

# STATES OF JERSEY

## Environment Scrutiny Panel Energy from Waste Plant and Ramsar: Review of Planning Process

WEDNESDAY, 8th JULY 2009

**Panel:**

Deputy P.J. Rondel of St. John (Chairman)  
Deputy D.J.A. Wimberley of St. Mary (Vice-Chairman)  
Connétable J.M. Réfault of St. Peter  
Connétable P.F.M. Hanning of St. Saviour  
Mr. M. Orbell (Scrutiny Officer)  
Mr. R. McInnes (Adviser)

**Witnesses:**

Mr. R. Le Brocq  
Mr. K. Shaw

**Deputy P.J. Rondel of St. John (Chairman):**

As our adviser has other meetings to attend, plus he is on a very limited time over in the Island. So firstly we will introduce ourselves, I am the Chairman, Deputy Phil Rondel.

**Deputy D.J.A. Wimberley of St. Mary (Vice-Chairman):**

I am the Deputy Chairman, Daniel Wimberley.

**Connétable J.M. Réfault of St. Peter:**

The Connétable of St. Peter.

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

The Connétable of St. Saviour, Peter Hanning.

**Mr. R. McInnes (Adviser):**

Rob McInnes, the adviser to the Panel.

**Mr. M. Orbell:**

Malcolm Orbell, Scrutiny Officer.

**Mr. R. Le Brocq:**

Robert le Brocq.

**Mr. K. Shaw:**

Keith Shaw.

**The Deputy of St. John:**

Thank you very much. If you could give us a presentation of what your concerns are please, gentlemen, and then we will put questions to you.

**Mr. R. Le Brocq:**

Prior to being involved in the liaison group that was formed via Public Services, I had been Connétable of St. Helier and Vice President of Public Services for approximately 7 years as Vice President, and then I just became a member after that and so I had 9 years in total with the States, so I have a fair grounding in what was going on. I had always been concerned about States departments, but perhaps I am a sort of inquisitive person, and I had ... when I first started, the Deputy of St. Saviour, John Le Gallais, was President, and he invited me on to the committee. The impression I got was that everybody seems to take for gospel what the civil servants said, and that is not the way I sort of work. However, I set about learning how the system worked and John Le Gallais retired about 5 months later and Derek Carter came on, and I worked with Derek and Derek asked me to be the Vice President, because I had been on the previous committee, and for no other reason than that. There was a number of things, or statements that were made by officers that sometimes I felt a bit uncomfortable with. I cannot recall the exact date, but Senator Syvret was on the committee at the time, and we were at that time doing the West of Albert Reclamation Scheme. Stuart Syvret had asked John Mulready, who was I think then the Chief Officer - as I say, I cannot remember the correct dates - about the ash pits, and there was a sort of heated discussion between the Chief Officer, John Mulready, and Stuart Syvret, and the Chief Officer more or less told Stuart Syvret he did not know what he was talking about. Obviously Stuart had done quite a lot of work on this particular subject and it was about the ash pits. We did not get a lot of information about that, but they said they would sort the matter out. Then the question of leachate came up and that sort of tweaked my interest from then on, and what we got from the officers was there was no leachate at all. I do not recall at that time us being shown the pits, and I do not recall that there was ever a claim for a lining for the pits.

**The Deputy of St. Mary:**

The pits there or there?

**Mr. R. Le Brocq:**

Down here.

**The Deputy of St. Mary:**

West of Albert.

**Mr. R. Le Brocq:**

You are right, okay.

**The Deputy of St. Mary:**

What year was that approximately?

**Mr. R. Le Brocq:**

That would have been, I would think, somewhere around about 1993/1994, and I know that the Chairman was on the committee at the same time, and he actually can remember the argument.

**The Deputy of St. John:**

I joined the committee in 1994.

**Mr. R. Le Brocq:**

1994; so it was about 1994. After that, I think in Vernon Tomes' time, who was the next president, Vernon then, because he had been a civil servant himself, and a top one at that, took the attitude: "Well, you should always believe what your officers tell you." I am sorry, as I have said, I do not think like that and it has gone from that. There was, at one time ... I brought it to the committee's notice that there had been problems with drainage down at Le Hocq, and what we got from the officers was: "No, there is no problem at all," and I said: "Well I have it on very, very good information that there has been an overflow, an overspill into the sea" and the officers sort of denied it, but in actual fact I said: "Well, I can tell you who the farmer is, the oyster farmer down there, that is my brother." He put in for a compensation claim, which I distanced myself from, but in actual fact that the department did pay out. It is since then that I have had doubts about all the information given to the public and to other States Members. How I came to be involved in this particular project is I was asked on behalf of Age Concern to attend a meeting at the Potteries one evening and we were given a presentation on different aspects of dealing with waste; it was about waste, but they were steering us all the time towards incineration. The next thing is I got an invitation to join a Havre des Pas liaison group, although I do not live at Havre des Pas, I live in actual fact about 150 yards from the present incinerator. I agreed to join this group and we attended the first meeting and I think we sent you the minutes of the first meeting. You have had those minutes I believe. After that meeting ... I have known Keith for some time, Keith and I sort of came out of the meeting and said: "This is quite a serious subject, we really better do our homework on this," because I was not prepared to join a liaison group and have my name used if I was not going to do the work to start with. So we attended a number of meetings and we kept asking questions, but we were not really getting what I would call the answers. From then on, in our discussions, I went and consulted with Dr. Robert Kirsch, who is an engineer. He told me to get in touch with another person, Christian Toma. I was expecting to be out of the Island, I gave the information to Keith; Keith contacted Christian Toma, who then put us in touch with Dr. Van Steenis and Michael Ryan in England. We started to get information from them, written information from them. Dr. Van Steenis is an environmental consultant to the House of Commons on air pollution, so I thought we were dealing with a person who knew what he was doing. Basically speaking, while this is a very, very technical subject, Keith and I just wanted assurances that what we were doing, or what the Island was planning to do, was the best thing for the Island. Where I am coming from is that I have my children to think of, my grandchildren, and a lot of other people that will come after me, and that is where I am coming from, so I thought I would be failing my duty if I did not do the necessary homework.

**The Deputy of St. John:**

Mr. Shaw, can you add to the presentation?

**Mr. K. Shaw:**

A little bit. I do not know very much about Ramsar site designation, but when ... having attended 3 meetings last year, in 2008, of the consultation group, liaison group, formed by T.T.S. (Transport and Technical Services), I was not happy with some of the things that were coming out, or the lack of information for questions. Any questions we did ask were not often able to be answered by the members of staff that were there, there were usually about 12 staff to about an average of 3 to 5 members of the public. The answers were often coming via the consultants to T.T.S. and back to us. We had attended, as Robert said, in 2007, an all-day session actually in January, organised by Environmental Health in conjunction with Liverpool University, and they were doing a health impact assessment. That was the most bizarre group of people who were there, excluding Robert and myself of course [Laughter]. Mainly because Robert was asked to go there by Age Concern and I was invited by Steve Smith, who I had met previously. The people that were invited had been a wide range or a cross-section of the *J.E.P. (Jersey Evening Post)*, I think, or the telecoms booklet, because they were every charity you could think of: Animal Welfare; doggy charities; African charities, they did not appear to be very representative. A good example was, there was nobody there from Save Our Shoreline, who I only vaguely knew existed. I did not know what their role was. I had sat on a panel on a Havre des Pas Group meeting with people like Tom Band, Maisie Ryan, and people who were residents of Havre des Pas, and they were very concerned at the swimming pool being restored and worked on in the area and how it was going to be done sympathetically. So they knew the area, they had lived there all their lives, as had the chairman, Paul Routier. I am an immigrant, I have only lived here for 30 years, but I am very concerned about the sort of cavalier approach that the Island has been taking with the health of its citizens. I saw that in our second 3-year term of that Havre des Pas Group meeting when we started hearing about the third failed green waste site. I am not going into the subject too much here, but that green waste site at La Collette was the third instance of problems. You are from St. Mary, are you not?

**The Deputy of St. John:**

St. John.

**Mr. K. Shaw:**

So you are close enough to the second failed site. So we have 3 failed sites. Mr. Réfault was involved also, not personally involved, with the pollution at the airport, serious pollution at the airport, which cost in excess of £7 million. So we are talking about serial polluters here, the States have been, I believe. Again, as a parent, and hope to be a grandparent, it is the Island's welfare, I am told not to worry about it, and so is everybody in the room probably, because whatever is here is here already. But on the green waste site, I did a little bit of research, and the U.K. (United Kingdom) Environmental Agency was recommending, when they were building the first concrete slab, not to put it anywhere within 250 metres, at that time, of residences or places of work. That was ignored; totally ignored at that time, because it was temporary. Allegedly an £800,000 concrete slab, but it was temporary. So that green waste was a bad site. Moving on from that, we then got involved later with the Liverpool University, and the stuff that was coming out of there was also alarming. I did a little bit of research that first day ... on the day before the first meeting, and I

was looking at things coming out of the Internet, and I know the Internet is a flawed method of doing research, but it was bringing out things about mortality rates in the proximity of incinerators, and Jersey has loads of them. We have more per square mile in St. Helier than anywhere else in the world.

**The Deputy of St. Mary:**

You mean chimneys?

**Mr. K. Shaw:**

Chimneys, sorry, not incinerators. We have the hospital one across the road; the crematorium one, which has been recently changed; 2 J.E.C. (Jersey Electricity Company) ones, which are known polluters. Have you had your boat washed by J.E.C.? Yes, I have had my boat washed by J.E.C. My sister-in-law has had her house washed at Queens Road by J.E.C., or their insurers.

**The Deputy of St. Mary:**

Queens Road?

**Mr. K. Shaw:**

Yes, they do not very often run the Queens Road chimney, but they do run it occasionally. I have never even looked at the Merton one, but we are talking about a lot of chimneys in the Island, which could cause pollution; which do cause pollution. T.T.S. eventually admitted, in the meeting last year - the second meeting we had - that in 1993 they knew that the Bellozanne incinerator was too bad to even think about doing any work, although they had, I believe ... John Richardson assured me, he had asked on 3 occasions, maybe 4, for money to make that chimney cleaner. So again we have problems here, all along the line. I do not want to go into the stuff about the pollution coming out of the sewage works: nitrates; other chemicals, that has also been publicised recently. But when we found out some information that was called optioneering, probably September 2008, it gave us more food for thought about what is actually going on at La Collette. At our meeting in 2007 the questions that were raised about La Collette, from quite a small group of people, were the health risks, the danger, all the eggs being in one basket. This is La Collette with the new incinerator. They were not even talking about a possible incinerator that was on the cards at La Collette. International security risk about all our power, all our oil, all our petrol, all our electricity in one location - the French grid runs through there - and how disastrous that would be. That was the general public talking about that and the average age of that meeting was probably 50. I did not get the feeling at any time at any of the meetings I have ever been to that the States, and T.T.S. unfortunately in particular, had taken any real effort to look at and carry out a proper public inquiry on the thing, on the incinerator itself, either the process or its location. They wanted to brush aside any past problems of pollution in the air, pollution in the water, ash on the beach around here, it was dumped straight on the beach, and ash being dumped at La Collette. They did not want to talk about that, they were not worried about things that happened in the past, just brush it aside, move on, we have to move on from this, you know, just move on quickly. So when we saw the optioneering plans I quickly realised that these would have implications at least on the area further out from La Collette, and that is when we realised that somebody like ... the only person I knew then who had a conversation with me about the area was Tom Band, he has since retired, so we got hold of the drawings and passed the drawings to Tom Band and that

is when I think some of this stuff has snowballed. I would like to ask, why on earth were people like S.O.S. (Save Our Shoreline) or other residents not contacted when all this planning was taking place? Why was it almost deliberately ...

**The Deputy of St. John:**

We will be putting the questions; just continue your presentation at this moment if you could, please.

**Mr. K. Shaw:**

Yes. I can reinforce what Robert says. We have been at most meetings together; we were on the Havre des Pas Group together, I was a resident and Robert was the Connétable at the time.

**Mr. R. Le Brocq:**

I was not Connétable.

**Mr. K. Shaw:**

In the first 3 years, yes. Then by chance we met again at the 2007 meeting and then again by chance we were invited to the Liaison Group meeting last year. I cannot remember if Robert was, but I was invited to join the Liverpool University steering group in January 2007, which had a second meeting, and then as far as I knew it disbanded. Then they produced a second report that I never got sight of until it was 3 months old. So I think there has been deliberate - I have to think it is deliberate because you have very intelligent people working there - deliberate grounds on not consulting people widely, which is criminal in my opinion.

**The Deputy of St. John:**

Thank you very much.

**Mr. R. Le Brocq:**

Can I just add one further thing too, the reason why I clicked on the first time, the meeting with Liverpool University, is that I had one of the consultants and I said to him: "The picture you are showing, what was the height of the building?" and he said to me: "73 metres." I said: "What?" and then he went back and checked his figures, he said: "55 metres above the beach" which meant that it was as high, if not higher, than Mount Bingham. Nobody else in the Island would be able to construct, in such a prominent site, a building, except the States. They already had a site at Bellozanne that they could have used.

**The Deputy of St. John:**

Can I put some questions; I am going to start with an opening question. You have sat through the entire 3 sessions today, this being the third. We were discussing earlier the flow water, et cetera, in St. Aubin's Bay. You were vice president of Public Services, can you confirm or otherwise, while you were vice president, if at any time you were aware of modelling having been done by the Public Services Committee of the day, which is now T.T.S., to see the water flow on the outfall?

**Mr. R. Le Brocq:**

Yes. We had problems either with the marina or the marina gates, about the flow of water going in and out, and the difficulty of boats getting in and out of that marina.

As a result of that, we attended at Wallingford in the U.K. and they had completed a model of the whole of the south coast, the bay, and it was quite interesting to show, at different periods of tide, the flow of water actually coming in, and I always thought that the tide came in at an equal pitch around Elizabeth Castle, and it does not. In actual fact it comes in from the west side and flows around the bay and then most of the water is then taken out on the east side, which would be between the harbour and Elizabeth Castle. Then it flows along the east coast.

**Mr. R. McInnes:**

The Community Liaison Group, which you are both members of and have been attending meetings - and I have been sent the copies of the minutes by T.T.S. - how were you actually approached to become a member of that group, and do you know how the other people were selected to be on that group?

**Mr. R. Le Brocq:**

There are 8 people on the group and I do not know how I was picked. It was perhaps because I showed an interest, I knew a lot of the officers at Public Services, and I was just asked if I would like to join this group, and I said: "Well, I am not a Havre des Pas resident" but I do not know how I was selected, no idea.

**Mr. R. McInnes:**

Yourself, Mr. Shaw?

**Mr. K. Shaw:**

I think Mr. Richardson invited me, I vaguely remember John Richardson inviting me. I do not know, but maybe in light of another correspondence we had.

**Mr. R. McInnes:**

In the first meeting that you attended, the composition or constitution of the group, was that ever discussed as to how you had been selected and who you were?

**Mr. R. Le Brocq:**

No.

**Mr. R. McInnes:**

An extension of that, were you ever given any terms of reference as to what that group was supposed to be doing?

**Mr. R. Le Brocq:**

Just to say it is a liaison group and that they wanted to consult the public. I did read in some paperwork that came to me that they had to go through this process, so really speaking it was almost, well: "Turn up and we are going through the process, but we are not going to answer any questions unless you put them to us and we will only answer them reluctantly" let us put it that way.

**Mr. K. Shaw:**

I got the impression, I think Robert did also, it was more it was a way of ... we were being presented with information, it was not a consultation process. You got there in the evening, you would be given an agenda, which was never sent out beforehand. We were never asked to have agenda items from ourselves, to put questions forward.

There was always a PowerPoint presentation by usually 2 or 3 people. They pulled in J.E.C., members of staff from the J.E.C., Mark Fauvel was there, Dave Rogers was there, John Richardson was always there, Guy de Faye was there, the secretary. I recognised Alan Le Breton I think from somewhere else. There was an ex States architect there I believe, a resident of Havre des Pas Gardens who I knew from many years ago, I have forgotten his name now, Robert ... I bumped into Robert there, we had not any clue why we were there.

**Mr. R. McInnes:**

Because the group was established as an outcome of reserved matters, which was issues that were outstanding that needed to be dealt with following the determination and the granting of permission, and basically what it says is: "Reserve matters submission shall include a programme of public consultation to be undertaken by the applicant [in this case T.T.S.] to garner views in relation to the submission."

**Mr. K. Shaw:**

The submission was finished.

**Mr. R. McInnes:**

There were reserved matters, which still needed to be dealt with, and that is what I want to next ask you about. I have looked through the minutes to try and understand what was being presented and what was actually being asked for. I just wonder if I can just run through a list of things that I think should have been asked, and you should have had information about, and whether you were given an opportunity to comment on. The first one is, were you ever presented or asked for your views on the Construction Management Plan or the Construction Environmental Management Plan? Can you recall?

**Mr. K. Shaw:**

I think on the second meeting they brought out ... not views, they brought out information about how they were going to manage the site pre-checks for noise and dust monitoring, and that again was a fait accompli, it was a part of their C.D.M. (Construction, Design and Management) work I suppose, was it not? So they had done that, yes. This all seemed very late in the day again. If I could just go back again to 2007, Liverpool University kept saying we were on a fast-track process, and I could not work out why we were on a fast-track process. I do not like being on a fast-track processes, it gives the impression that actually you are being pushed forward, in a nice way, because we were being fed and watered for the day, nice environment, but fast-track processes worry me and I did not like that process. I got the impression we were just going along, and I do not like going to meetings where you are given a wad of paper to read and just skim through it and just sit there benignly nodding, you know. The architect was getting very, very upset.

**Mr. R. Le Brocq:**

Yes. If I might come in there, Will Gardiner made a presentation to us, they told us how essential a new incinerator was; that it had to go down there. They told us what the planning requirements and the redesign would be under Hopkins Architects, because I do not think they liked the first drawings they had come up with.

**Mr. R. McInnes:**



There was information on the cladding, as well, of the building, yes.

**Mr. R. Le Brocq:**

That sort of thing, yes. Then the environmental health requirements ... I had attended a meeting by Deputy Guy de Faye for the residents of First Tower at the school, and he had told the residents - there were about 50 or 60 there - that it was his intention to move everything out of Bellozanne Valley, it just did not include the incinerator, but he wanted to move the sewage farm, the green waste plant, the scrap yard, the engineering works, and I had to ask the Chief Officer, Mr. Richardson, I said: "What are we talking about in cost here?" He said ... because I knew John Richardson very well, he hummed and hahed, but eventually came up with a figure of £158 million, and I said: "That limits what you want to do with La Collette in the future." One of the reasons I was extremely concerned was that I had a letter - unfortunately I do not have it here - from a person who had approached the Fire Service and said: "What do you think of the idea of putting an incinerator alongside a fuel farm?" and the result was that they said: "There is no problem, there is no problem." Then I asked about this, there must be some sort of risk, because we had fires in the past at Bellozanne, we had an explosion at the gasworks some years ago, and the idea of putting all your eggs in one basket to me seemed illogical, to be quite honest. Keith and I made an appointment to go and see the Chief Minister, and I said to the Chief Minister: "Where is the long-term plan for La Collette, because I have been asking for the last 5 years?" He said: "I will get you one, I will get you one," and it came out ... he said: "We are just in the process of finishing it" and I got it about 4 weeks later. Lo and behold, they were going to move the passenger ferry terminal from where it is now, there was plans to move it and put a new terminal at La Collette, which would have put the public, in my opinion, in great danger. They were going to create a new harbour down there, they were going to move the fuel terminal, so the things they had been telling me that they were not going to do actually all appeared on this drawing. I am saying to myself: "Well, the long-term plan for La Collette, as I always understood it, would in fact have been that was the Island's future industrial area" and here we were going to put a green waste plant, and from the figures I knew, what I had done in the past, that meant that 40,000 vehicles a year used the green plant, so 40,000 went down there, 40,000 had to come back, and where did they have to come back? Right through the fuel farm. It did not make sense to me. There did not seem to be any logic in their long-term thinking for La Collette whatsoever.

**Mr. R. McInnes:**

Coming back to the community liaison meetings, can you remember at any point discussing foul or surface water drainage from the Energy from Waste Plant, how it was going to be dealt with?

**Mr. R. Le Brocq:**

No, that was never brought in.

**Mr. R. McInnes:**

The actual building design and the nature of the cladding; that was actually presented at the meeting, was it?

**Mr. K. Shaw:**

We had 2 presentations, I think they trimmed the height a bit, and all that the preferred architect seemed to do was put a garden fence along the top.

**Mr. R. Le Brocq:**

They told us that the overall height, I made a note of it at the time, was to be 37.5 metres. Now, it was 55 metres, they said 55 metres above the beach, so if you allow for tidal. I had always had sort of concern about what was sort of ... the way they were going about it. We were not being told all the facts and we were going to meetings and literally having to drag information out of them, and originally the plant was going to be built for 137,000 tonnes and the officers said they had reduced it down to 105,000 tonnes. When I queried that ... I do not know whether you have seen the minutes?

**Mr. R. McInnes:**

I have the transcript in front of me.

**Mr. R. Le Brocq:**

When I queried that and I said: "Well, if you do the calculation in actual fact you are going to burn 15 tonnes an hour, which is something like 360 tonnes in a 24-hour period, the plant has the capacity to burn 125,000 tonnes and yet you say you are only putting in 105,000-tonne plant." The more we got into it, the more confused the officers seemed to get, because we were actually inquiring into how they arrived at their figures, and then we started to get into problems with things like air pollution and water pollution. In that some of the documentation I had from Van Steenis in England, and Michael Ryan, included water, and they said that downwind of incinerators they were getting all sorts of health problems. As a result of that, I did my own investigation, I went and asked Mr. Snowden from the water works company what was the risks, bearing in mind that we had major problems with our existing chimney, which is reckoned to be 20 times worse than any other plant in the British Isles, and nobody seems to be doing anything about it. I asked him what the risk was of ... and I do not know a lot about this, I am a man in the street, but the more you get into this subject, the more you start to ask questions about it. I asked Mr. Snowden about what the effects on Queens Valley Reservoir, bearing in mind that the wind is actually from the southwest, or west-southwest, and he said: "Because everything is treated after it has left the reservoir there should not be a problem." I then asked him about the contaminants landing on the soil, what the effect would be, he said he could not speak for anything along that line, but I put it to him that surely wells and boreholes must in the long term be affected. He said: "Well, again, I cannot deny that, it is a possibility" but he was not sure. I then approached the environmental people, because I had really started to get into this by this stage, and I went to speak to Sarah that you spoke to this morning, and the other lady, and I spoke to Simon Bossy, who is the Fisheries Protection Officer for the Island. He is a doctor and I asked him what the effect of air pollution would be, bearing in mind that we have a southwest wind, so presumably it blows all along the south coast, and we have also got fisheries, oyster farms, and so forth down there, and either he did not know or he would not tell me what the effect would be. I said: "Well, surely, if the tide goes out and we have got a plume of smoke coming out, and we get a lot of rain, it must bring it down straight away," which is what I was given to understand. I said: "Surely that must affect the ecosystem on the beach" and he said: "Well, I cannot tell you." So I was doing my homework, but we were certainly not getting the answers.

**Mr. R. McInnes:**

Just sort of following up, sorry to labour the point, I am just trying to get my head around the role that the Community Liaison Group played. I have been sent minutes of 4 meetings: January; May; June; and October 2008. Were there any other meetings after October 2008?

**Mr. R. Le Brocq:**

No, they had got their permission; they did not need us any more. Although, to be fair to Guy de Faye, he did say: "I would like this liaison group to continue after we have started building the incinerator."

**Mr. K. Shaw:**

By then they had also lost Guy de Faye and John Richardson.

**Mr. R. McInnes:**

But was there any formal notification after that October meeting as to the status of the group?

**Mr. K. Shaw:**

No.

**Mr. R. Le Brocq:**

We had to push for the minutes. Yes, I rang them up and asked where the minutes were.

**Mr. R. McInnes:**

Because in the minutes there is no reference that this is the last meeting.

**Mr. K. Shaw:**

No, we are still waiting.

**The Deputy of St. Mary:**

On the Community Liaison Group, did you at any time ... you mentioned your concern with putting all the eggs in one basket, as you put it, did the liaison group actually ever talk seriously about the fire risk, either from the fuel farm to incinerator, or from the other way around, incinerator to fuel farm?

**Mr. R. Le Brocq:**

Yes, I think we did, because I had this letter that I had seen from the Fire Service and the Fire Service were at that stage waiting to be consulted about the risk.

**The Deputy of St. Mary:**

So you did cover that area.

**Mr. K. Shaw:**

There is also mention that the information we were getting did not include, at that time, the escape road or the need for a new escape road or a new access road, so I think the liaison ... I got the impression that liaison with the States of Jersey Fire Service was quite late in the day. I know they were hanging on for *Buncefield* and the

revised *Buncefield*, because *Buncefield* had put quite a big barrier, I think it was 400 metres into the 3 zones, 400 metres was the furthest distance for any buildings or habitable premises or commercial or retail premises, so that would have ruled out all the sheds down at La Collette if the *Buncefield* plan had been put forward. But I think it was revised, it has been downgraded, has it not, the risk at Jersey anyway? So there was no need ... I think in our first meeting, in conversation, I do not think it was mooted, I am not too sure now. I stand corrected. I do not think there was any need for an escape road or a secondary access; everything was going to go through the chicane at that time.

**The Deputy of St. John:**

Any questions, Connétable? Any other questions, gentlemen? Do the officers need any other information? If not, if you have nothing else to add ...

**Mr. R. Le Brocq:**

Yes, I have, if I may. We had ... on our last meeting, the Medical Officer of Health had attended and she could only attend for about three-quarters of an hour. We put certain questions to her and I put a question to her, following a meeting that we had with Dr. Van Steenis, who came to the Island. I put it to her that Dr. Van Steenis had said that cancer rates went up, and I said: "How come we have got higher cancer rates, if there is no problem with air pollution, than a lot of other places? We have some of the highest cancer rates in the world." She denied that. So I said: "Well, we have 78 in Jersey compared to the same in the southwest of England, which has 56 per thousand.

**The Deputy of St. Mary:**

All kinds of cancer?

**Mr. R. Le Brocq:**

Yes. She said: "Where did you get the information from?" So I said: "Well, it came out of your own report." I asked her the question about the worries about air pollution from the proposed incinerator, and she said: "Well, it will not be a problem, it will all blow out to sea" which I found an extraordinary thing to say, because 18 per cent of the time the wind does blow out to sea, the other 82 per cent it actually blows on land, it blows on the Island. As I say, I have always had concerns of the way Public Services, and Public Health to a certain extent, did things on the Island but when I see how sloppy they are over Bellozanne, and the fact that the public of this Island have never been told how dangerous Bellozanne is, it has always caused me great concern.

**The Deputy of St. Mary:**

Do you know of any studies that have been done comparing rates upwind and downwind in Jersey?

**Mr. R. Le Brocq:**

Only the ones that we have had from Dr. Van Steenis.

**The Deputy of St. Mary:**

No, in Jersey. I mean the concern of the M.O.H. (Medical Officer of Health), would be Jersey, would it not?

**Mr. R. Le Brocq:**

I do not know of any that have been done here but, as I say, I attended at the Environmental Health Department and I went to the library and I made a note at the time, it said that we were 20 times worse than any other facility in the British Isles and that it was the most polluting plant in the Island ... the biggest form of pollution in the Island. The officers had constantly tried to steer us that traffic in the Island was a bigger polluter, and it is not. The biggest polluter is in actual fact ... and it was highlighted, the minutes were highlighted about how dangerous this plant was. So I told Keith, and actually Keith did not believe me. Here is the note I made at the time: "The current Energy from Waste facility in Jersey is estimated to emit 20 times as many dioxins and ferons as are emitted from all the U.K. municipal waste incinerators. The facility is the largest single source of airborne pollution in the Island."

**The Deputy of St. John:**

That report is ...

**Mr. R. Le Brocq:**

That can be obtained from the library at the Environmental ...

**The Deputy of St. John:**

Also, the other report you were quoting from, the M.O.H. report, what was the date of that please?

**Mr. R. Le Brocq:**

*Jersey Trends in Mortality from 2005 to 2008*. There was one other thing I wanted to bring in, perhaps with the courtesy of the *Evening Post* who did a report at the time. This is again how things work in Jersey, but: "Minister's error kept fuel farm report under wraps for 5 months." If you would like to have that you are welcome to it.

**The Deputy of St. John:**

Yes, a question from our adviser, please.

**Mr. R. McInnes:**

I am just looking at the minutes of the meeting that you have just described.

**Mr. R. Le Brocq:**

Yes, that was the last one we attended.

**Mr. R. McInnes:**

A lot of the information you have just relayed, which I have to take it on good faith you relayed at that meeting, does not seem to have been captured in these minutes, which just brings the question; I note obviously those minutes cannot be approved if there is no subsequent meeting to approve them, but in the previous meetings the minutes appear to have been approved, from the previous meetings. How did that approval process run? Because if I had received minutes where I had raised issues with facts and figures in, I would like to see those reported. How were the minutes from the previous meetings approved?

**Mr. R. Le Brocq:**

We went through the minutes, yes. But they were always rushed.

**The Deputy of St. Mary:**

Did you get them in advance?

**Mr. R. Le Brocq:**

Yes.

**The Deputy of St. Mary:**

How far?

**Mr. K. Shaw:**

Probably only a week before.

**Mr. R. Le Brocq:**

They were always rushed.

**The Deputy of St. Mary:**

Your corrections would be recorded and therefore you would have amended minutes?

**Mr. R. Le Brocq:**

I do not recall getting the minutes beforehand; I think we got the minutes at the meeting.

**Mr. K. Shaw:**

Yes, it might have been at the meeting.

**Mr. R. Le Brocq:**

I think so, I would not swear.

**Mr. R. McInnes:**

But you were given an opportunity ... if you had noticed something that you reported previously that seemed to be misinterpreted, you would have a chance to put that right?

**Mr. K. Shaw:**

Yes. There was not very many ... I do not think there was ever any changes, but ...

**Mr. R. Le Brocq:**

As I said earlier, Rosemary Geller attended the meeting and she had to be away by 7.45 p.m. Now, the meeting started at 7.00 p.m. and when I started to ask some very awkward questions the officers jumped in and said: "No, she is not technically capable of answering that question with reference the incinerator."

**The Deputy of St. John:**

The questions would be health questions?

**Mr. R. Le Brocq:**

They were questions ... no, they were basically; I asked if she supported the incinerator, and she said: "Yes." So I said: "On what basis do you support the

incinerator or incineration?" She could not tell me. The officers jumped in and said: "No, she is not capable of answering that question."

**Mr. K. Shaw:**

The basis she was using at the time, if I recall, is it would be cleaner than the last one. You could drive a car for one year, and the car was cleaner than the last one.

**Mr. R. Le Brocq:**

Anything has got to be cleaner than the one we have.

**The Deputy of St. Mary:**

The line: "It will all blow out to sea," if that is roughly what she said, could either be like a throw-away line in a conversation or it could be like a perception that it is dangerous but it goes out to sea so that is all right because it will not go on people. But, either way, I go back to my original question, which was, have any studies been done of downwind versus upwind about cancer rates, or indeed any other respiratory diseases, things you would think of in connection with incinerators, in Jersey, and have you put that question to her?

**Mr. R. Le Brocq:**

We have put a number of questions to her and we actually wrote afterwards, but one of the articles I quoted from was *Threats to Health and Recycling: why E.U. (European Union) legislation must not favour incineration over better management options*. I showed her this and we in actual fact had a number printed and it shows the damage that incineration does, or P.M. (particulate matter) 2.5 does, and when she said to me: "That is an opinion." But I pointed out to her ... one of the things that I did point out to her that, in 2006, 68 international medical and health experts drew up a Paris Appeal Memorandum in order to highlight the relationship of cause and effect between chemical pollution and disease, and the outline of political action necessary to tackle the problem. The memorandum included a moratorium on the building of new incinerators and a ban of the incineration of hazardous waste, and has since been signed by the Standing Committee of European Doctors; that is the C.P.M.E. (*Comite Permanent Des Medecins Europeens*), composed of all national medical associations of the E.U. and representing some 2 million doctors. I said: "Are you telling me that 2 million doctors have got it wrong?" and she said: "Well, I have worked by the United Kingdom standards." I pointed out to her that U.K. standards unfortunately are the worst in Europe.

**Mr. K. Shaw:**

To be fair, the comments she made also referred mainly to the cancers in Jersey being related to alcohol, smoking and sunlight. That obviously will affect certain cancers, but not all of them.

**The Deputy of St. John:**

I am conscious of time, we have been an hour ...

**Mr. K. Shaw:**

Is it possible to ask questions?

**The Deputy of St. John:**

We are here to put questions, but we are not necessarily going to be able to give you the answers.

**Mr. K. Shaw:**

That is right. I think the Scrutiny Panel is brilliant. Why is it so late in this process?

**The Deputy of St. John:**

We were only constituted in December and obviously it takes time to draw all the evidence together.

**Mr. K. Shaw:**

I am not criticising ... I am criticising the process, because it seems to be cart and horse here, really.

**The Deputy of St. John:**

The idea is in fact to find out what has gone wrong with the process, so that any in future large development hopefully this does not happen again. So we learn by the mistakes, this is basically what has happened, because all the mistakes that have happened, we have to learn by those mistakes. Would you agree?

**The Connétable of St. Peter:**

For me, Scrutiny's role is to look at processes and procedures. It does not look necessarily at outcomes, unless outcomes show there has been a defect in the process and procedures that led up to it, which is why we are here now. I think it was probably, going right back, to what S.O.S. sort of flagged up about the Ramsar site, and certainly the Chairman thought: "I think that is something we ought to look at." It is a major thing in the Island and as we have dug we have found some other aspects, which cause concern as well. But that is the Scrutiny Panel, unfortunately it does look backwards rather than forwards.

**Mr. K. Shaw:**

When I asked the same question of John Richardson and his team, they would pull a list out of the number of meetings they had had.

**The Deputy of St. Mary:**

As you asked the question, I am tempted to refer to the result of the Health Impact Assessment telephone survey, which was 700 people ratified, randomised, representative sample. Less than 50 per cent of the community are very or reasonably confident in the States of Jersey Government. That is a very serious issue and that is what this Scrutiny Panel, I think, is partly about. If we can get the trust level above 50 per cent it might help, and actually some of the things you have been saying, and the previous witnesses have been saying, about their confidence in what government departments do for the Island, is pretty disturbing.

**The Deputy of St. John:**

Are there any other comments you would like to pass, or other questions you want to ask us?

**Mr. K. Shaw:**



I only hope the process can be stopped now, because I think you should be digging in the health risks, and go backwards. Not go backwards, but look backwards and deeper, drill down.

**The Deputy of St. John:**

We are not finished the inquiry yet.

**Mr. R. Le Brocq:**

I would end that this morning I listened to the response from the Planning Department, and I listened to the point that was made about the base of where you start from, and how can you calculate if you do not have a base to start from. It beggars belief, to be quite honest, that these people who are supposed to be so professional are so inadequate. Because I would have thought that if you do not know how to do something you go and find somebody who does or alternatively you go and do your homework first, and it appears to me that the homework has been done as they go along.

**The Deputy of St. John:**

Could I thank you for attending and giving evidence, and I will declare the meeting closed at 3.45 p.m. Thank you all for attending.