

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT BY THE  
DEPUTY OF ST. MARY  
ANSWER TO BE TABLED ON TUESDAY 31st MARCH 2009**

**Question**

Can the Minister inform the Assembly exactly how the monitoring and regulation of the construction of the Energy from Waste plant and of all the other activities at La Collette is being carried out?

Could the Minister advise the Assembly of the checklist of areas of violations of working practices that inspectors look for, by whom and when this list was drawn up, and the scale of penalties for non-compliance?

**Answer**

The monitoring and regulation of construction at the La Collette Energy from Waste facility is carried out by the following agencies:

CSBC ( Jersey) Limited

The Contractor has primary responsibility on site for the monitoring and regulation of all activities relating to the construction of the Energy from Waste facility in accordance with Jersey Health and Safety at Work law and regulations, the Planning Consent and, in addition as a contractual requirement, due to the size and complexity of the project, the UK Construction and Design Management 2007 regulations are being utilised to monitor this project.

Fichtner Consulting Engineers Limited

The Department has contracted Fichtner Consulting Engineers Limited to project manage the delivery of the Energy from Waste Facility in accordance with the agreed Contract which follows the Institute of Chemical Engineers red book standard form of contract. This requires the Project Manager to monitor and oversee the management of construction on site in accordance with the Contract. As such, Fichtner have a presence on site during the construction period.

Transport and Technical Services

The Department' Waste Strategy Team carry out monitoring of the construction on site and have recourse to a Construction Design and Management Coordinator to ensure that coordination of health and safety activities is carried out by the Contractor in accordance with the requirements of the Construction Design and Management Regulations 2007.

Planning and Environment Department

The Development Control section will monitor and regulate the implementation of the Conditions associated with the granting of the Planning Permission for the Energy from Waste Facility including the Construction Management Plan.

The Building Control section will monitor and regulate the Building Control Permission from application to building completion and consent for occupation.

The Environmental Regulator will monitor and regulate the implementation of the Construction Management Plan and other areas of the Planning Permission and specific activities requiring consent from that Department during construction, for example Discharge Consents, Waste Management Licences and other pollution control measures required in relation to the development.

### Health Protection Service

The Health Protection service will monitor and regulate the implementation of the Construction Management Plan and Air Quality Monitoring programme for the construction. The Department ensure that no Statutory Nuisance occurs in contravention of the Statutory Nuisances (Jersey) Law 1999.

### Health and Safety Service

The contractor is required under Jersey law to work in accordance with the Health and Safety at Work (Jersey) law and associated regulations which are enforced by the Health and Safety Inspectorate from the Employment and Social Security Department.

The above regulators (Planning and Environment, Health Protection and the Health and Safety Service) all perform similar roles in relation to regulating activities at the La Colette site.

The regulators are making regular visits to the site to determine compliance with the construction management plans and to ensure that the conditions of any permit or consent are being adhered to. The inspectors will work with the contractor to ensure that any breaches of practices are corrected. The penalties for breaching consent or permit conditions are set out in the relevant legislation, they could include two years imprisonment or a fine. It is not, however, expected that breaches significant enough to warrant enforcement action will arise.