

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES
BY CONNETABLE A.S. CROWCROFT OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY, 21st NOVEMBER 2006

Question

- (a) Would the Minister advise what progress has been made towards fulfilling the decision of the States on 13th July 2005, that 'the Committee be charged to work with the Parish of St. Helier to undertake further research and bring forward for consideration proposals for the resolution of the present covenant on the Bellozanne site'?
- (b) Would the Minister explain his understanding of what benefits and protection for the Parish of St. Helier are currently in place as a result of the covenant?
- (c) Does the Minister regard the existence of the covenant as an obstacle in his implementation of the Solid Waste Strategy (P.95/2005) as adopted by the States, and if so why?

Answer

- (a) When the Waste Strategy was being prepared, the option of introducing some form of charge for the disposal of residual waste to pay for a new energy from waste plant was being considered. At that time, the covenant was seen as a potential obstacle in achieving a fair and equitable charging mechanism that could be applied Island wide. Following detailed discussion with the Treasury and subsequent approval by the States for the inclusion in the Capital program for the replacement of the Bellozanne incinerator, the urgency to resolve the original covenant has passed.

As it was felt that further research would require considerable resource to be devoted to it and as other elements of the waste strategy were of a higher importance, this work has been delayed and consequently, no progress has been made.

However, in the long-term interest of the Island, the relevance of the covenant, its exact meaning and impact will need to be clearly understood.

- (b) The exact meaning of a covenant and the implications it may have on the affected parties is generally a complex legal matter that has required much interpretation by legal professionals. Unfortunately, it appears that the Bellozanne covenant is one that will depend on such legal interpretation and possibly, in the longer term, a ruling by the Courts. As a result, I cannot give the Connétable any definitive explanation of the benefits and protection for the Parish of St. Helier.
- (c) I do not consider the existence of the covenant to be an obstacle in implementing the Solid Waste Strategy (P.95/2005). As there are no current plans to introduce a charge for the disposal of residual waste into a new energy from waste facility and the covenant does not prevent the waste strategy, as approved, from being implemented, further detailed work has been delayed whilst the more critical elements of the strategy are developed.