

DRAFT WATER RESOURCES (JERSEY) LAW 200-
TRANSCRIPT OF EVIDENCE
PROVIDED TO THE VIBERT SCRUTINY PANEL
BY
JERSEY LANDOWNERS ASSOCIATION

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WITNESSES Mr H. Baudains

Mr. R. De Gruchy

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SENATOR LE MAISTRE: First of all, read the statement which you will find in front of you and the need of which will be fairly obvious,

"Shadow scrutiny panels have been established"

So, again, welcome and thank you very much for coming to meet us this afternoon. May I ask if there are any general comments, first of all, that you wish to make on the water law?

HARRY BAUDAINS: Well, I think really we will concentrate really on general comments on the law rather than particular ones. I take it you all know Rodney de Gruchy.

SENATOR LE MAISTRE: And Dr Sutton we should introduce as our technical advisor.

1. **Water monitoring and the Island Plan**

HARRY BAUDAINS: Yes, this has been going on for a long time, as we all know, and I thank you for the opportunity to talk to you about it. I would like to start really, in a way, with the island plan or with the lack of documentation that has been produced. I mean, I have seen no plan which says why we need to have monitoring and control of the water. The island plan is very brief on water. The draft plan had more in it which said we ought to conserve water and store water but I can't find anything about that in the final draft. It is still on conservation and talking about conservation and **I think that we ought to have a policy document like the island plan before there's a law.**

2 **Some areas only need monitoring**

I feel there are parts of the islands that I can understand we need monitoring, if not control, and I take for instance in a drought period, if someone is watering the fields of Grainville from a borehole, they could be taking water which would be supplying another(?) reservoir. But if you're taking water from Les Croix(?), I don't think the water works company takes water from that area and so you've got different areas of the island which I think should be treated differently.

The same as the island plan deals with building different parts of the island and water pollution areas but **the law seems to me to be a blanket over the whole island** and I think it's just -- we feel as a group that it is unnecessary.

3. **Cost of operating the Law**

It'll be expensive to run, very difficult to put a figure on it. If you look at regulatory authorities in England, or even our own JCRA, you see how it costs a lot of money. The one I tend to look at with a certain amount of sadness, because I brought in the charging for planning applications and it seems to me that the costs for planning applications has gone up but the service hasn't and I almost regret that we brought it in.

4. **Use of Borehole water for farm cleaning purposes**

That is the general overview. If you look at conservation, people with their own private borehole who are using them, and I think this morning I was going on an errand and I saw farmers' labourers washing their tractor with what I believe is borehole

water. Now, what is the point of using Waterworks water that's been expensively denitrified, if that's the right word, where you've burnt oil to turn sea water into clean water to reduce the amount of nitrates in the main supply? What is the use of using that clean, extra clean supply if you like, for watering gardens, for washing tractors where there is an adequate supply from a borehole?

5. No evidence of falling water levels

And in parts of the island it doesn't affect the supply to the Waterworks company.

There's no evidence at all that I have found where the water levels have fallen. There are places where people have got boreholes, the borehole goes down a couple of hundred feet and draws a lot of water out but if you go under the cliff you find that there's a spring down there which is the same level as the borehole is drawing and that spring doesn't stop. Now, with all this sort of thing I can see no reason for this law.

6 Licence will be counter productive

As I say, the boreholes owners have provided their own borehole. Similarly with the people who've built dams. Think of Rozel. There are three or four dams in the valley, all conserving and retaining water in the island which would otherwise have run to waste. Now, were they to charge people, make them put in meters and do all this there'll be no incentive to people to retain water, to keep the water. It'll be, "Let it go to waste and we'll use Waterworks". And that to me is not environmentally good.

7 Law will discourage water conservation

RODNEY DE GRUCHY: Sorry, there's one part of the -- in fact the whole paper did disappoint me in that it did not mention saving water to any degree. It is implementing a law which is very regimental and very expensive for everyone where certain parts of the island we see water running over our land into the sea. We've made every effort to save some of that water, including reservoirs, etc, and there's no encouragement. If I'm going to be charged for that water or with meters, it's going to discourage me rather than encourage me to save more water and I think that's a shame and I think this law doesn't deal with that. But I agree with what Mr Baudains has said that maybe it could look at regional areas of the island where one area is totally different to another.

8 Law required for emergency situations but not for general situation

HARRY BAUDAINS: We get onto the case of an emergency. Now, I can quite see -- because I was on one of the committees. I am not too sure if I was in the States or

whether I was on Farmers' Union at the time but we had a problem in one of the droughts in controlling water. Now, I think there may be an argument for having a law that one could stop people extracting water in an emergency but this happens 1 in 20 years. Does one need a department, a lot of expense, machinery, measuring the amount of water for years and years, just for that one year in perhaps 20? It could easily be said, "Well, people with hose pipes would have to stop watering their gardens in certain areas and so would people in boreholes". That would be equitable and I'm sure nobody would argue with it but it is the nitty-gritty of the law that's so detailed and so expensive, I think, to run.

9 Water cisterns

I read the law a few times and I couldn't understand at times quite whether they meant that a person with a water cistern would have to monitor the water coming from the water cistern or whether that was left out. But certainly people with small wells and I think (inaudible) at Lawrence - the National Trust Property at St Lawrence the other day. I looked down the well and there's perfectly good water a few feet down.

Now, under the law, unless we can prove that somebody has drawn that water and used it in the previous five years it has to go through the rigmarole of applying for a license just to take a couple of buckets of water out --

10 Licence exemption limit

SENATOR VIBERT: I think it's important to point out that in fact the law will only be using three cubic metres which is the equivalent of 15 people's water use. It wouldn't cover that period(?) at all.

HARRY BAUDAINS: Well, it would cover somebody dropping a borehole, a little submersible pump and watering the garden?

SENATOR VIBERT: Only if they're using more than three cubic metres a day. It's important that you (several inaudible words).

HARRY BAUDAINS: Will that have to be monitored, registered?

SENATOR LE MAISTRE: It's done on trust.

DEPUTY BAUDAINS: Done on trust.

SENATOR LE MAISTRE: That is what we are told.

SENATOR VIBERT: I didn't want to stop you.

11 Cost of pump installation

HARRY BAUDAINS: No, no. No, I welcome discussion. Well, on cost, recently I saw a bill, somebody had to pay for a new borehole pump. Only one that's used for a large garden but the cost of a new pump to my reckoning was the same as

buying 75,000 gallons of water from the Waterworks company.

Now, if one is going to have to pay a rate over and above that I must question, are we going to discourage people from providing their own supply? And I think that discouragement, in this law, is so great that it shouldn't be brought in. As I say, if it were brought in for large boreholes, but far larger than that and for the sensitive areas, well, you wouldn't argue.

12. Water run off into the sea

RODNEY DE GRUCHY: If, over the years, all this water going over to the sea on the edges of the island, especially in the north coast, and I know there's -- I won't quote millions but this is monitored, but an enormous amount of water is being wasted. If over the years there had been some sort of estimate regarding reduced amounts of water per year over a long period then obviously there might have been a need for something drastic to be done but whether that's being done or not, I have no knowledge of it. But to go to the extent of producing a law at this stage from what we can gather would be wrong, in our opinion.

13. Information gathering on a voluntary basis

DEPUTY HILL: Okay, maybe I'll kick of then. One thing that we're finding out as a result of people like myself coming here, is there are obviously different views, as one would expect. However, it seems to be that there's a little short of, what we call, evidence or base evidence. Would you have any objection, do you think, if the law was to say, "We're not going to be interested in charging people per se about the amount of water you use", because I hear what you're saying, Mr Baudains, that what evidence have we got? But do you think there would be some merit maybe in asking the people who have boreholes to register with a view to getting some idea as to knowing what amount of water we are using so when we get a bit more information we could then come into the realms of making a law?

HARRY BAUDAINS: I would think it's a good idea and I think that it would be a good idea to measure the level of water in the borehole, say, once a year.

DEPUTY HILL: As a matter of interest, have you any idea how many boreholes there are on the island?

HARRY BAUDAINS: No idea.

DEPUTY HILL: Rough idea?

HARRY BAUDAINS: No.

DEPUTY HILL: Couldn't tempt you with a guess?

HARRY BAUDAINS: Must be thousands.

SENATOR LE MAISTRE: I think guessing is really not very helpful at this stage.

HARRY BAUDAINS: I mean, I think in my small area I know of four.

SENATOR VIBERT: The law that has been proposed is going to make people who are using more than three cubic metres (several inaudible words). There has been a view put to us by the farming industry today that that ought to be lifted to ten cubic metres. They feel that would be more reasonable. So, that's the first thing I'd like to ask for your view.

The second thing I'd like to ask your views of, and you have touched on it, is that we were told this morning the borehole users were having free water. I just wondered whether you considered the water from boreholes as being free?

14 Cost of borehole water

HARRY BAUDAINS: Well, no, because the cost of the borehole and the cost of the pump and the cost of the electricity. How can it be free? As I say, buying a borehole pump is equivalent to buying, in my calculations, 70,000 gallons of water.

SENATOR VIBERT: Are you able to indicate what the cost of actually putting a bore in?

HARRY BAUDAINS: I don't know. It was a long time ago since mine was put in.

15 Raising exemption limit

SENATOR VIBERT: (several inaudible words). What about this position about the ten cubic metres rather than the three cubic metres? That would be the equivalent of quite a lot of water.

HARRY BAUDAINS: I think the higher a GFC(?) the better but I would say there's no need for a measuring equivalent at all but I think it would be useful to have the statistics there for somebody who only uses three cubic metres. I think one can never have too much information. This is what I criticise. There is no information in the island plan which we debated and now we have the law without the information and without the reason.

16 Unaware of justification for Law

SENATOR LE MAISTRE: So, you're really saying that you're, as landowners, unaware of the justification of the law what actually is causing States Department to come forward with the proposals?

HARRY BAUDAINS: Bear in mind I was on public services at one time when we had this crisis.

17 Discouraging use of boreholes

SENATOR VIBERT: Do I also take it that the view of the landowners is that if this is made too expensive they will in fact revert to using reservoir water? Or there is a chance that that is what they are going to do?

HARRY BAUDAINS: There's a chance and I certainly think in the domestic field there's a chance that people won't put in a borehole and they will use Waterworks.

DEPUTY RONDEL: Yes, so by Waterworks are you intimating that there's an awful lot of people at the moment who could join a water main or Waterworks buy it or not, and thereby, in doing so, this could be a Waterworks charter? Is that what you're intimating?

HARRY BAUDAINS: Not a Waterworks charter. I think that looking at it environmentally we're burning oil in a desalination plant, or so we're led to believe by the press(?), to mix with the water because there's too much nitrates in it. Now, if a householder has put in a borehole to water their garden rather than use Waterworks, they're surely helping the environment by not using that particularly clean water, by using the ordinary water, which is recycled because it goes back into the soil and goes back eventually into the (inaudible).

18 Membership numbers

DEPUTY RONDEL: Could you tell us approximately how many members you have in your association?

HARRY BAUDAINS: I'm afraid I can't at the moment. We're a very new association. We had 60 people come to the first meeting.

RODNEY DE GRUCHY: Two meetings of approximately 60.

HARRY BAUDAINS: But I don't know how many people who said they were going to pay have actually paid.

DEPUTY RONDEL: Can I put the question slightly differently? Do you know how many acres are controlled by your landowners?

RODNEY DE GRUCHY: Not at the moment.

DEPUTY RONDEL: Okay, thank you.

HARRY BAUDAINS: It's too early to tell but I would envisage a fair amount of land area we have (?) in the association.

SENATOR VIBERT: A lot of them would be borehole users, you would expect?

HARRY BAUDAINS: Difficult to tell.

RODNEY DE GRUCHY: We were asked by one member who has a borehole to look into this and a lot of members showed interest as well. So, we tried to.

19 Bureaucratic burden

DEPUTY BAUDAINS: I'm not quite sure whether you could explain whether your association sees the law as an advantage or disadvantage on the whole. You are (inaudible) thinking of more information obviously is an advantage but you're against the regulation and the expense involved in complying with the law.

HARRY BAUDAINS: I think the law is far too heavy-handed, if I put it that way. I think there

needs to be something as a fall-back position in an emergency but the metering, making people pay to put meters. I don't know who is going to read the metres but they obviously have to be read by somebody competent. We don't know quite when you meter the water. If you've got a reservoir you measure the water coming into the reservoir. Do you measure every time somebody takes a tank of water away? If somebody, for instance, got a tanker that they fill up to go using planting, say, cauliflower plants, do you have to have a metre on that task? We don't know quite how you envisage it. We feel the metering is not necessary at this stage. If there was a water shortage, yes, there could be an argument for metering but not at this stage.

20 Emergency Drought measures

DEPUTY BAUDAINS: Could I just add a bit further and ask you obviously within the law there's quite an extensive part of it applies to drought measures. Would you be content with just that part of the law, or do you think that doesn't go far enough? Or ...

HARRY BAUDAINS: I haven't looked to see how the drought part would fit by itself. I looked at the whole thing as a whole but I think, you know, as I say, we need some sort of fallback position.

DEPUTY RONDEL: On the fallback position, and you were talking about emergency measures, would you prefer to see a law come in under the emergency council, who in turn would put an order in place covering a certain period of time that there was an emergency on rather than go for a full-blown law?

HARRY BAUDAINS: I don't know whether it would make much difference.

DEPUTY RONDEL: So, you believe we'd still need the full-blown --

HARRY BAUDAINS: We don't need a full-blown law I don't think with the charging and all the rest of it but I think a law, you know, whether it's emergency councils or whether it's a water resource law that would just say, "Well, there's a shortage and you cannot draw from certain parts of the island for certain purposes". I mean, it's ironic. The last time we had a shortage if we'd had someone who'd had a carwash machine one side of the road that worked on Waterworks water and had to stop and somebody the other side with a borehole and they could carry on working and that borehole could've been drawing from right alongside a reservoir. Now, that I admit is a nonsense. So, you need to be able to say that in that area nobody does car washing.

RODNEY DE GRUCHY: I mean, it's been said in times of emergency, yes, we would look at some sort of restriction and as you're indicating I think we'd favour that rather than anything as dramatic as this water law(?).

21 Lack of public consultation

SENATOR LE MAISTRE: I think that in fairness it's not for me to defend the law, as it were, but I think part of the logic that has been explained to us is that the law is necessary to be able to have the information, to discover the information in order to be able to protect the resource in the future. So, there is that issue and I think I am sure you are right to question whether those powers are needed and that obviously is your view. But I think perhaps the question of public consultation has not been adequate. I'm not sure if you have any views on that.

HARRY BAUDAINS: Yes, I certainly think so because, as I say, it wasn't in the island plan and I've seen no other -- there ought to be quite a chapter of the island plan dealing with water and the need for this.

SENATOR LE MAISTRE: Because as landowners, I mean, I know the association's very new obviously, but do you have any knowledge of consultation with people who own water, occurring in the last ten years?

HARRY BAUDAINS: Well, there has been on the -- yes, Farmers' Union have with a hydrological survey more than ...

SENATOR LE MAISTRE: Fine, well I think we probably have exhausted the questions. Is there anything that you would wish to say as a final comment? If not, thank you very much for coming to meet us this afternoon and for your submissions.