'The time has come,' the Walrus said, 'to talk of many things'." I suspect we have spent perhaps too long talking of too many things because it was back in 1996, as Senator Syvret reminded me, that we first had official confirmation that our chimney was emitting unacceptable levels of pollution. It was in 2000 we began addressing the problem and in 2005 that we agreed, as the States, a Solid Waste Strategy and a solid waste hierarchy. So, to me, this proposition comes down to some very simple, basic premises. The first premise that I have is that the Bellozanne plant must go and the second is that Jersey must recycle more. I did think until recently, a few minutes ago, that we were all agreed that the Bellozanne must go and indeed Senator Syvret, in his opening remarks, made clear his distaste for the present operation of that plant and its location and the fact that vehicles have to drive past a primary school, emitting diesel fumes, in order to get to that plant. So I was, I must say, slightly taken aback when his conclusion - even though it was, I accept, an uncertain conclusion - was that maybe we ought to try to keep the Bellozanne plant going a bit longer, sorting out the waste going into the plant but still driving it down there, and hoping that or waiting to see what might happen in terms of future worldwide delivery of waste. I accept his point about the world perhaps changing its style of packaging and so

on in the future, and were he correct then there might be scope for a rethink. At the moment I have got no information, no evidence, on which to base such a supposition. So I remain firmly of the opinion, as I think most of us do, that the Bellozanne plant has had its day and, despite what some people may think about being able to patch up a chimney for another month or 2 or even a year or 2, I have to say we are simply in grave danger of having a plant which sooner or later is going to be unusable. So I come on to my second premise, which is that of Jersey needing to recycle more and I must say, when the Minister came to me a couple of months ago and advised me that we could manage with an Energy from Waste plant, 105,000 tonnes rather than 126,000 tonnes, my first question to him was: "Are you sure?" The reply was: "Yes, we can do provided we recycle more." I think some people have been concerned that our recycle target seems to be going up only from about 30 per cent to 36 per cent. I just point out to Members the danger sometimes of relying on percentages when we talk about these things because I converted those percentages to tonnages and, from a tonnage point of view, if we take existing and predicted waste levels, the tonnage would go up from 32,000 tonnes a year to 48,000 tonnes a year. In other words, we will have to increase our recycling by 50 per cent in order to effectively be able to cope with a plant of this size. So to suggest that our target is modest is, I suspect, maybe a little bit naïve. I think to increase our recycling from 32,000 tonnes a year to 48,000 tonnes a year is going to take quite a lot of effort on the part of all of us but that is the strategy. That is a strategy I am happy to go along with and that is a strategy on which the capacity of this plant is based. So I make that point because I think people who talk about targets of 50 or 60 per cent may not quite realise what the effect would be in tonnage terms. Now, I do not argue with the need for us to generate less waste and I do not argue with the waste strategy that we agreed 3 years ago. What I am saying is that at the present time a plant of this nature is not significantly over-capacity but, even if it were, it does have 2 streams and one can be sensible with 2 streams, to operate either one or 2 as the case may be, to enable the plant to run in an efficient way. Mention has also been made of alternative methods of disposal. I am not going to go into that too much more from a technical point of view because I am not a technical expert but, certainly from a point of view, it is clear to me that although some of the initial costs of these plants may appear to be cheaper, the long-term overall costs of these plants in fact is not. So, I think maybe some of us have forgotten that we did agree a waste strategy 3 years ago, just as we agreed to move the plant from Bellozanne 2 years ago. I am afraid I have to come back, even though some Members do not seem to want to do it, to the question of what happens if we do not pass this proposition. To me, the simple answer is that if we do not pass this proposition we put the Island at an unacceptable level of risk. We run the risk that if the plant breaks down we have to accommodate huge tonnages of waste on the Island because we cannot ship it away, baling it presumably, stacking it in ever-increasing piles either in La Collette or somewhere else around the Island. It is not an excuse not to recycle more. It is a requirement for us to recycle more to keep to the size of plant and I do urge Members not to prevaricate. I come back to The Walrus and The Carpenter, Sir; the time has come.

1.18 Senator T.J. Le Main:

I have heard it before. Thirty years ago, Sir, I was a member of the R.R.B. (Resources Recovery Board) when we commissioned this incinerator, 1979 or 1980 if I remember rightly, and even that day, Sir, during the lead-up to the commissioning and the issues with the incinerator caused a furore in this Island. Sir, I have to say that today gives me an opportunity to thank the 4 Deputies of St. Helier No. 3 and 4 District who have been fighting so hard for a number of years to close this existing plant which is causing so much concern to the residents of Bellozanne and the vehicle pollution, culminating in having a States policy in buying-up houses nearby because of the pollution. I would like to say that the speech by Deputy Huet was particularly very, very valid. We are in a crisis situation. Sir, I have a duty as Housing Minister to make sure that the people we house are adequately housed and live in conditions that we would all like to live in. Currently, Sir, I believe that, as has been adequately said by other Members, the quality of life for some people living down in the Bellozanne areas, particularly people with poor existing medical problems, is not

something that we should be very proud of. Sir, we have been arguing for years about composting. Now, only 2 or 3 weeks ago all of us have been receiving e-mails from a Guernsey... Guernsey proposals for recycling. Yes, wanting I think it was 5 acres of open land. Five acres of open land? Do you know we have been trying for a number of years to find a site or sites for the green waste problem in this Island? It has caused enormous problems. Nobody wants it on their doorstep and whenever suggestions are made there is a hue and cry about it all. Sir, we are in a crisis and I have heard Members like my good friend the Connétable of St. Helier in front of me... shipping to France. Well, I hope he has got more confidence than me about dealing with the French. Well, I can tell I would not take a chance dealing with the French or doing a business arrangement with the French or the French Government. Nice people all of them but, by gosh, can they not change their minds on various issues? They do not take long to blockade ports and roads and set vehicles on fire and do all sorts of things. So I am very, very nervous of hearing things like that. I heard my good friend Deputy Le Claire, who of course is fighting for his constituents in St. Helier No. 1, and I am sure if I had been in his position I would be doing the same; but he did say - I wrote it down - that people in the area had breathing difficulties and this was going to be probably a problem that was going to exacerbate or get worse. Sir, there is no evidence of that and I have to listen, when I make my decision, to the advice given to us by Health and Social Services and other professional people. The issue is quite clear, Sir, that the risk ... it is a very, very high risk by not proceeding with this insurance policy of having this Energy from Waste facility. Sir, I want recycling. The Minister will know that I have been trying to get some recycling facilities down in the Le Marais area, an area that could do with it, and I rather hope that, after this debate today, the Minister will go away... and if the Minister is to come to the Council of Ministers with extra funding for recycling and for increasing the recycling target up from the current 32 or 33 to 40 or 50, then I am going to give him my support. But, Sir, I do not believe that I have... I have a duty to the people of this Island and I have a duty to make sure that whatever decisions are made, are made in the interests of the people that I represent and I believe that if I was at this present time to not support the proposal then I would be lacking in my duty because I think, Sir, the risk is far too great.

Deputy G.C.L. Baudains:

Could I, just before the Senator speaks, raise a query with the Senator and that is if he could elucidate for me, does he agree that an alternative type of plant could be built more quickly than the one being put forward and thereby ensure the sooner closure of the present plant?

Senator T.J. Le Main:

That could be the case, Sir, but I would be very interested to know where an alternative plant could be built because, as I have been saying ... well, I have been saying that an alternative plant which is tried and tested ... but I have not come across one that has been tried and tested and meets our needs.

1.19 Senator P.F.C. Ozouf:

Some Members have said that this debate is a bit like a Groundhog Day movie. This morning, or rather was it this afternoon, after 12 Noon, the Deputy of St. Mary likened this debate to a tennis match. I like the Deputy of St. Mary very much. She is a very thoughtful Member and her contribution was, as usual, well considered, but I am afraid that I did not quite get her analogy of a tennis match. It seems a long time ago, the weekend, but I certainly enjoyed the marathon of the Wimbledon final, 5 hours of really good sport at its best. I am not sure that the 10 hours of debate has quite lived up to the image of 2 sportsmen at the peak of their careers: ably, cleverly, batting balls across the Assembly; spectators fixated by the to and fro of the arguments; the intellectual rigour and fitness of the players. I am not sure that I quite saw the parallel. Of course ... **[Interruption]** One parallel also that perhaps I did not agree with her potentially on, and she passed a comment to me over the lunchtime adjournment and said that in tennis there is also unfortunately a winner and a loser, I do not think also that this debate should be about a winner or a

loser. It is our environment, it is the Island, it is our community that should be the winner. I do not like divisive politics and I think that there is a large measure of consensus among Members. I think there is consensus on a real care for the environment. I think that there is a consensus on the need to be careful with the taxpayers' money. I think that there is a universal acceptance by all Members that we need to do as much as possible to recycle. I do not think there are going to be any losers in this debate. I think that the Environment Scrutiny Panel has assisted in raising the level of the debate about recycling. It has been very difficult to answer a lot of the Scrutiny Panel's questions but I do not think without them perhaps we would be reaching the extent of the recycling targets that we have before the Assembly, so I thank Deputy Duhamel for his never-ending persistent questioning and petitions in relation to recycling. I have, however, Sir, listened to his arguments as I think some of his positions have remained quite unchanged for some time. I listened carefully, and indeed to the other members of the Scrutiny Panel, to see whether there is anything new in the remarks... in the information that they had to put before the Assembly. I identified 3 or 4 years ago that they had 3 concerns. Was there an alternative to an Energy from Waste plant? Did we need more research in which to make a conclusion? Could we set higher recycling targets, much higher recycling targets? It seems that I think some Members do want to revisit some of the decisions that have already been taken. It is, in fact, 3 years minus 6 days that the previous President of the Environment and Public Services stood right here and after another 3 days' marathon, I think it was business plan or strategic plan debate, took the waste management debate to the States. It was after a great deal of work and a great deal of scrutiny and research that that debate was carried out. Some Members of the Assembly were not here for that debate. Maybe they are lucky to have not been here for that debate. But Members like Deputy Mezbourian and the current Constable of St. Helier did not hear all of that. Overnight Senator Shenton reminded us that some decisions have already been taken and I think that he has a point. However, also, I think we need to be clear that this argument and this debate needs to be taken on the merits of the information that we have before us. I know some Members do not like having a bullet or gun put to their heads. All Members of the Assembly will be concerned, of course, with the state of Bellozanne. All Members of the Assembly would agree that in its current state, it should have been shut down 2, 3 or even 5 years ago. All Members of the Assembly will want to have concern for the residents of No. 3 and 4 who are living, not next to just a potentially dangerous site with a chimney which is compromised with emissions, but with also the noise and traffic that emanate from that plant. I think, Sir, those are important considerations, but Members can take a decision irrespective of that urgent consideration, based upon the merits of the argument of a new plant. We are building on a great deal of research that has already been carried out: numerous committees, numerous working parties, the Scrutiny Panel, the Waste Strategy Steering Group, of which numerous Members of this Assembly have been part. Sir, I said in the debate 3 years ago that the files of evidence that was before the Assembly then could possibly have reached from the bottom of your step to the top of the mace up to the fluorescent light. I think in this debate we could probably say that the files doubled-up again in the 3 years. There has been an enormous amount of information, research and questioning that has gone on to bring us to this decision. But still, we need to ask ourselves 3 questions: has sufficient research been carried out to allow us to make a decision today? Has the world changed, which means that we should rescind a previous decision, because that is what effectively we would be doing? Has the Scrutiny Panel given us any new evidence which is so compelling that it invalidates any of the arguments by T.T.S.? Sir, this debate, as Senator Le Sueur said in part, is down to 3 effective issues, some of which I fully accept we have already made: site, type and size, and the related issue of cost. One Member, the Deputy of St. Peter, is concerned about the site. Of course, some Members would wish to remind him that we have already made a decision on a site.

Deputy C.H. Egré of St. Peter:

May I ask for a point of clarification here? When we made that decision in June 2006, it was based on the information that was available at the time. Since then we have had the benefit of the Atkins Report which had done a complete rezoning of the risk areas, and the fact remains that the new

plant will be sited at the very borders and some of it in the most dangerous zone. That is the new information we now have. We did not have that in 2006.

Senator P.F.C. Ozouf:

I was just going to go on to say exactly that; that is the decision that we made on La Collette, and I fully accept that I was part of the decision to put into the equation the possibility of La Collette. As the Deputy will recall, those arguments at the time were made on the fact that it was good to move the site away from a high density residential area. There were advantages of using the existing chimney; there were advantages in having seawater cooling facilities; the fact there were opportunities for district heatings; and overall there were significant advantages of La Collette. Since then, there has been new information - Buncefield, *et cetera* - which has required us to reconsider whether or not that decision is still valid. I would respectfully say to the Deputy of St. Peter that while he does, I know, hold some professional qualifications in relation to site matters, he says, the advisers that are advising the Assembly do accept that it is possible to site an incinerator and Energy from Waste plant on this site; and that there can be mitigation in order to ensure that in the unfortunate, unlikely event of any accident, that necessary measures can be taken to deal with that. So, notwithstanding those good decisions, and of course the Minister for Planning and Environment has said that there is another downside with the site at La Collette, it being a very big building, he is absolutely right to say the design should be right. Other Members will say that there should be big banks for us to conceal the site. That decision - the plant at La Collette - is as valid as it was 2 years ago as it is today, and I would ask the Deputy to search his conscience and to see whether or not he is willing to go against the professional advice that we have been given.

Deputy C.H. Egré:

I have and I will, Sir.

Senator P.F.C. Ozouf:

Fair enough, Sir. He is entitled to his view. Sir, there remains the 2 other important issues of this issue of type and size. Sir, I think that this Assembly has been provided with exhaustive information about alternative types of technology. The Minister in his report, in his opening remarks and no doubt in his conclusion, will remind us of exactly the exhaustive process to trawl the world for alternative types of technology, the whole way in which the European Community's application for tender, or the announcement of tender, was made on the basis of scouring the world for alternative technologies. We are where we are in terms of being a small jurisdiction, being an E.f.W. plant, being the right type of technology, even though I fully accept that for the last 20 years there have been representations made that there will be alternative types of technologies one day available. It seems to me, Sir, that none of the new information that has been provided gives me any comfort whatsoever that there are, indeed, alternative technologies. I would also say that, of course, we are in a position where the States authorised the Transport and Technical Services Department to go ahead with the tender process. After that tender process, we do have a tender either to accept or to reject, and there are serious consequences on cost grounds if we were to change our minds. But perhaps that is not a clinching issue for Members. On the issue of size, there is one compelling, overriding issue which I think matters to Members and could affect Members' decision of whether or not they go for a 105,000 tonne facility plant or less, and that is, Sir, the issue of food. We have had a long debate about food over a great deal of time. Sir, I am absolutely convinced that we simply cannot, at this stage, do food composting. It is not acceptable. I know that in other areas I have to declare an interest, but I am a farmer's son. I do have a reasonable idea of the land available in Jersey, and it is simply not possible to rotate Jersey land with our crop rotation of new potatoes and other farmland. There is simply insufficient land to ensure that there is a gap of laying compost to the other periods. I am not going to give way, Sir. Deputy Duhamel spoke for one hour and 55 minutes yesterday. I think his views are well-known to the Assembly and I think, with respect, we are going to have to agree to differ on that conclusion.

The conclusion that I have come to after looking at the evidence from supermarkets and others is that there simply is not enough land. In any event, Sir, there is one crucial clinching factor, and that is that if we could save on food waste we would potentially be buying a plant with a capacity of 96,000 tonnes instead of the 105,000 tonnes. That is the difference of food in terms of the overall tonnage. If we have a tender that was compliant with that, which of course it is not, that, Sir, would make a difference, I am told, of a potential saving of approximately £11 million of that total. There is, of course, no guarantee that that would be a justifiable sustainable position in the longer term. The figure which I think is important for Members to recall is that if we needed to increase the capacity of the plant, if there were to be some problem with food recycling or if we were not able to do it, then we would have to effectively re-do the existing arrangements of adding on a third stream. Adding on a third stream would be £31 million. Now, I do not think that that is a sensible decision to make. I do not think that the argument both in terms of food composting and in terms of the risk of relying on food composting is a decision that this Assembly has sufficient information to take. I recognise that there is no way that some Members of this Assembly are going to be convinced upon those arguments and we are going to have to agree to differ. But I want to ensure that Members who are undecided and who wish to have the information that is in the middle of the debate do have this information. Sir, I think the recycling targets are already quite challenging. In relation to glass, we need to do better with the glass that we have. We need to do better; we need to double the amount of paper and cardboard we recycle. We need to do more for green waste. We need to do more for containers and P.E.T. (PolyEthylene Terephthalate). We need to do more for recycling, and every Member of this Assembly, with their friends and families, is going to have to ensure that we recycle a great deal more in order to reach the target, in order that this incinerator, this Energy from Waste plant, is sufficient and not going to be insufficient to deal with waste in the Island. Sir, I want to just conclude by addressing 3 areas. Firstly, the remarks of Senator Syvret, because Senator Syvret and I worked together on the Waste Management Steering Committee or the Waste Advisory Committee, which was a cross-departmental committee of Health, Public Services, Environment, the Constables, and the Treasury, in looking at the overall waste solution. He started his speech by saying that he was effectively undecided in where he was going to go, but he concluded by saying that he was going to vote against the proposition. I know it is some time, perhaps, since he has sat on the Waste Steering Group, but I would urge him to reconsider, and to reconsider the information that we had when we were part of that Waste Management Steering Group, which was absolutely behind the strategy which came to the States in 2005. He mentioned concern about ash, and his concerns about ash are well-known; and I would say to him that the debate and the technology around ash have moved on. I will come on to this in a second, but if we were to spend £20 million on upgrading the existing plant, we would not be in a position of being able to recycle the bottom ash; we would not be in a position to be able to reliably maintain and achieve the emission targets. I am afraid putting £20 million of Elastoplast on the existing Bellozanne plant is unwise and, I would submit, a thoroughly short-sighted decision in respect of the safety of work and all the rest of the operational issues on the site. He also mentioned the issue of electronic goods, and I would point out for him, respectfully, that we are already pulling out - the Transport and Technical Services Department are already pulling out - significant electronic goods. He also spoke of the issue of oil. I would suggest that the concerns of rising oil prices are real, and effectively it is not a sensible use of resources to have an outdated plant which simply does not convert waste that cannot be recycled into energy efficiently. In a world in which oil prices are rising, we need to have an efficient, effective plant which makes the maximum contribution to our electricity grid. Sir, I would urge Senator Syvret to reconsider his decision, a decision which appears to be taken 3 years on without being particularly alert to the real issues and the real challenges that exist at Bellozanne. Sir, this debate will not end today. Even if we do agree with the proposition of Transport and Technical Services, we will be faced with a never-ending need to improve our recycling targets. We will need to encourage all Constables to move down the direction of kerbside collection. There will need to be an investment made on that. There will need to be an investment made by Constables and their ratepayers and probably also central States

resources. We will need to consider, potentially, in the future, an incentive to stop people putting black bag rubbish as the same cost as recyclables. We will have to consider, perhaps, innovative ways, stopping short of a black bag tax, to incentivise recycling. People in Jersey are responsible, but we need to incentivise them too. When I was in the U.K. 2 weeks ago spending a weekend with my sister in northern London, I arrived with an empty yoghurt pot and a tin can and asked her on arrival to put it where the rubbish bin was. She looked at me in a way that only a twin sister could, in a scolding manner, grabbed them off me, put them under the tap, rinsed them out, put them on the sink and said: "I will be taking them to x supermarket tomorrow." I looked on the kitchen sink and saw all of the packages that she had consumed over the last few days, and all of those things, washed out, were being put back to the supermarket. That is exactly the kind of thing we are going to need to do, incentivising our supermarkets to reach that target of recycling that we have. So, Members must be well aware that the recycling targets that we are making are going to require a level of commitment to recycling that U.K. residents, Swiss residents, German residents, Dutch residents already carry out. I also say, Sir, we are going to have to continue to find a solution to composting. That is an issue which has been unresolved, a matter of great regret to the people living around Havre des Pas. I also think that we are going to have to give very careful consideration to the cost considerations of improving the visual impact of the site, which is something that the Minister for Planning and Environment explained to us yesterday. Sir, many Members would not want to be where we are today. Maybe we were wrong to set out on the direction we did a number of years ago, given the backdrop of a failing incinerator. Many Members would not wish to be in a position but we are facing a position that if we do not make a decision we will have a plant which is in a precarious position. Some Members, like Deputy Baudains, would wish that Scrutiny would have behaved in a different way. I do not say any of that in a sense to make Members, in a pistol sense, make a decision. I think, Sir, the debate has been had. I think the debate can be taken and Members can make a decision on the merits of the argument. I think that the time has come to make a decision which is in the best interest of residents, workers, Islanders, community and the environment, and I hope Members will support the proposition of Transport and Technical Services.

The Bailiff:

I call upon the Minister to reply.

1.20 Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

I do not suppose it is very often that Members delight to see me take to my feet, but I expect that this afternoon is a slightly different occasion. I do really want to start with some of the comments made only minutes ago by the Deputy of St. Martin. I do need to say to the Deputy, one of the ways that you really do not want to address complex contracts for major developments like an incinerator is to announce them on the floor of the House, quote a price of £65 million and then ask the Minister what comments he has to make. That is simply not the way that we can approach things. However, it is the case that we recently had communications from representatives of Babcock, and regrettably I cannot inform the Deputy of St. Martin about the details because neither I nor the department have any details about quite what lies behind the £65 million, what the plant consists of and what its capacities are, or any information of that nature. But in any event, I do hope that the Deputy and Members realise that we have conducted, at Transport and Technical Services, a very comprehensive tender process over a very long time at the behest of this Assembly; and may I remind Members that I am not making up the terms and conditions here. The States require the department to bring back to present to Members a preferred option - a preferred option. We have now gone through a very complex evaluation process. We have narrowed all the options down, as I have informed Members in the past. Regrettably some companies that we thought were promising dropped out for their own reasons. We now have one preferred option. Now, the Deputy of St. Martin said: "Is it not sad, really, that Transport and Technical Services and formerly Island Public Services never seem to have varied from their original choice of technology, which is

incineration that produces electricity?” But I do need to say to the Deputy and Members, there may be a good reason why the department has not varied from that particular choice, and it may be that that reason is because it is the right choice. We have looked at over 70 alternative technologies over time, and I would not have brought anything else to the Assembly other than what I and the department believe is the best choice for the Island, and this is confirmed by other experts and consultants. Now, I hope Members will forgive me if I do not refer to every single speech that we have in any detail. But I do want to go over a few of the key points, I think, that have arisen. In the course of his speech, the former Deputy, now Constable, of St. Helier talked about: “Why do we continue burning rubber tyres at Bellozanne?” It is one element of the waste stream that one can reflect on, and by so doing understand some of the issues that one has to confront. It is the case that we have looked for alternative methods of disposing of car tyres. In some circumstances a small amount of car tyres are, indeed, shredded to crumb, so they can be used in sporting arenas and that sort of thing, where they can be cast on the ground as an alternative to soft gravel and can be used for people to effectively fall on to. But in casting a wider net to see how one can get rid of car tyres, one discovers, in fact, where opportunities existed they were generally being used in cement kilns to basically burn and form cement. So, I think reasonably, the current position is that, yes, rather than burn a car tyre in a French or a German or English cement kiln, with all the transport issues involved, we might as well burn a car tyre in Jersey’s own incinerator and create some electricity from that energy. I hear sharp intakes of breath, but I really cannot understand why. The principles behind the creation of electricity out of waste I would ...

Deputy G.P. Southern:

Would the Minister like to understand why, from one who lives under the chimney?

Deputy G.W.J. de Faye:

I think I know all aspects of incineration, Deputy. Thank you for your offer, though. The Constable of St. Helier, I think encouragingly, told us that he is now looking to seek to dispose of plastic bottles, and so is Transport and Technical Services. The disposal of plastic bottles is something that we are introducing into the green bank options, and it is indeed a sensible thing to do, and part of the recycling programme that we have been rolling out as best we can within the budgets available. I do want to remind Members that the first thing I said when I was privileged to take on the role of Minister for Transport and Technical Services was to tell the department that I wanted recycling to be our number one priority. I can assure Members those officers of the department who are involved in this area take their roles extremely seriously. We have an excellent recycling officer who visits schools and encourages all the young people in the Island to understand recycling issues. We have a presentational vehicle that itself is a model of recycling. It is a reused, second-hand vehicle; it has solar panels which run the computer on board. Again, it is a very popular piece of kit in the Island. Indeed, it was not so long ago that the Transport and Technical Services won ‘Best Stand’ at the local shows exhibition which was featuring, almost entirely, aspects of recycling. The department takes recycling very seriously indeed, and we want to do more, and we will do more. But at the moment we are only doing as much as we can afford, and I do say to Members we will need more money. On that note, I do wish to point out to the Connétable that we also have talked to that nice French gentleman who he is doing business with, but I think he perhaps would serve himself well to come and talk to us, because the place we send our plastic bottles to seems to pay us more money than the figures we have had quoted from his French compatriot. So, there may be a better deal for you, Connétable, if you would like to come and talk to the department. A number of Members have raised the question about the monitoring of gas emissions. I think Deputy Pryke was one, and Deputy Lewis was another. The new plant would have 24-hour monitoring installed on the flue gas treatment system to ensure that it conforms with the Waste Incineration Directive that has been in force since the year 2000. It will not be under the control of Transport and Technical Services. All those aspects will come under a regulator to ensure a level of independent monitoring, so there will be 2 levels. There will be an

environment regulator and, indeed, a health protection regulator. It is intended that those emissions and that data will ultimately be published daily, and hopefully also online, so that members of the public will have the opportunity to access that information. Deputy Lewis, I think, also raised queries about the height of the building. It is dictated by a requirement to ensure that all waste is treated to 850 degrees centigrade for at least 2 seconds, which requires a certain height in order to achieve that particular temperature and the burn duration. However, nevertheless, we are working with Hopkins Architects Limited to keep the height of the building to a minimum. Indeed, I did ask that the building be sunk to some extent below the ground, which it will be. But that is restricted ultimately by the level of the water table. This is a reclamation site, and clearly that is ultimately an issue, as well as the sheer cost of digging down and down. There were some concerns about road access. Although this is not directly anything to do with the incinerator but as a result of safety developments relating to the fuel farm, it is true to say that there will, over time, be an emergency access route that will run from roughly the J.E.C. power station along the La Collette Gardens promenade to Havre des Pas. I think one Member may have thought that it was going to come out through the gap in between the 2 low mounds. That is not going to be the route. The Connétable of St. Martin was very pleased to hear about plans for kerbside collections, and this is going to be an issue for all of us, but clearly for the Connétables in particular. I have been very heartened over the course of the debate as one or 2 of the Connétables have indicated that they are, in fact, poised to put this matter before their parishioners at Parish meetings and take some action on putting contracts into place for kerbside collections. That is excellent news because, let us make no mistake, as I indicated in my opening speech, recycling has been built into the capacity calculations. Approving the proposition today will ensure that recycling targets will be met, because they will have to be met. Otherwise we would have needed a larger capacity plant. But I do want, I think - and it is worth saying at this stage - to have a few cautionary words about just what can be achieved through recycling. In particular, the concept that recycling in the future is going to be some new and exciting cash cow for profit. It is the case that recycled materials have value. It is also appropriate in purely environmental terms that we seek to recycle rather than use up yet more of the earth's resources. But regrettably, the accountancy to determine what those particular values are I do not believe has yet been invented. I am looking to my left to Deputy Gorst of St. Clement in case he will suddenly surprise me and indicate that environmental accountancy is now a subject in which you can gain qualification, but as far as I know ...

Senator S. Syvret:

A point of information, Sir, it is. It deals with issues such as time discounting and values.

Deputy G.W.J. de Faye:

I am grateful to the Senator. I cannot, though, produce any figures today to say just what is worth what. What I can advise Members about, though, is that the monies involved in various recyclable products are very varied indeed. As one example, when the Island began collecting paper and sending it to plants, the original price, in fact, was the Transport and Technical Services part of being paid £60 for every tonne of paper. That is because paper mills had just opened up to do this sort of thing and they had a very heavy demand. But over time as the supply began to meet the demand the price for good quality paper fell away until one point where it was we had to pay the plant £10 for every tonne that we were sending. It was true, though, and I cannot remember which Member alluded to it, that aluminium is a very good example of something that has always maintained a very high value, which is useful and it is reasonably easy to collect, it is reasonably easy to compact and it is reasonably easy to collect aluminium in clean amounts. Therefore, high prices can be accrued. But one needs to be aware that is not always going to be the case for every type of product. I think if we look into the brave new world of more and more recycling, it will be apparent to Members who have got a grasp of some fairly fundamental elements of economics that the more recyclate that come available - in other words the greater the supply of recyclate - it is quite likely that their overall value will tend to drop according to the demand that exists for them.

Therefore, one of the worries will be as we go ahead and consider the costs of recycling into the future just how prevalent recycling will become across Europe and how will that affect the value of recyclats themselves. Deputy Baudains refers, I think, to some concerns about our consultants being Fichtner. I will come to them in more detail later, but I should advise him, and Members as well, that Fichtner are not building the plant; that Connim, Spie-Batignole and Cameron Consortium are. Indeed, after the Solid Waste Strategy there was an open competition to acquire a new technical adviser to take on the design, feasibility and procurement of the tender process and Fichtner were appointed following an entirely open competition process, which incidentally was overseen by a member of the P.A.C. (Public Accounts Committee) who kindly agreed to be involved in that particular process. I do not suppose I need to refer in too much detail to the why's and wherefore's of an O.J.E.U. (Official Journal of the European Union) Notice. The reason that we use the E.U. format was quite simply to try and get the broadest reach possible. I have been concerned, though - perhaps rather late in the day, although these allegations have popped up in a number of speeches, but in particular with remarks made by Deputy Mezbourian - about remarks that have essentially implied that the department was somehow failing to provide the information to Scrutiny and/or Juniper. I would just like to read some sections from an e-mail exchange between the Transport and Technical Services Department and the Scrutiny Panel office. The Transport and Technical Services officers say: "Please find attached the bio-solid land back briefing which we have prepared to inform the Juniper review. As indicated we would welcome the opportunity to explain this to the panel or Juniper as required. I had hoped to have an updated Solid Waste Strategy arising model for you, unfortunately I am awaiting updated household information from the Statistics Unit before I can complete this review and it will not now be available." The response from the Scrutiny office: "Thanks for that, we can probably manage without an updated Solid Waste Strategy arising model urgently, it is the older version on which the strategy was based that we need urgently. Can you get a copy today?" I can see from the attachment being marked, that copy was sent on that day with the comment: "Apologies, we had understood you wanted the last version of the model. Here is the original which we used to formulate the assumptions within the Solid Waste Strategy." That email exchange is dated 13th March, and I know Members will have heard all sorts of accusations that we have left passing on information very late. As far as the department is concerned that information that was asked for did get to Scrutiny some time ago. I have said from the outset of our dealings with Scrutiny that I did not want my officers to place me in an embarrassing position in this Assembly. I made it quite clear that at no time do I want to address Members and find myself being confronted with a suggestion that I have somehow not provided the information. So I can assure Members that we have provided the information and, indeed, subsequently provided the updated model that was based around the new household statistics as well as information coming out of the Imagine Jersey consultation. Regrettably those statistics arrived too late for the Juniper report. That was one very good reason, among other aspects of the elements of the consultation, that we disputed ... I should remind Members that we disputed very little with Juniper. In fact, as I said before, I was very heartened to see how much we had in common with the other consultants. But we did want to clear some matters up and it was following a Scrutiny Panel meeting on air quality that myself and the Chief Officer asked the Chairman if we could have another meeting with Scrutiny and I know my Chief Officer offered to cover half the costs should costs be a concern. So it was with some surprise that some days later we were informed that, no, the Environment Scrutiny Panel did not wish us to have any more discussions with Juniper and, in fact, they had turned that down on reasons of cost. I see the Chairman wishes to perhaps give an explanation of this rather extraordinary behaviour.

Deputy R.C. Duhamel:

As stated in my statement a number of weeks back, I think we have explained the position of the department and the Scrutiny Panel adequately, so what I would like the Minister to explain, because he is giving statements out of context which will mislead the House, and that was the date on which the new figures were given to the Environment Scrutiny Panel and the date on which those figures

were used to change the 126,000 tonne machine to a 105,000 tonne. It was after the Juniper report had called for those figures.

Deputy G.W.J. de Faye:

As I just said, it was regrettable that those figures came out not in time to be included in the Juniper report but that was nobody's fault. That was not Juniper's fault, it was not Scrutiny's fault, it was not the fault of Transport and Technical Services. It just happened to be that was when the statistics came out. However, the statistics did show some rather dramatic changes, not least of which the prediction of how many households might be in the Island in 2035, which had dropped to the tune of some 6,000 and, therefore, it was only responsible for the department to entirely review its model based on this new information. It was as a result of that review that we were able to decide that we would be able to function with 105,000 tonne per year capacity. But I raise these points because I think it is unfair to tarnish the departments and the officers in the departments with some sense of either failure or to make some implication that there have been attempts to thwart other people involved in the consultation and consideration process. Now, Members will have spent much time talking about percentages of recycling, and I have received criticism perhaps for not being adventurous enough in deciding to announce perhaps larger percentage figures. May I say that there is a difference between aspiration and what I think is realistically achievable. I believe in trying to take a realistic approach to things. Yes, the United Kingdom I believe has announced a 50 per cent recycling target. The fact is that the United Kingdom is currently recycling at 31 per cent. Yes, it is true. Guernsey I believe have announced a 50 per cent target, clearly an aspiration because Guernsey are currently recycling at 31 per cent. I have announced a more modest target of 36 per cent but almost exactly like the United Kingdom and Guernsey, we are recycling at just below 31 per cent. So I think that in reality we can feel reasonably comfortable with the position as it is. No, the aspiration is not as high as some Members would like but the performance - the performance - is measurable against those 2 examples, Guernsey and the U.K., and I could mention numerous other jurisdictions who are lagging far, far behind those figures. I do want to make quick mention of the references about whether we are going to conform to the E.U. directive about energy efficiency. The answer simply is yes, if we approve the plant today it will mean that it will be a permitted plant for 1st January 2009 and we will exceed the designation percentages laid down. It does ultimately relate to nomenclature as to whether we will be able to describe the plant as a recovery plant as opposed to a disposal plant. But I do want to give Members an assurance on that. That is not, I do not believe, a major issue. I do not really want to go far down the road of food composting again because clearly people have entirely different views on supermarket protocols and how they apply. I do want to say that I agree with the Environment Scrutiny Panel, anaerobic digestion is a perfectly valid method but we do not believe that it is the right method for Jersey at this time. We may discover in a number of years that some process is developed whereby it is perfectly safe and everybody is entirely happy for it to go on to fields, but we believe that there currently is an issue and I think that most Members would agree with the department's position, and indeed it is not just the department's decision, if I can remind Members, it is a decision taken by the States in the 2005 Solid Waste Strategy that we would not currently go down the route of food waste. So this is not Deputy de Faye making it up, it is conforming to the wishes of States policy as laid down but it would be something we would keep under review, which we do, and it may be something we would consider in due course. But let us just assume that we do it, just for argument's sake. It is estimated we would probably be able to recover, with a kerbside style collection of food waste, some 9,000 tonnes, which could be removed from the requirement of incineration and clearly would go to a composting process. However, the effect on the capacity requirements of the plant would only reduce it by about 3 per cent. So the overall impact on capacity in terms of an incinerator would be pretty marginal given the expense. As I head to a conclusion I do perhaps want to make something more than I have made of in the past, that is ... and I want to pay tribute to the outstanding work that in fact has been carried out on behalf of Transport and Technical Services by our consulting engineers Fichtner. They are the leading U.K.

consultants in the development of Energy from Waste projects, but just to correct a view, I think, that was held by some Members, that is not their only expertise. They also advise on anaerobic digestion plants, mechanical biological treatment and pyrolysis and gasification projects as well as recycling facilities which include in-vessel composting plants. I just want to take a couple of snips from the document that Members received yesterday. I think these are significant. "Jersey is an Island without alternative waste disposal routes. If the plant built is slightly too large it will cost slightly more money but will last longer. If the plant built is too small there is no simple solution to disposing of the excess waste which would need to be stored prior to finding an acceptable disposal route." It notes: "Jersey has previous experience of adding a third stream to the existing Bellozanne incinerator." The general agreement was that while this was necessary it was not particularly successful. Sir, I can conclude ... there is probably one point that I should make that may not have been particularly transparent when I made it earlier. That is to say if you add up the theoretical capacity of the 3 streams at Bellozanne now, they come to almost exactly the same capacity as the 2 streams that are being proposed for the new plant. So to suggest that we are suddenly going to introduce, build and construct some huge new monster is simply, I am afraid, not correct. We will be operating virtually exactly the same capacity as we have now except, of course, it will be a brand new, much more efficient plant, critically it will have modern gas flue cleaning equipment which will sort out permanently, or at least over a 25-year period, the really serious issue of the noxious emissions coming out of Bellozanne. Sir, I believe that the preferred solution being put forward is the cheapest, most robust and flexible option for dealing with our rubbish. The new incinerator will offer us assurance, it is a reliable backstop under all sorts of circumstances for 25 years, it will end those emissions, it will be safe and reliable. Sir, it has taken nearly a decade of prevarication to get to this moment. Jersey did lead the field in Energy from Waste plants when our Bellozanne incinerator was first commissioned. We have those 30 years' experience within our own people, within those technicians operating at Bellozanne today. We must not squander those skills. An incinerator generating electricity is the right thing for Jersey, we need it urgently, it will take a brave decision for Members to approve a plant of this cost, but I urge Members, in the interests of the Island, to be brave today and approve the preferred solution.

Deputy G.P. Southern:

Could I ask a point of clarification of the Minister? Could he confirm that the process ... as I indicated during my speech, that there will be a 2-stage cost benefit analysis for an 18 tonne per hour throughput and a lower throughput? Is that the correct procedure? Is that how the thing will proceed through planning?

Deputy G.W.J. de Faye:

No, we are presenting a preferred technology as indicated in the previous proposition. While I am on my feet, Sir, can I call for the appel?

Deputy J.A. Martin:

I specifically asked if the Energy from Waste plant is supposed to produce 7 per cent of the Island's electricity. That is at 105,000 tonnes, and what would it be if we got to the target of 36 tonnes, the energy for the Island? The new plant can burn between 36,000 tonnes and up to 105,000, and it is the capacity of energy it will produce on the 36,000 tonnes which is our target, is it not, if we are going to recycle?

Deputy G.W.J. de Faye:

Sir, 36,000 tonnes is the lowest annual operating capacity of one stream. The plant will operate at any capacity of tonnage over a year between 36,000 and 105,000 tonnes. I think the Deputy is seeking to know whether down-rating the plant one stream would affect the energy output. I regret to say I do not have an energy output chart with me in order to answer that question accurately. I would have needed notice of that.

Deputy J.A. Martin:

I did, and his officers have told me it is 2 per cent to the Island, not 7 per cent.

Deputy G.C.L. Baudains:

I do apologise for interrupting. The question I did ask the Minister I do not believe was fully answered and that was could he confirm that the Babcock and Wilcox submission was made and roughly why it had been discounted?

Deputy G.W.J. de Faye:

All I can say is approaches have been made, there has been nothing really that could be classed in my view as a submission that I am aware of, and in any event, as I think I did explain, we have conducted a proper tender process and the one thing that certainly a government does not do following a tender process is to suddenly bin it and award it to someone else.

The Bailiff:

I ask the Greffier to open the voting, which is for or against the proposition of the Minister for Transport and Technical Services.

POUR: 30	CONTRE: 21	ABSTAIN: 2
Senator L. Norman	Senator S. Syvret	Senator F.E. Cohen
Senator F.H. Walker	Connétable of St. Mary	Deputy of Grouville
Senator W. Kinnard	Connétable of St. Peter	
Senator T.A. Le Sueur	Connétable of St. Helier	
Senator P.F. Routier	Connétable of St. Martin	
Senator M.E. Vibert	Deputy R.C. Duhamel (S)	
Senator P.F.C. Ozouf	Deputy A. Breckon (S)	
Senator T.J. Le Main	Deputy of St. Martin	
Senator B.E. Shenton	Deputy G.C.L. Baudains (C)	
Senator J.L. Perchard	Deputy P.N. Troy (B)	
Connétable of St. Ouen	Deputy C.J. Scott Warren (S)	
Connétable of St. Clement	Deputy R.G. Le Hérisier (S)	
Connétable of Trinity	Deputy J.A. Martin (H)	
Connétable of St. Lawrence	Deputy G.P. Southern (H)	
Connétable of Grouville	Deputy of St. Peter	
Connétable of St. Brelade	Deputy P.V.F. Le Claire (H)	
Connétable of St. John	Deputy D.W. Mezbourian (L)	
Connétable of St. Saviour	Deputy S.S.P.A. Power (B)	
Deputy J.J. Huet (H)	Deputy S. Pitman (H)	
Deputy J.B. Fox (H)	Deputy K.C. Lewis (S)	
Deputy S.C. Ferguson (B)	Deputy I.J. Gorst (C)	
Deputy of St. Ouen		
Deputy P.J.D. Ryan (H)		
Deputy J.A. Hilton (H)		
Deputy G.W.J. de Faye (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy A.J.D. Maclean (H)		
Deputy of St. John		
Deputy of St. Mary		

2. Energy from Waste Facility: Funding (P.73/2008)**The Bailiff**

We come to the next item on the Order Paper which is Projet 73 - Energy from Waste Facility: Funding- in the name of the Minister for Treasury and Resources. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005, to amend the expenditure approval for 2008 approved by the States on 18th September 2007 in respect of the Transport and Technical Services Department Head of Expenditure, to permit the withdrawal of an additional £102,810,000 from the Consolidated Fund for its capital expenditure in order to fund the provision of the preferred solution for the replacement of the Bellozanne incinerator of an Energy from Waste facility, as set out in Sections 8 and 10.1 of the report of the Transport and Technical Services Department dated 20th May 2008.

2.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources):

Hopefully this is a rather a more straightforward proposition because having agreed the previous proposition with the net cost of £102.8 million the States in the Business Plan last year agreed that the Energy from Waste plant would be funded by borrowing and setting aside a sum of money each year to repay that borrowing. Since that date we have updated our forecasts of the consolidated funds and we have found that if we wish we could pay for this plant out of States monies and not have to borrow. The difference in cost is not that huge because we get interest on States funds that we have, but the cost of borrowing and the risk of borrowing still means that of the 2 solutions the preferable option, the slightly cheaper option, is for us to use our own money to build this plant rather than to borrow. So it is a very straightforward choice for Members and Members may be grateful that they have a choice in this matter. The options are really set out in Section 5 of my report and basically - it is in 5.1 - either we stay where we are and borrow or we use our own monies. I recommend to the House that we use the cheaper, better option of using our own funds. I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

2.2 Deputy P.V.F. Le Claire of St. Helier:

One could talk about the actual costs have not been identified in terms of operation, but this proposition is not about the operation of the facility, nor is it about the roads or the other infrastructure, it is about the purchasing of the incinerator and the enabling works, *et cetera*. One of the things that I would say, as I mentioned in my speech, is that this proposition does account for the dismantling of the Bellozanne incinerator and costs for that. Therefore, I find it strange that the costs that are presented to us today do not include a cost for dismantling this future project to the States of Jersey.

2.3 Deputy J.G. Reed of St. Ouen:

The Minister for Treasury and Resources suggests that this is a straightforward proposition and, in fact, he referred to decisions made by the States regarding the funding of the Energy from Waste plant. In fact, I think it is worth reminding States Members exactly why we decided to borrow the money and pay an annual allocation sum. The first decision we made was in 2007 when we debated that particular Business Plan and in the annex to that Business Plan we were informed that it was not possible to accommodate a project of this magnitude within the funding constraints of not only the 2007 but the 2007 to 2011 capital programme. It therefore goes on to explain that because of that we will borrow outside of the Consolidated Fund; however, we would repay an annual allocation to capital at the rate of an average £10 million each year from 2008. Interestingly, in the 2008 Business Plan a year later, that we debated in September last year, we find again the same comment: "It is not possible to accommodate a project of this magnitude within

the funding constraints.” This time they are looking forward to the 2012 capital programme. Again, it goes on to say that we have agreed that the works will be financed over its useful life for borrowing outside the Consolidated Fund and we will fund it by repayments from the annual allocation to capital. Interestingly, though, and bearing in mind we are now talking of September 2007 when we were debating this Plan, when we knew and it was clear that economic and financial forecasts had greatly improved since the previous year, now in the 2008 Business Plan it was suggested and in fact eventually agreed that only £7 million would be paid each year to pay off the loan. One can only presume that the reduction between £10 million and £7 million was due to a combination of financial pressures and a requirement to fund other projects and face other commitments over that period. We are now told 8 to 10 months later that due to improvements in the States finances we do not need to borrow the money but instead we can withdraw the full amount in 2008 and reduce unspent funds accordingly. The first question is what has changed in the last 8 to 10 months to make such a difference and why is it now okay to pay what amounts to the equivalent of 2 years’ total income from G.S.T. (Goods and Services Tax) out of our existing current account or consolidated fund balances? In the accompanying report we are told that since the approval of the 2008 Business Plan the States financial forecast has improved to the extent that current financial forecasts indicate that there will be sufficient unallocated funds in the Consolidated Fund to permit this withdrawal. What is more worrying is that the accompanying report on page 6 states that actual cash flows inclusive of this project are far healthier - and I repeat this, far healthier - than a glance at the financial forecast might suggest. Members must be aware that these financial forecasts that are mentioned in this report are the same financial forecasts and the only figures that States Members are asked to base all funding decisions on, including tax increases and other measures which are required to fund States expenditure. If the information provided to States Members does not give a true picture, how is this Assembly able to make the informed decisions? One should bear in mind that the introduction of the Goods and Services Tax and other taxes such as 20 means 20 were based on the same figures we are now told do not tell the whole story. £240 million, as we are told and informed in the report, in cash is somewhat different to the unallocated balance figure shown in the Consolidated Fund reconciliation that was contained in the 2008 budget. In December of last year the estimated unallocated budget, or balance if you like, in the Consolidated Fund was estimated to be £98.5 million. I acknowledge that some of the cash could relate to approved capital expenditure not yet spent. However, nowhere in either the Business Plan or the budget are these sums identified and therefore not known. If this is a failing of the existing 2005 Public Finances (Jersey) Law then I suggest that the Minister should address this as a matter of urgency in order that this States as a whole gets a far clearer picture of what our financial situation is. The second point I would like to make is if financial forecasts can change to the extent that we have seen in the last 2 years, what certainty do we have that over the next 5 overall income will continue to be maintained at higher levels than those forecast? It could be the case that the economy might slow and future income levels will not be achieved. Everybody has been warning about the credit crunch and yet, at present, we have seen very little demonstration that it has affected the Island to any great extent. We are told it will by many experts and individuals involved in the industry. What then? Especially as we will have spent almost all of our spare balances by paying for the Energy from Waste plant in one go. We are provided in the 2008 Business Plan with a graph showing us or indicating a 10-year financial forecast for 2016. The graph basically shows the surpluses and possible deficits over a period between 2006 and 2016. In that graph it is quite clear - as I say we are talking less than a year ago - that between 2013 and 2014 we would arrive at a deficit, or start to enter a deficit, in our Consolidated Fund balance. So I ask is this really prudent, as the Minister suggests, to pay for the incinerator out of existing cash? More alarming is that the Minister gave an undertaking in the 2008 budget to transfer surplus monies into the Stabilisation Fund and the Strategic Reserve to provide for times less plentiful, thereby avoiding the demand for more taxes to be introduced or the need to increase the present rate of G.S.T. On page 9 of the budget report a statement is made that above average economic growth should be locked away as a key part of the fiscal framework is to contain inflation, improve

economic stability and create the conditions for sustainable economic growth in the Island. We are also told that the recently appointed fiscal policy panel will provide independent economic advice on these policies and decisions and will be working closely with the Economic Adviser and the Minister. So, I ask, where are their comments on this major expenditure proposal and the possible implications? We were promised that the panel would publish an annual report outlining the current state and future trends in the Island's economy. Are we to have this before or after we have made a decision of such magnitude? The Minister also promised that if forecast surpluses come to fruition then he would bring another proposition to the States as part of the 2009 budget in order that monies could be transferred into the fund. Is this now not the case? If so, what has changed? It is worth considering how the estimated unallocated balances identified in the 2008 budget report provided in December have changed. At the time the balances that we were provided with were estimated to be £98.5 million as at 31 December 2008. It is now suggested that that figure ... and if you look at the appendix to the report Members will see the statement and forecast. It is now suggested that figure could be £116 million, an improvement of £17.5 million. This is good, I hasten to add. However, presently we are only just halfway through the year. Who is to say that the States will receive this money and whether the forecast is accurate? What of future deficits following the introduction of the Zero/Ten corporate tax structure? As I say, we were informed that the Consolidated Fund would go into deficit by 2013/2014 and this was without the present proposal to withdraw £103 million from the Consolidated Fund in order to pay for the full cost of the plant in one go. Members need to question whether it is prudent to pay for the plant in this manner when decisions have already been made to pay for the plant, by this Assembly I should add, over a period of time. Do we want to place ourselves in a situation of having to raise additional taxes just because we used up most of the unspent balances accumulated in the Consolidated Fund? I bring Members' attention to the report that accompanies this proposition and at the bottom of page 6, under the headline: "Possible implications of utilising the Consolidated Fund balance" we are told: "If income falls below expectations measures may need to be taken to bring the estimated balance on the Consolidated Fund back into balance." Members will realise that there is only one way that we are able to do that and that is by raising income, which inevitably means increasing taxes. We are told that financial assessments undertaken by the Treasurer indicated that the cost of financing this scheme, using unspent balances from the Consolidated Fund, will be less than the cost of available borrowing given a variety of assumptions about returns. Where is the evidence? What assessments have been carried out? Excess cash now does not necessarily mean excess cash later, especially as it is the taxpayer who ultimately funds all States expenditure. The comments made that I recently read out from the report highlights the fact that the only way that we will be able to bring the Consolidated Fund back into balance, which is by law what we are required to do, is by increasing taxes. Recently the Minister was supporting a proposal to allow capital receipts from the Esplanade's Square development to be paid to the Waterfront Enterprise Board rather than the States. In light of the need to fund the Energy from Waste plant one cannot help wondering if any consideration was given to using these funds to help for this particular project. Before Members consider supporting the Minister's proposal to withdraw the full amount of £103 million from the Consolidated Fund in this coming year, I would like to suggest that there are other options available which seem not to have been explored. One could limit the risk by placing the £103 million in a special fund and use the interest to help to pay back the loan. In this way, although an amount would be required from the annual capital allocations it would be well reduced from the £7 million that the States have already agreed. As I would estimate, the annual interest gained from £103 million would be approximately £6.3 million at present rates. The benefit, if the States chose to select this method, would mean that the borrowing could be secured against the money and at the end of the loan period funds would be available for the next replacement plant. Presently the Minister's proposal is silent on how we aim to fund a replacement once the proposed new plant reaches the end of its life. I know it is rather premature when we have just agreed to building a new Energy from Waste plant to be talking of the next replacement, but I would suggest that is prudent. Finally, Members must ask how can they fully determine all the implications of

such a proposal of this magnitude without knowing what is being proposed in the soon to be released 2009 Business Plan, which we are aiming to debate on 16th September this year. I would hasten to add that I have made myself aware from information provided by Transport and Technical Services that the present agreement that has been reached regarding the cost of the plant is secured for a period of 6 months starting from 30th April 2008. So if States Members were to choose to reject the Minister's proposition and instead agree to debate this matter as part of the 2009 Business Plan, it certainly seems to me that that would fit in the timetable as the final agreements do not have to be reached until 30th October of this year, nearly 6 weeks after our Business Plan debate. This proposition in my view is very poorly timed and not in the best interests of either the States or the public. The right place to consider this funding proposal is as part of the Annual Business Plan, not before. It is only then that this Assembly will have all the information available to determine if this is the best option for the Island, both in the short and long term. Thank you.

2.4 Deputy C.J. Scott Warren of St. Saviour:

Firstly, Sir, I hope that in future more often than not Scrutiny will be allowed to complete its work - in this case when I say Scrutiny, Sir, I mean Juniper - especially on such immensely expensive projects such as this, prior to a debate. While this decision to go ahead with the Energy from Waste plant has just been democratically taken, I cannot support the funding of this plant as the scrutiny audit, which Juniper offered to carry out in a matter of weeks, was not allowed to be done. Their work was not completed. Sir, as I was not confident that the size of this plant is optimal, I had to vote against the proposition for the plant. Similarly I feel that I have to do likewise now. So, Sir, unlike the previous speaker, it is not the manner of paying for the plant that concerns me, but it is paying for it at all, without the audit having first been carried out by Juniper. Thank you, Sir.

2.5 Deputy G.W.J. de Faye:

We have just had an exhausting 2 days debating alternative technologies so I hope we are not about to have another exhausting 2 days debating alternative funding and financing. From my position, the issue is fairly clear cut and I am sure that Members can see from page 6 that now we can proceed with a preferred option there is a pretty straightforward timetable of when payments are expected to be made. So I sincerely hope that the Assembly will not leave me in the embarrassing position of commissioning a brand new incinerator and then having to pay for it out of my pocket with possibly help from the Chief Officer. **[Laughter]** It really would be a rather wonderful position if we could get this type of development on hire purchase or some sort of extended cash payment system. But I do regret to say that major international companies such as Connim, Spie-Batignole and, indeed, our local developers, Camerons, do at some stage relatively approximate to the time they have completed their construction work like to get a cheque as a thank you for all that work that you have carried out for us. So before we get seriously bogged down here I would urge Members and say we have taken a decision, it does need to be paid for and I think that I can speak for the Minister for Treasury and Resources in saying that I know that his department have struggled with all sorts of alternative methods of payment and they believe that this is the best one that they have come up with. It does seem entirely sensible to me and I sincerely hope that we will support them because I do wish to be in the position - either myself or the Minister for Treasury and Resources - to honour the cheques on behalf of the States.

2.6 Deputy J.A. Martin:

I do have some questions because just looking at page 8 the proposition is asking for us to take from our Consolidated Fund practically all we have got in it today and give the Minister the £102,000 they need. But the Minister has just pointed out, and I thank the Deputy of St. Ouen for his excellent points, signed, sealed and everything today in 2008 he needs £36 million, well, nearly £40 million. Am I reading this wrong? No, I think the Minister for Treasury and Resources is agreeing with me. So firstly that does not make any sense. The Minister for T.T.S. knows he is not going to be in any embarrassing position and pay anything out of his pocket. What the Minister has

just asked us to do at the beginning of his speech, and he did not seem fussed either way and this is what is worrying me, it is up to us. Now, you can hand over £106 million today, it is not needed today, only £46 million is this year, or we know we would have to find x amount every year ... I want that explained firstly. Secondly, on the points from the Deputy of St. Ouen, I would just like read, on 5.5, page 7: "The financial assessments undertaken by Treasury indicate that the cost of finance in the scheme, if it is funded from the Consolidated Fund allocated balance, will be less than the cost of available borrowing given a variety of assumptions about returns." We do not know. I have got 8 pages and 2 of those are the balance before we just hand over £106 million. The Deputy has just seemed to give us a very good way ... we are also the States of Jersey, do not tell me - because I would have very serious concerns - we could not go to any one of our top banks or financiers over here and borrow the money. But we are not even suggesting that, we are suggesting a simpler solution that we are supposed to make a decision on today, put the money aside and let the interest pay for it over the next 25 years. I know the Deputy of St. Ouen is very good with figures and he has not stood up in this House and made some stupid comment, it is feasible and it sounds a lot more feasible than to leave ourselves naked. Two million left in our Consolidated Fund? What happens if some other catastrophe comes along tomorrow? No, Sir, I am sorry, the case has not been made. I do not even think the Minister for Treasury and Resources has made the case. You want this passed, I accept now it is going through and I accept that T.T.S. can sign the contracts tomorrow, but not on this funding agreement, Sir. I cannot support it and I want more information. I have businessmen in this States laughing at me, Sir, but they are quite willing to give over £106 million ...

The Bailiff:

I do not think Members think it is possible to sign a contract without knowing whether you can pay for it.

Deputy J.A. Martin:

But the Deputy has already said ... and on the last point as we get the people laughing, we are discussing homes ... you know, where is the money coming from for that a minute ago? We could not hang on for another few months' G.S.T., we must have this money coming in. Today, it does not matter, we only have £105 million in the Consolidated Fund, sign across £102 million of it to T.T.S. No, Sir, the case has not been made and if it takes a bit of head-bashing over a few weeks, getting a better deal together, get it back here, and behind the scenes they can still be going on with the contracts, and we will approve it in September.

2.7 Senator J.L. Perchard:

That is interesting. I would like to echo the advice you just gave to the Assembly in the sense that we are unable to proceed to implement our decision that we have made, probably one of the biggest and most important financial decisions this House has ever made. It is one big barbeque we have just bought this afternoon, Sir, at £100 million. It is hugely ... it is a massive decision that must have occupied the financial brains at the Treasury greatly as to how best, in the public interest, to pay for this. I look forward to the Minister for Treasury and Resources explaining as to why we have chosen to use the Consolidated Fund rather than borrow. A casual look at interest rates would probably indicate to me as to why the decision has been made. I would like to just ask a couple of questions on a lighter subject, a bit of relief for the Minister. I would like to ask the Minister, Sir, to confirm that he is satisfied that the £106.3 million that we are being asked to approve today, to provide for a completed Energy from Waste plant, will provide for the completed Energy from Waste plant and he will not be returning to this House with a request for extra funding for consequential costs related to this development. Is this the total package, Sir, and are there likely to be any consequential costs? Secondly, coming down the scale of importance but still very important, does this £106 million include any contribution to the per cent for art? If it does is the Minister satisfied that this project should be contributing and, if so, how much is the contribution?

2.8 Deputy A.J.H. Maclean of St. Helier:

I must say that any members of the public who have been listening with avid interest to the debate over the last 2 days must be, to say the least, somewhat bemused that here we are, having approved a brand new spanking, smart, glistening, Energy from Waste plant at some considerable cost, we are now debating how we are going to pay for it. I find it quite extraordinary and I think, Sir, that one of the questions that I would like the Minister for Treasury and Resources to address, if he would be so kind as to do so, notwithstanding the fact that accountants have taken some beating in recent weeks in the Assembly - and I have little doubt that the suggestion that he is making that this is perhaps the most efficient and cost effective way of funding the plant - if he could give a little bit more detail I would welcome that. But more so I would ask him if he would be so kind to explain to the Assembly the plans for the future. We are in a position now where we are finding over £100 million for an Energy from Waste plant. What provisions are being taken for the future when this plant needs to be replaced in 15, 20 years' time or whatever it is? I would like to see a situation where capital expenditure of that nature is being accounted for now, money put aside, and that we do not find ourselves in a similar position again in the future. Thank you.

2.9 Deputy R.C. Duhamel:

Senator Perchard asked whether or not the Minister for T.T.S. would be coming back for any monies and we all heard as part of the speech that he gave that he does not have any money for recycling. So I am assuming that the answer to Senator Perchard's question is yes, there will be other calls to this House for further sums of money, if indeed the high recycling level of 36 per cent is going to be attained. The Minister will have to be given extra funds over and above the £105-106 million, whatever it is, that he requires for this large size project. In addition, Sir, we heard that there are also uncosted, unfunded, unbudgeted for, other expenses in terms of the road exit for safety purposes that this project will spawn by its siting down at La Collette. It has to be a cost that is borne by the House and really the question arises as to whether or not it should have been associated with this project or, indeed, whether it is just another standalone rabbit out of the box that is going to be coming back at budget time for us to be finding extra funds, not from the Consolidated Fund by any means because there will not be enough money if we go down the route that is being suggested today, but from a further treasure chest that the Minister for Treasury and Resources has at his disposal behind closed doors. What concerns me most, Sir, about this particular suggestion is that in the early days when the project was being costed the full intention was to run this project over 25 years, but indeed not enough monies had been put aside notionally in the budget in order to pay for them. At some of the cost function meetings that we had a number of years ago I was asked how much I thought should be put aside as a final amount into the budgeting process by Senator Le Sueur and, indeed, the monies that were put forward were some £35 million, which was £7 million in 5 tranches. Consequently, when it became clear that the Minister for T.T.S intended that the funding of the project was going to be done over 25, as is indeed the practice for large capital projects, there were embarrassed faces all around because the Minister thought he was going to have a raiding session on the Treasury funds and he was going to take monies that were earning interest elsewhere. He was rudely awakened and brought to his senses and the Minister for Treasury and Resources and his officers beavered away to work out how much extra monies would be needed in order to finance the project over the 25-year period. I think I am right in saying, Sir, that the extra monies that were thought about at the time, in order to replace the monies that would be foregone if the Minister for Treasury and Resources was given the monies as a freebie from the treasure chest, so to speak, was in the order of £2 million extra to the £7 million that would have been required in staged payments over the 25-year period. So the consequence of that, and certainly in order to make any cost comparison of any other alternatives more favourable for the proposition that was being brought forward by the T.T.S. Department, the alternative suggestion of not running the financing over the 25-year period but instead bringing it down to reduce the exposure to carrying costs of borrowing the money was put forward by the Treasury and that is why we have today, Sir, the proposition on our desks - P.73 - which suggests

that the funding should take place over 3 years and not over 25. Indeed, Sir, if the other projects were to be considered, or had been considered on the same basis, then the differences between their funding - and I think the nearest comparison of the comparisons that were looked at was within £5 million of the large box that the House has just agreed - would have been more apparent. The reason I am speaking, Sir, is that I am not happy, not at all happy with the funding proposals that are being put forward. I have said on many occasions, Sir, that the States are penny wise and pound foolish and, in picking up Deputy Maclean's comments, I think he would probably agree with that. Here we are suggesting that we not only break our own rules in terms of trying to find savings within the system, but we spend the small sums of capital that we have managed to squirrel away in the good times to smooth out the bad times, and here we are wanting to have a big blow-out party and to spend outside the budgeting process because the Minister for T.T.S. wants his first tranche of £36 million by this afternoon. It is absolutely farcical, Sir. Other departments and Ministers within this House have to at least attempt to show some kind of financial elements of shrewdness in their budgeting, but here we have the Minister for Transport and Technical Services coming to below the line, be given monies to ...

The Bailiff:

That is not right, Deputy, this is a proposition of the Minister for Treasury and Resources.

Deputy R.C. Duhamel:

Yes, indeed, it is, Sir, but it is presumably being sponsored by the requirement of T.T.S. Department in order to find somebody to pay for the plant.

The Bailiff:

No, I do not think so. The proposition is of the Minister for Treasury and Resources which asks the Assembly, in accordance with the Public Finances (Jersey) Law, to make such an arrangement.

Deputy R.C. Duhamel:

In that case I take back some of the comments in relation to T.T.S. and offer them towards the Minister for Treasury and Resources in his place. But the import of what I am saying is still the same, Sir. We have the Minister for Treasury and Resources ... and it is probably worse then in that respect because we are all being asked to tighten our belts on occasion and to follow the rules and regulations of this House in order to try and do things in a proper ordered fashion, and yet here we have the Minister for Treasury and Resources recommending that we break our rules on behalf of one department. I do not think it is right. It will have knock-on effects in perhaps areas we cannot determine because the monies are being put aside in order to smooth out the peaks and the troughs in the economy. Although we are being told at the moment that the economy is riding high, as we have heard from a few other Members, Sir, we do not know whether or not the same financial conditions will be exhibited just around the corner in the next couple of years. If indeed we do find ourselves in harder times, we will have to go back to another pot of monies that the Minister for Treasury and Resources has in order to smooth out the economic prosperity of the Island, which was the real reason for setting-up this Consolidated Fund in the first place. It is short sighted in the long term, Sir. There are better ways of delivering these projects, as I mentioned the other day. Small sums of money paid over a longer term are probably a better way of dealing with things because you have small regular amounts which are more manageable rather than a big hit. The States do like to run their maintenance of projects ... to cut them to the bone so that we are forced into a position of looking at decrepit machinery or housing or other property when it is about to fall down and then coming back to this House to make large requests for huge sums of capital monies. In my view, Sir, it is robbing Peter to pay Paul. I am reminded, Sir, of the proverb - because we have had quite a few proverbs these days - about a fool and his money being soon parted. I would not like to be classified as a fool in this situation, Sir, and in those conditions and circumstances I cannot possibly support the proposition.

2.10 Senator P.F.C. Ozouf:

The traditional Jerseyman is well known for his thriftiness. I had a great uncle who, in his combined audience of nieces and nephews, used to say what is it? You cannot touch it, you cannot see it, the world runs on it, most people are addicted to it, I do not have any of it. Credit. Sir, there is something refreshingly simple about the traditional Jerseyman's approach to his financial affairs. There is also something refreshingly simplistic and good about the way that we approach our accounting in this Assembly. We pay for capital projects when they fall due. We do not borrow. We pay for them with cash. With the exception of a couple of off balance sheet minor matters, of which there is a revenue stream, in housing associations and airport which are perfectly legitimate, we have an absence of borrowing. The Minister for Treasury and Resources will no doubt explain the full extent of his balances in the Treasury in relation to the Stabilisation Fund. I do not think, with respect, the Deputy of St. Ouen or Deputy Duhamel have got a full appreciation or indeed an understanding of the way the interrelationship between the Consolidated Fund and the Stabilisation Fund works. I am sure the Minister for Treasury and Resources will explain. The fact is this is a capital project which will require drawdown balances and we will pay for it out of cash. That is a refreshingly correct, prudent, appropriate way. If Members do want to go and visit collectively the bank manager, the first question the bank manager would ask is: "How are you going to repay it?" There would be 2 streams, an unwise approach to the bank manager, but one could say (a) taxation receipts, (b) an alternative stream of revenue. The taxation receipts are effectively mortgaging future receivables on income tax. The alternative which some Members may want, and maybe many may wish to have in future, is to create a revenue stream for the Energy from Waste plant. That would mean a tax imposed upon the Constables in the Parishes for paying for black bag waste or other waste going into the Energy from Waste plant. Then you could go and borrow money and even then I would suggest that that revenue, if a tax was to be raised - and I am not suggesting that there should be one - should go back into the Treasury repaying on cash balances. This is traditional, it is prudent and it is right.

The Deputy of St. Ouen:

Just for clarification, would the Minister just confirm that the States had already made a decision last year, in the 2008 Business Plan, to fund this Energy from Waste plant by borrowing money and paying it back over a period of years?

Senator P.F.C. Ozouf:

Personally this is an alternative way, the Minister for Treasury and Resources will answer his own questions, but certainly as an independent Minister and as an independent Member of this Assembly, paying it out of cash is more prudent and I am surprised the Deputy of St. Ouen does not agree.

2.11 Deputy S.C. Ferguson:

I think perhaps the House is confusing financing with funding. Funding is what the Minister for Treasury and Resources is doing by earmarking funds from the Consolidated Fund. Now, the financing is whether we use cash or whether we, in fact, incur debt on this. I think Members are getting a bit confused over this. Personally I would have found it useful if we could have had summaries of the alternatives that had considered whether to finance by cash or by some form of debt, or whether to do 50/50. That sort of information, I think, would have been useful to the House and I regret that it was not there. I think the phrase Deputy Maclean was looking for was: "Setting up a sinking fund" and I too would recommend that we establish a sinking fund so that in 25 years' time, our descendants, grandchildren, what have you, are not bereft looking for the money to buy some sort of new Energy from Waste plant or perhaps an anaerobic digester, or a fluidised bed or what have you. But at least they would have funds there to give them the luxury of making the choice. But, as I say, Sir, I think we are confusing financing and funding.

2.12 Connétable T.J. du Feu of St. Peter:

Following our previous decision, which I believe will see the demise of any serious or concerted effort on the recycling programme in this Island, moving on from that opinion, Sir, to the funding that the Minister for Treasury and Resources is recommending to us, can he assure all the residents of the Island that he is not going to pull out a little trick from his back pocket or wherever it comes from and suddenly decide to descend further taxes upon the Islanders; or indeed add further to the percentage on G.S.T in order to meet any shortfall, which this will undoubtedly leave in some form or another? In doing so, if it were to be the case, it would show and demonstrate further the discontent and misery that it will heap upon so many people in this Island. I think there has to be a more serious approach generally on the funding, and I am talking now in a very broad sense, on some of these schemes that we are going to be embarking on. There must be an end to the sort of cavalier type approach which appears to be coming from some of the Ministers. Thank you, Sir.

2.13 Deputy G.C.L. Baudains:

I was slightly confused by Deputy de Faye's concern earlier when he said this was in danger of becoming another 2-day debate because really we have had so much fun these last couple of days I cannot imagine why he is so concerned. To deal with P.73, Sir, I am minded to agree with the Minister that we are probably better off using our own funds. But I have to say only probably, because we are presumed to be heading towards a black hole. Indeed, G.S.T. was designed supposedly to mitigate that. I realise that the Island is reluctant to borrow money, but in the circumstances, especially in today's uncertain times, Sir, I was wondering why something like a bond issue had not been considered, or presumably it has been considered. So like some of the other previous speakers, Sir, what I would like to know - and it is unfortunate I think, as Deputy Ferguson said, that we have not seen the options and perhaps in his summing-up the Minister could explain to us - why it was believed that such options were not the best option. Finally, Sir, we are of course being asked to support the spending of over £100 million. The difficulty I have is because, as I said in a previous debate, as far as I am concerned a better plant was available at not much more than half the amount. I therefore find that my ... I would be in a hypocritical situation to oppose something and then vote funds for it, so I may not be supporting this.

2.14 Deputy P.N. Troy:

I do not build incinerators but I do build houses and I know that when I build houses if I have some demolition work to do I get a man to demolish something and then he sends me a bill and I write him out a cheque. I do not give him the money in advance. I wondered why we are giving out £29 million before we have even seen one brick. I wonder why we are going to spend £29 million in 2008, and this incinerator is not going to be here in 2008. Maybe we could reserve our incinerator and put down a little deposit or something, but why would we start paying up-front before we have even got any of the thing? I really do not understand how Transport and Technical Services have organised the funding of this. If this money is just going into T.T.S. budget and they are going to draw it down as and when the incinerator is being built to fund the project that might be different. But the way this document is presented to us, it seems to imply that £29 million is going to be paid out in 2008. I would like the Minister for Treasury and Resources to confirm how he sees this funding operation to work, because I believe at the moment there is not even a detailed planning permission. I think there is an outline planning permission but there is not a detailed planning permission. So that will probably ... to get a detailed planning permission you will need to see the full plans of the facility presented to the Minister, the Minister will have to consider them, he may have to get some consultation from the public on whether they like the incinerator, the size of the incinerator, the look of the incinerator, and I see that process taking a little while, Sir. So I really do ask the Minister for Treasury and Resources to explain in detail how this is going to work because I see no reason to hand over any funds until people start carrying out the work, Sir. In addition I also notice that the project management is set at 7 per cent. Normally if you are on a building contract you might have 4 per cent or 5 per cent project management, here it is at 7 per

cent so 2 per cent over and above that, that is an extra £2 million we have just thrown out to somebody. Who is getting this project management, Sir, because I would like to put myself forward as a project manager because this looks like a pretty good deal to me. **[Laughter]** The point is, Sir, that I think these figures ... we are just agreeing to figures that are thrown on to paper really here. I certainly think the project management is high and would not agree to that myself if I were T.T.S. So maybe the Minister for Treasury and Resources knows why the project management is higher than average.

The Bailiff:

Deputy, that is not a matter which is before the Assembly at the moment.

Deputy P.N. Troy:

Well, it is about the funding, Sir, as to whether you agree with the funding. If you agree with the funding you might vote for it; if you do not agree with the funding you would not vote for it, Sir. The way it is being funded, whether this is a good deal or is it not? Because if someone is going to get £29 million and slap it in their bank account ...

The Bailiff:

Deputy, I am sorry, the detail of the funding is not before the Assembly. What is before the Assembly is whether the Assembly wishes, in accordance with the Public Finances (Jersey) Law, to amend the expenditure approval to allow the sum of £106 million to be paid in the way in which the Minister for Treasury and Resources suggests. It is either yes or no.

Deputy P.N. Troy:

Yes, Sir, but if the Minister for Treasury and Resources is just going to give the money away before he has seen his product, Sir ... I do not know if he goes shopping with his wife and hands out money to shopkeepers before he gets the product, Sir ...

The Bailiff:

You have made that point several times, Deputy, I think.

Deputy P.N. Troy:

I would like some detail, Sir, on the project and how the funds are going to be paid.

The Bailiff:

I call upon the Minister for Treasury and Resources to reply.

2.15 Senator T.A. Le Sueur:

I apologise to Members because I should realise that when I started talking about accounting matters I have perhaps better knowledge than some and so I assume that other people are at the same level of awareness as I am. That is an oversight which clearly I should know better. I will try to explain this particular project in much more simple terms, because it is simply a question of funding principles. Whether the sum is £102 million, £92 million or £2 million, it is the principle we are talking about here. At some stage during the construction of this Energy from Waste plant, T.T.S. are going to have to pay over one or more cheques to various suppliers. Those cheques have to be honoured and basically that means that they have got to be backed by cash. That cash can be found in various ways, and picking up the question of Deputy Ferguson, it may have been I should have spelt out those options in more detail. But effectively we could go along to a bank and negotiate an overdraft or a loan at whatever those rates of interest might be. We could raise a bond and pay interest at the prevailing rate it would take for raising bonds at this time of the year in the market, or we can use funds we already have which are earning interest and which, if they are spent, will no longer be able to earn that interest. Now, we in the Treasury have looked at all those options and others as well, but I am just trying to make it relatively simple. Of all the options we

have looked at, that of using our own money - if we have the money - is the best option. So what has changed since this time last year when we debated the Business Plan and decided we were going to borrow? Well, what has changed is that the financial forecast has improved. The Business Plan last year was debated on the basis of the February 2007 financial forecasts. Since then, as Members are aware, the position has improved by £38-40 million for that year and thereafter for subsequent years. We are in a better position whereas at that time, as the Deputy of St. Ouen has rightly said, we had something like £98 million projected in the Consolidated Fund, it is now slightly over £100 million and that enables us to have an option which was not previously there. Because, as I think Deputy Ferguson again said, what we need to consider here is the difference between financing and funding. We have to decide at the outset how we are going to finance this project, but the funding of it will occur over 3, 4, 5 years as the money gets drawn down. In the intervening years we will have a mixture and some of the money will still be in the Consolidated Fund, some of the money will still be in the bank, some of it will be paid over to the builders. But we have to make sure, first of all, that we have the money available and the current financial forecast, which is shown on pages 8 and 9 of the proposition, shows that the money is available. I think one of the concerns of the Deputy of St. Ouen was that although it is currently the case, it could well be that with a downturn in the economy it would no longer be the case. Well, I suggest to him that 2008 financial forecasts are based largely on tax revenues of what happened in 2006/2007. So they are more or less known already, so it is future forecasts we are going to be concerned with. After 2008, even after we had earmarked this £102 million Members will see that there is still £70-odd million left in the Consolidated Fund. So even with a downturn we are still accounting for that and I did take that into account before I decided that this was a better way to go ahead, because I would be equally concerned of taking a short-term decision and not being able to see us through in the longer term. But we did look at that and that is why I am able to propose this with confidence. The Deputy of St. Ouen also seems to think that if we did have that downturn situation, the only thing we could do was to raise taxes. I am surprised to hear him say that because I would have thought a more obvious alternative solution would be to spend less **[Laughter]** but maybe he thinks that is not possible. So he says is it prudent not to borrow? I think it is prudent not to borrow when you know you have got the cash there already. If we did not have the cash there it would not only be prudent to borrow, we would have no choice but to borrow. But I am saying since we have got the cash there then let us use it to its best advantage. But I do emphasise to Members that it is not we are suddenly £102 million worse off or £102 million better off. The difference between the options is the difference in the prevailing rates of interest. So one rate of interest may be 6.3, one may be 6.5, one may be 7 per cent, it is those sort of margins of interest which are the only differences. That is why I say really it is not such a huge decision as some Members may seem to think it was. But picking up some of the other comments, there was a question about whether the cost of the roads from Green Street to the project were included. The answer to that one is yes. That is within the total funding. In any case, that and some of the questions of Deputy Troy's are not at issue here, it is really the method of how. But there was a recurring theme through the debate from Deputy Maclean, Deputy Ferguson and others about the need to create some sort of sinking fund or providing for the replacement of this plant in 20 or 30 years' time. Of course, I remind Members that with the advent of G.A.A.P. (Generally Accepted Accounting Principles) in a couple of years' time and resource accounting, we are going to see provision for depreciation and these matters will be addressed, albeit in a different way. But that principle applies not just to the Energy from Waste plant, it will apply to the airport, it will apply to all other things where we have an asset which constantly needs replacing or updating. To Deputy Martin, we are not going to hand over the whole £102 million. The Minister for Transport and Technical Services hands it over or pays it over reluctantly as and when certificates come from the project manager saying that the project money has been spent. To Deputy Duhamel, yes, we may need more money for recycling costs but that will be a revenue expense. That is not what we are talking about in here. I am sure I shall get my ear bent by the Minister for Transport and Technical Services in that respect and so will Members of this House. But he, like others, seems to suggest

that it is not consistent with belt-tightening. He thinks we are spending money we would not otherwise be spending. I can assure Members this is consistent with belt-tightening. It is me suggesting to the House that we do not spend more money than we need to on interest. We do not spend more money than we need to on interest by using our own money rather than borrowing. That, I think, is perhaps the message which I did not get through sufficiently clearly at the time. So, as I say, Sir, this proposition simply gives Members a choice, do we want to borrow, which is what the Business Plan agreed last year, or do we want to use our own money and get slightly better benefit on the interest rates? But with the slight minimal downside risk that the Deputy of St. Ouen was saying, we might be locking ourselves in in the event of a major downturn in the future. That is a decision which I think ... if that did occur there is always still the third option. We could then borrow should that arise. I am confident that our forecasts are sound and that it will not be necessary but that option would not be ruled out even in that event. On that basis, Sir, I am confident that this funding proposal for the agreed sum of money for the Energy from Waste plant is the best way to fund it and I maintain the proposition and ask for the appel.

Deputy P.J.D. Ryan of St. Helier:

May I just make a short announcement to the House which is relevant to this, to do with the forecasting concerns that Members may have? It will take about 10 seconds. No, okay.

Senator J.L. Perchard:

I did ask a question which the Minister failed to answer. I wonder if you would allow me to just remind him. On page 5 he does - while I have accepted the ruling that you made, Sir, with regards to this is the principle of how the incinerating is funded - give us a breakdown of how the £106 million is arrived at. I did ask, Sir, 2 questions: will there be any consequential costs that are not budgeted that will be coming back to the House? Secondly, does the total cost of the project include a contribution to the per cent for art?

Senator T.A. Le Sueur:

As far as I am concerned, Sir, my information is that that £106.5 million includes all costs, including a very small sum for percentage for art. I apologise to the Senator for not making that clear in a response earlier.

Senator J.L. Perchard:

I am not satisfied with that answer. We are very specific as to how the £106 million is broken down on page 5, what is his definition of a small sum, Sir?

Senator T.A. Le Sueur:

I am not aware of the precise amount, Sir, but I am advised by the Minister for Planning and Environment that the percentage is very small indeed and not the standard percentage that would otherwise be expected.

The Bailiff:

I ask any Member in the precinct who wishes to vote to return to his or her seat and I ask the Greffier to open the voting, which is for or against the proposition of the Treasury Minister.

POUR: 30		CONTRE: 21		ABSTAIN: 2
Senator L. Norman		Senator S. Syvret		Senator F.E. Cohen
Senator F.H. Walker		Connétable of St. Mary		Deputy of Grouville
Senator W. Kinnard		Connétable of St. Peter		
Senator T.A. Le Sueur		Connétable of St. Helier		
Senator P.F. Routier		Connétable of St. Martin		
Senator M.E. Vibert		Deputy R.C. Duhamel (S)		
Senator P.F.C. Ozouf		Deputy A. Breckon (S)		
Senator T.J. Le Main		Deputy of St. Martin		

Senator B.E. Shenton		Deputy G.C.L. Baudains (C)		
Senator J.L. Perchard		Deputy P.N. Troy (B)		
Connétable of St. Ouen		Deputy C.J. Scott Warren (S)		
Connétable of St. Clement		Deputy R.G. Le Hérisssier (S)		
Connétable of Trinity		Deputy J.A. Martin (H)		
Connétable of St. Lawrence		Deputy G.P. Southern (H)		
Connétable of Grouville		Deputy of St. Peter		
Connétable of St. Brelade		Deputy P.V.F. Le Claire (H)		
Connétable of St. John		Deputy D.W. Mezbourian (L)		
Connétable of St. Saviour		Deputy S.S.P.A. Power (B)		
Deputy J.J. Huet (H)		Deputy S. Pitman (H)		
Deputy J.B. Fox (H)		Deputy K.C. Lewis (S)		
Deputy S.C. Ferguson (B)		Deputy I.J. Gorst (C)		
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy A.J.D. Maclean (H)				
Deputy of St. John				
Deputy of St. Mary				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Before Members adjourn there are 2 matters. One is an announcement: Projet 112 - Bailiff of Jersey: Cessation of dual role - has been lodged by Deputy Pitman. I believe Members have a copy of that in their pigeon holes. Secondly, the Chairman of the P.P.C. (Privileges and Procedures Committee) wishes to say something about the arrangement of business.

Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):

Thank you very much. Members will be aware that we still have a very heavy agenda. It is hoped that Members will consider the Order Paper that has been distributed this afternoon and also take note of the 4 items that we would like some feedback on. So if they will do that overnight we will have an informed debate when we come to M tomorrow, Sir. Thank you.

The Bailiff:

I understand, Chairman, if I may add to that, that the Minister for Economic Development has given notice that he would be prepared to defer until the beginning of September the Draft Sea Fisheries, is that right?

Senator P.F.C. Ozouf:

No, Sir, forgive me. I suggested that the Draft Fisheries and Supply of Goods and Services be moved to the bottom of the list of business tomorrow, and in the event of us not getting there, then we could defer them. I accept that they are going to fall off the list. I am quite keen to have the fishing matter dealt with if possible. Maybe Members will be brief.

The Bailiff:

Very well, if Members agree we adjourn to 9.30 a.m. tomorrow morning.

ADJOURNMENT