

**STATEMENT TO BE MADE BY THE CHAIRMAN OF THE
ENVIRONMENT, HOUSING AND INFRASTRUCTURE SCRUTINY PANEL
ON TUESDAY 18TH APRIL 2017**

Review of Nitrate Levels in Jersey's Water

Members will have received a copy of the Panel's Report on Nitrate Levels in Jersey's Water (S.R.3/2017). Whilst I draw Members' attention to the full report, it may assist if I now identify certain of our findings and recommendations.

In December 2016, the Environment Minister presented a five-year Water Management Plan (WMP) to the States Assembly as a report. The main objective of the WMP is to improve Jersey's water quality and the Plan sets out measures that the Island needs to take to ensure clean and sustainable water supplies. The main issues that were there identified as affecting the quality of our waters were the elevated issues of nutrients (particularly nitrate), the risk of high level of phosphorus and that of pesticide contamination.

The Panel's review focuses on nitrate pollution which has been a long-standing issue. Whilst the Department of the Environment has over the last 15-20 years been working with key stakeholders to create measures to improve the quality of water, most of Jersey's water bodies (streams, ground and coastal waters) still contain some of the highest levels of nitrate in Europe. We found that this nitrate contamination is having a clear and significant impact on Jersey's public water supplies, its private water supplies and on the 'sea lettuce' problem in St. Aubin's Bay; with regard to the latter, it is acknowledged that the problem is influenced by a number of other factors but the Panel found that measures to reduce nitrate-loading on land would significantly improve the situation.

Evidence received during the review is to the effect that controlling nitrates at source is key to improving Jersey's water quality. If nitrate levels were not to reduce at source, the consequences are unpalatable; consideration would then need to be given to additional nutrient removal facilities to the new sewage treatment plan at an estimated cost of £30 million (apart from high running costs) and also to Jersey Water adding a nitrate removal process as part of their treatment, this leading to an increase in household bills. Further, these potential costs are not the only consideration in that any such facilities would not solve the ultimate problem of disposal of the nitrate once removed from the supply; nor would they improve water quality to those on private supply or reduce nitrate concentration of streams discharging onto Jersey's beaches. On the evidence received, the Panel therefore accepts the view of Jersey Water, given in written testimony to the Panel in the course of its review, that these options render it a solution of last resort and that control at source is key.

In relation to controlling the problem at source, the dominant cause of high nitrate levels in Jersey's public water supplies relates to the practice of early potato growing, combined with the subsequent land-use after early potatoes are harvested. At this juncture, I wish to acknowledge that, from discussions with representatives of the agricultural industry, it is apparent that the majority of farmers are fully supportive of the WMP's objectives and the measures that have been proposed to address the high levels of nitrate; further, as more particularly mentioned in the Panel's review, voluntary initiatives are being undertaken by the farming community to reduce inputs of fertilisers and pesticides.

Incentivisation is a fundamental element of the WMP and, in this respect, it is pertinent to note that the Rural Economy Strategy (RES) was published during the later stages of our Review. Under the RES, future payments to farmers will become contingent on claimants having LEAF accreditation, this in turn requiring acceptance and compliance with certain codes of practice.

Such schemes will provide farmers with a strong financial incentive to comply with the standards required and, in consequence, we recommend that the use of incentives as a tool to encourage best practice be made more explicit in the WMP.

During the undertaking of our Review, the States Assembly approved amendments to the Water Pollution (Jersey) Law 2000. Whilst the Law in its previous form conferred on the Minister for the Environment certain powers to prevent, control, reduce or eliminate pollution of controlled waters, the exercise of those powers under Parts 4 and 5 was contingent on the source of pollution being a 'point source' rather than a diffused form of pollution. In relation to the latter, the WMP identified a need for controls to be imposed on certain activities that are associated with inputs of diffuse pollutants; this was addressed by the amending Law by way of simplifying the process of implementing the controls that already existed under the original Law and so that, in future, controls on activities that could cause diffuse pollution could be introduced solely by Ministerial Orders. The Panel appreciated the rationale for the amendment at the time and duly gave it its support.

To successfully deliver the objectives of the WMP across the Island, at least one full-time equivalent (FTE) post will need to be employed by the Department of the Environment to join the Environment Protection Team. A new FTE post would assume the role of a catchment/compliance officer and will be crucial for providing both advice to support the achievement of compliance and the assessment of such compliance. The Panel therefore considers that the early appointment of such officer is essential if the objectives of the WMP are not to be adversely affected and understands that existing resources are sufficient to fund that appointment until 2018. In relation to funding generally, we note that the WMP acknowledges that "*additional money needs to be found to ensure compliance checking and advice is deliverable*"; it also states (on p. 59) that "*the previous Scrutiny Review concluded that Environmental Protection was already under-resourced to deliver its wide and growing mandate.*" The present Panel echoes that sentiment and records its concern that, in relation to future funding requirements, the Department should not be expected to find funding from its existing resources but, rather, that regard be taken of the contribution it makes to the well-being of the community as a whole and the general economy.

As mentioned at the outset, the WMP is a 5-year Plan and, to gauge its success or otherwise, it is essential that the various measures are subject to continuous monitoring throughout the period. We found that the current frequency of water monitoring is sufficient but that in-depth analysis needs to be undertaken to help determine the meaning of such results and the relevant effectiveness of different types of measure. In relation to St. Aubin's Bay (and in addition to regular and effective monitoring of the 'sea lettuce' blooms), the Panel considers that one long-term measurement point is needed in one of the main streams entering the Bay.

To conclude, the Environment Minister and his Department are to be commended for the work undertaken in producing the WMP and the ambitious targets contained within it to address the nitrate problem. Undoubtedly, a collaborative working relationship between the Government, the industry and Jersey Water is fundamental to the success of the required reduction in nitrates but, with the continued co-operation of these key stakeholders, the Panel is confident that the measures proposed will have a positive impact on the quality of Jersey's water.

Finally, I would like to take the opportunity of thanking our Advisors (Scottish Environment Protection Agency), my colleagues on the Panel and our Scrutiny Officer for all their assistance in the conduct of this Review.