

## Draft Supplementary Planning Guidance – Disposal of Foul Sewage

### CONSULTATION FINDINGS AND RESPONSE

#### A) Numerical response to questionnaire

Questions	Strongly agree	Agree	Don't know	Disagree	Strongly disagree	No answer
1. It is important to make full use of the planning process to help reduce the risk of pollution to the water environment from sewage treatment and disposal arrangements for new developments.	6	3	1	0	1	
2. There is a need for planning guidance on sewage treatment and disposal systems for new developments.	5	4	0	1	1	
3. The strategy of requiring new developments to be connected to the public foul sewer, whenever it is economically feasible and practicable to do so, is appropriate.	6	3	0	1	1	
4. The strategy to only allow the use of private non-mains foul sewage systems in areas not served by the public sewer, in exceptional circumstances, is appropriate.	2	2	2	2	3	
5. The hierarchy of drainage options – based on a presumption in favour of connection to the public sewer, followed by the potential use of package treatment plants, septic tanks and tight tanks, only in exceptional circumstances – is appropriate.	1	4	0	3	2	1
6. The form of the planning guidance is clear and easy to understand and use.	2	3	3	0	1	2
7. The cost of making a connection to the public sewer and any local upgrading should be borne by the applicant / developer.	5	2	0	1	1	2

<b>8. It is appropriate to ensure satisfactory drainage arrangements are made, prior to determining a planning application.</b>	4	2	0	2	1	2
<b>9. 'Foul Sewer Assessments' have an important role to play in helping to ensure that private non-mains sewerage systems are suitable and will not create a pollution problem.</b>	3	3	0	2	1	2
<b>10. The proposed information requirements to be provided in a Foul Sewer Assessment are appropriate.</b>	2	4	2	1	0	2
<b>11. The proposed indicative cost thresholds for determining the economic feasibility of connecting to the public sewer are appropriate.</b>	0	2	4	1	2	2
<b>12. The application details required in support of a proposed package treatment system are appropriate.</b>	0	4	3	1	1	2
<b>13. The application details required in support of a proposal to use an existing private non-mains system are appropriate.</b>	0	5	2	1	1	2
<b>14. The application details required on operating, monitoring and maintaining proposed private non-mains systems are appropriate.</b>	0	2	3	1	1	4
<b>15. The flowchart on page 24 will be useful in helping to choose the best sewerage system option for a proposed development.</b>	1	3	1	1	1	4

## B) Response to representations received with the questionnaire returns

No	Responder	Representations / comments	Officer Response	Minister's Decision
Q1. It is important to make full use of the planning process to help reduce the risk of pollution to the water environment from the sewage treatment and disposal arrangements for new developments.				
1	Anonymous 1	Strongly agree. The planning process is the logical stage at which to address water pollution issues associated with new developments as it is proactive (i.e. occurs ahead of any development works) rather than reactive.	Agree.	No change
2	Anonymous 2	Don't know. An element of cost and sensibility and reasonableness need to be introduced to the Planning Process	Agree. The draft guidance looks to introduce these elements.	No change
3	Gino Risoli Jersey Tax-payer Assoc.	Strongly agree. (it allows for) co-ordination of all interested parties	Agree.	No change
4	Derek Bernard	Strongly disagree. Where is the evidence of a material risk of meaningful pollution from existing sewage treatment and disposal practices? I am deeply suspicious that this will simply generate "bigger government": more planning delays; more government interference; more government employees; to deal	The main purpose of the guidance is to reduce the risk of pollution to the Island's water environment by effluent from the foul water systems of new developments. This is the objective set out in the States' approved Island Plan. Sewage pollution of ground and surface water poses a risk to the environment and a potential nuisance and risk to human health (e.g. family members and neighbours). This can occur where a system fails to function effectively. Where premises rely on private sewerage systems, these systems depend on proper operation and regular maintenance to function effectively. If not, the	No change

		<p>with an imaginary problem.</p>	<p>systems are prone to failure, causing pollution of land and/or watercourses.</p> <p>Many householders lack the expertise to properly operate, monitor or maintain private sewerage systems. As a consequence, they may be unaware of the impacts until the system fails. Also, they may be reluctant to or unable to spend potentially significant sums of money on maintaining or replacing plant when this becomes necessary.</p> <p>Connection to the public sewer, on the other hand (where this is reasonably practicable and feasible), reduces the risk of pollution from a householder's sewerage system, because it is purpose built, and capable of appropriate monitoring and management.</p> <p>In 2006, similar guidelines for pollution prevention were produced for the UK by the Environment Agency for England and Wales, the Scottish Environment Protection Agency and the Environment and Heritage Service for Northern Ireland. It provided supporting evidence to highlight the problems with proliferation of private systems. The evidence made clear that of the sewage treatment works regulated by the Environment Agency in England and Wales, private ones do not perform as well as public ones and are less likely to comply with their discharge consents, for the reasons mentioned above. Indeed, in each of the five years between 2000 and 2004, 94-96% of the public sewage treatment works complied with the conditions of their discharge consent, compared to only 59-62% of private ones.</p> <p>There is no comparable data for Jersey and evidence of failures is largely anecdotal. However, there is no reason to suspect that the private sewerage systems in Jersey would be managed much differently.</p> <p>It is maintained that the concentration of unsewered dwellings in a relatively small area of Jersey countryside which rely on septic tanks and soakaways and tight tanks undoubtedly poses a risk to the Island's water resources, which could harm the environment, amenity and public health. Many of these systems do not meet current Building Byelaw standards and if they fail because of poor design or poor maintenance or old age, they will pollute land and ground water with foul waste, making water unusable for drinking and toxic for aquatic life.</p> <p>Once contaminated, groundwater is very difficult and expensive to make good, and for this reason there are EC, UK and Jersey laws to protect it. The potential risks associated with private non-mains systems were also effectively</p>	
--	--	-----------------------------------	---	--

			<p>acknowledged by the States in approving Island Plan Policy LWM2.</p> <p>The risks of pollution are not imaginary, and rather than “bigger government” the new guidance should result in more effective government, to the benefit of applicants and the Island Community.</p> <p>Delays in the application process should be reduced as a consequence of the new guidance because:</p> <ul style="list-style-type: none"> <li>▪ it should help applicants choose the correct foul drainage option for their circumstances;</li> <li>▪ it outlines the information requirements for each option to enable proper consideration and assessment;</li> <li>▪ it brings forward the consideration of foul drainage to the planning application stage, rather than leaving it as a reserved ‘bolt-on’ consideration that may in some instances prove impracticable or unfeasible.</li> </ul> <p>Furthermore, the guidance will not result in the need for additional staff. It will mean, however, that Building Control Officers bring forward their consideration of proposals for private sewerage systems to the planning application stage.</p>	
5	Anonymous 3	Strongly agree. Using the planning process for this is the best way of protecting the environment.	Agree	No change
6	Anonymous 4	Agree. A free for all is inconceivable.	Agree	No change
7	Anonymous 5	Strongly agree. We can not go on polluting our environment without it in some way affecting our health and the main polluters should be forced to stop or pay for the cost of cleaning.	Agree	No change
Q2. There is a need for planning guidance on sewage treatment and disposal systems for new developments				

8	Anonymous 1	<p>Strongly agree.</p> <p>There should be clear guidance on most aspects of planning policy, but especially those that concern proactive environmental measures. If designers and developers are aware of what is required from them to gain planning permission, then they will generally address these issues at the design stage. If there is no guidance then it is left to planning officers and others to request alterations or further information once the application has been made.</p>	Agree	No change
9	Anonymous 2	<p>Disagree</p> <p>Surely this is a matter for TTS as well. If sewers are not provided in the area it should not prevent owners from being able to develop their properties provided suitable effluent systems are included in their scheme. Frequently rights are needed through neighbouring properties to connect to main drains and owners are being held to ransom by their neighbours because of intransigence by Planning in allowing tight tank systems etc. If the States cannot provide connection to all house owners then the owners should not be punished.</p>	<p>TTS have had an involvement in helping to formulate the Island Plan policy on foul sewerage facilities and the draft supplementary planning guidance.</p> <p>Whilst the policy normally requires proposed developments discharging domestic sewage to connect to the public foul sewer, it also recognises that the public foul sewerage network does not cover the whole Island and is unlikely to do so in the foreseeable future.</p> <p>The policy and the draft guidance both make provision for consideration of proposals for private sewerage treatment systems in exceptional circumstances in areas where it is unreasonable or unfeasible to connect to the public foul sewer.</p> <p>The guidance recognises that there maybe constraints which prevent connection to the public sewer, including legal constraints where, for example, access is denied over neighbouring land and cost constraints, which might includes costs associated with access over neighbouring land.</p> <p>Such matters can be taken into account in drawing up and assessing a 'foul sewer assessment' in support of proposals for the use of a private sewerage treatment system.</p> <p>Tight tank drainage solutions for 'small-scale' developments are included among the hierarchy of drainage options that can be considered where private sewerage</p>	No change.

			<p>treatment systems are deemed appropriate, although there is a policy preference for the use of packaged treatment plants which offer full treatment.</p> <p>The draft guidance does not set out to punish land owners where connection to the public sewer is not feasible. Unlike the previous 2002 Island Plan policy for foul drainage, the 2011 Island Policy allows for consideration of private non-mains systems where appropriate. However, the key consideration is to reduce the risk of pollution of the water environment from domestic sewage effluent associated with new developments.</p>	
10	Derek Bernard	<p>Strongly disagree.</p> <p>Where is the evidence? See my answer to question 1.</p>	See response to question 4.	No change
11	Anonymous 3	<p>Strongly agree.</p> <p>To protect the environment.</p>	Agree.	No change
12	Anonymous 4	<p>Agree.</p> <p>As previous comment.</p>	Agree.	No change
13	Anonymous 5	<p>Strongly agree.</p> <p>All new developments need to be linked to the main public sewage system.</p>	<p>The support for planning guidance on sewage treatment and disposal systems is noted.</p> <p>It is agreed that in order to reduce the risk of pollution to the Island's water environment, the first presumption must always be to provide a foul drainage system which connects to the main public sewerage system, which is purpose built and closely monitored. This is the stance taken by the relevant Island Plan policy approved by the States and is reflected in the draft SPG.</p> <p>However, the Island Plan policy and the draft SPG recognise that the mains public foul sewerage system does not cover the whole Island and is unlikely to in the foreseeable future. Rather than place a moratorium on new developments in these areas, therefore, it is considered reasonable to allow consideration of alternative non-mains systems in exceptional circumstances, where the development would otherwise be desirable/ permissible.</p> <p>It is a question of striking a reasonable balance. The draft SPG expands on the approved policy in looking to establish and clarify when alternative systems might be considered reasonable.</p>	No change

Q3. The strategy of requiring new developments to be connected to the public foul sewer, whenever it is economically feasible and practicable to do so, is appropriate.				
14	Anonymous 1	Strongly agree. Jersey has a serious problem with polluted groundwater; connecting properties to foul sewers is a means of helping to address this issue.	Agree Perhaps the most well documented pollution problems with Jersey's surface and ground water bodies relate to high nitrate levels. This is mainly the result of ongoing diffuse pollution from agricultural activities (i.e. use of nitrate fertilizers), but there is also a small but significant input from the 5,000 or so unsewered dwellings in the Island. Septic tanks discharge organic nitrogen and ammonium into the shallow soil zone, which then oxidises to nitrate and adds to the nitrate concentrations in groundwater (S. Merrett: 'Nitrate pollution of the Island of Jersey: Managing water quality within European community directives').	No change
15	Anonymous 2	Disagree. If the Public sewer is not adjacent to the development then the developer, be they corporate or an individual, is held to ransom where they have to make provision through neighbour's land. If the neighbour says no, then a perfectly feasible refurbishment or development of a property is ruined by the States. If provision can be made for a tight tank for a single dwelling or 2 or 3 dwellings then all the better. There seems to be a lack of understanding from politicians and planners alike about this problem and little help to the developer or individual developer.	There seems to be some confusion here about the content of the draft SPG in this regard. It is understood that there may be problems for developers in securing connection to the mains public foul sewer, because they may need to obtain agreements from the owners of adjacent land over which the drainage will need to run (para. 5.5). It is not necessarily the case that an adverse reaction from the adjacent land owner should prevent a reasonable refurbishment project taking place. Where access for a drainage run is denied, the draft SPG recognises this might make connection impracticable (para. 9.14). Where agreement on a cost can be reached with the owners of adjacent land, the draft SPG allows for that cost to be considered with other relevant costs to help determine if connection to the public sewer is reasonably cost-effective (para. 9.6 onwards). If applicants propose use of a non-mains system, they will need to submit a 'Foul Sewer Assessment' to show that public sewer connection has been investigated but ruled out as not being reasonably cost-effective (because it would exceed the cost thresholds included in the draft SPG), or because it is impracticable. In such circumstances, the approved policy and the draft SPG allows for consideration of non-mains systems for appropriate developments, and it falls to the applicant to provide sufficient information in the 'Foul Sewer Assessment' to allow a proper assessment of the suitability of the proposed system. The Island Plan includes a spatial strategy that looks to concentrate new	No change



			<p>development within the built-up areas, for sustainability reasons, although it does allow for appropriate developments elsewhere. This does not extend to unnecessary developments of new houses in open countryside.</p> <p>Policy LWM2 allows for small-scale developments using tight tanks in appropriate circumstances where the developments would otherwise be considered appropriate. Small-scale developments include: extensions and alterations to existing residential properties; conversions of existing non-residential buildings to create no more than two dwelling units or similar small scale uses; incidental buildings within the curtilage of domestic dwellings; essential agricultural worker's accommodation; and other small scale developments.</p> <p>It is perhaps appropriate to point out here that tight tanks might be seen as an ideal solution for potential developers where the public sewer is not available, but they are far from ideal for future buyers / occupiers, given the need for regular and expensive emptying by a tanker.</p>	
16	Gino Risoli Jersey Tax-payer Assoc.	Agree. Properly built cess pits are ok.	<p>Agreement noted.</p> <p>The Island Plan policy and the draft guidance does make provision for use of tight tanks, otherwise known as cesspools, or cesspits, in the hierarchy of non-mains systems that might be used in exceptional circumstances.</p>	No change.
17	Derek Bernard	Strongly disagree. The crucial judgements of "economic feasibility and practicable" should be left to the developer, not the government.	<p>Do not agree.</p> <p>This goes to the very heart of what land use planning and the role of government is all about.</p> <p>The planning system looks to accommodate the need for change, whilst also maintaining and improving the environment. In doing so, it aims to strike a balance between the public interest and individual rights.</p> <p>There are good environmental reasons why developments discharging domestic sewage should be connected to the public sewer where it is reasonable to do so and why the use of non-mains systems should be restricted (see Q1, response 4).</p> <p>The proposed cost thresholds in the draft SPG for determining whether connection to the public sewer are considered to be reasonable and are regarded as important in providing an appropriate balance which recognises the presumption in favour of such connection.</p> <p>If these decisions are left solely to developers, they are likely to be more</p>	No change.

			<p>concerned with minimising the drainage costs to themselves and less concerned with wider community objectives relating to reducing the risk of pollution from non-mains systems, as set out in the approved Island Plan.</p> <p>That said, within the constraints of the policy, the developer / applicant retains the primary responsibility for demonstrating that a new development is effectively served by the most appropriate sewerage system.</p>	
18	Anonymous 4	<p>Strongly agree.</p> <p>I thought this was already policy. It is negligent of our political masters in years gone by not to have insisted this policy be followed in such a small Island.</p>	<p>The support for the strategy requiring connection to the public sewer where economically feasible and practicable is noted.</p> <p>In previous Island Plans (1987 and 2002) the States did actually approve foul drainage policies which normally presumed against new developments which relied on septic tanks and private sewage treatment plants.</p> <p>Throughout these years, the States were committed to extending the foul sewer system to as many areas of the Island as practicable and economically viable. There was also recognition that policies which restricted development in the countryside would limit the need for additional private non-mains systems.</p>	No change.
19	Anonymous 5	<p>Strongly agree.</p> <p>It is in the public good.</p>	Agree	No change.
Q4. The strategy to allow for the use of private non-mains foul sewage systems in areas not served by the public sewer, in exceptional circumstances, is appropriate.				
20	Anonymous 1	<p>Agree.</p> <p>It is appropriate if there is genuinely no alternative. However, it is in the nature of developers to try and cut costs wherever possible so the exceptional circumstances need to be very exceptional and not just because it involves laying a short section of new pipe along a road to meet the existing network.</p>	<p>Agree.</p> <p>One of the main purposes of the draft SPG is to address those exceptional circumstances when it would be reasonable to permit the use of non-mains systems.</p> <p>It sets out clear criteria to determine when this might be reasonable, including cost thresholds.</p>	No change.
21	Anonymous	Disagree.	Do not agree.	No change.

	2	No, it should be allowed where the owner cannot connect other than via neighbouring properties and they do not have contractual right.	<p>The draft SPG allows for consideration of potential constraints posed by neighbouring property owners whose land may lie between a proposed development and the connection point to the public sewer. It is recognised that these constraints might render connection to the sewer impracticable, because the developer has no legal right to cross the land in question and the owner denies access. It is also recognised that costs associated with negotiating access across the land will have a bearing on whether or not connection to the public sewer is reasonably cost effective.</p> <p>Where access to this adjoining land is denied or is prohibitively expensive, applicants can include such matters in their 'Foul Sewer Assessments' as part of their case for justifying the proposed use of non-mains systems.</p> <p>However, there will be other factors to consider in determining whether non-mains systems can be used, including: the nature of the proposed development; other relevant Island Plan policies; the cost of any alternative connection route to the public sewer; and the suitability of the proposed system.</p>	
22	Derek Bernard	Strongly disagree. See answer to Q3.	<p>Do not agree.</p> <p>The overall strategy behind the Island Plan policy and draft SPG is soundly based on helping to prevent sewage effluent from new developments polluting the water environment and causing public health problems.</p> <p>To this end, they presume in favour of connection to the public foul sewer.</p> <p>However, the public sewer does not cover the whole Island. It is considered only reasonable and fair that in areas not served by the foul sewer, there should be limited opportunities to allow consideration of appropriate non-mains systems for some proposed smaller scale new developments which may otherwise be desirable and in accordance with other Island Plan policies.</p> <p>See also comments for Q3 response 17.</p>	No change,
23	Anonymous 3	Strongly disagree. Only developments which can be connected to the mains sewage system should be permitted to protect the environment especially as most new developments are	<p>The Island Plan policy and the draft SPG set out to protect the environment from the risk of pollution from sewage effluent.</p> <p>It is recognised that connection to the public foul sewer is the most environmentally, economically and socially acceptable long-term solution to sewage treatment in the Island. It is purpose-built, closely monitored and well managed. Also, the need for improvement of the public sewer system is acknowledged in the emerging Strategic Plan and plans are being formulated for</p>	No change.

		<p>high density.</p>	<p>its development and renewal.</p> <p>The spatial strategy for the Island Plan looks to concentrate new development in the Island's built-up areas, which are best served by the mains sewerage system and most substantive high density developments will take place in the more urban of these areas. In contrast, the spatial strategy looks to minimise new developments in the countryside and limit them as far as possible to locations in and around key village settlements where they can be more easily serviced. As a consequence, it is anticipated that most new developments will have to connect to the public sewer.</p> <p>Development proposals elsewhere, in areas not currently served by the public foul sewer, will be the exception and will need to be considered on their merits against the policies in the Island Plan.</p> <p>It is considered only reasonable and fair that in areas not served by the foul sewer, there should be limited opportunities to allow consideration of appropriate non-mains systems for some proposed smaller scale new developments which may otherwise be desirable and in accordance with other Island Plan policies.</p> <p>In such cases, the applicant will need to demonstrate it is either impractical or not cost-effective to connect to the sewer.</p> <p>The draft SPG looks to minimise the environmental risks associated with using non-mains systems on a case by case basis.</p>	
24	Anonymous 4	<p>Don't know.</p> <p>Again, shouldn't be necessary. Ten years ago there was still some long term plan for mains drains to be extended throughout most of the Island. Political incompetence has resulted in such questions having to be asked.</p>	<p>The current extent of the Island's foul sewerage network is shown graphically in the draft SPG.</p> <p>Notwithstanding the benefits of connecting new developments to the public sewer (see Q2 response 13), there are existing coverage and capacity issues to resolve. The system does not cover the whole Island. At this time, approximately 14% of Island properties are not connected to the public sewer. Furthermore, the system directs sewage to an aging treatment works and there are technical and loading problems which make it difficult to maintain effluent standards during heavy rain.</p> <p>Whatever one thinks of the performance of previous States members in relation to the public sewerage system, the current Council of Ministers has produced a Draft Strategic Plan 2012, which recognises the need for capital replacement and maintenance of the Island's main infrastructure assets, including the arrangements for disposing of liquid waste efficiently.</p>	No change.

25	Anonymous 5	Disagree. If a private development is not able to connect to public mains then the cost of connection should be down to the private developers.	Do not agree. This is a question of reasonableness and fairness, having regard to the objectives of the Island Plan. Given that the public foul sewer system does not cover the whole Island, it is not considered reasonable or fair to simply place a moratorium on any development that cannot connect to the sewer There will be circumstances where a proposed (small scale) development is acceptable in all other respects, but cannot connect to the public foul sewer because it is excessively expensive or totally impracticable. In some exceptional cases it will be possible to use a suitable non-mains sewage treatment system for foul drainage purposes, where the risks of pollution of the water environment can be appropriately minimised. This represents a reasonable overall strategy which looks to balance the need for development and the rights of the applicant with the needs of the community to protect the environment. It is the strategy set out clearly in the Island Plan and approved by the States of Jersey. That said, the responsibility for demonstrating that a new development is effectively served by a sewerage system remains primarily with the developer / applicant.	No change.
Q5. The hierarchy of drainage options – based on a presumption in favour of connection to the public sewer, followed by the potential use of packaged treatment plants, septic tanks and tight tanks, only in exceptional circumstances – is appropriate.				
26	Anonymous 1	Agree. But as stated previously – the exceptional circumstances must be genuinely exceptional and not used as an excuse to avoid adding additional cost to a development.	Agreement noted. See Q3 response 20.	No change.
27	Anonymous 2	Disagree. No, it should be suited to each individual development, decided upon quickly and without	The proposed hierarchy of drainage connection options in the draft SPG reflects the Island Plan policy approved by the States. It also compares with the hierarchy used by the Environment Agency in the UK. The draft SPG already makes provision for determining the most appropriate foul	No change.

		prevarication.	drainage solutions, based on the individual circumstances of each development. It is envisaged that by adopting and publishing guidance on the disposal of foul sewage, it will provide greater certainty for developers and applicants about what is required of them, which should in turn speed up the overall application process.	
28	Derek Bernard	Strongly disagree. See answer to question 3.	See Q3 response 17.	No change.
29	Anonymous 3	Strongly disagree. The environment should be protected and mains connection is the best way of doing this.	<p>It is acknowledged that connection to the mains public foul sewer system offers the best means of disposing of sewage from new developments. This system is purpose built and closely monitored and covers much of the Island. By directing most sewage effluent from future development to the public sewer, it will also environmental, amenity or public health problems which could arise from inappropriate use of non mains sewerage systems.</p> <p>For this reason, the policy and draft guidance make it clear that the first presumption must always be to provide a system of foul drainage which discharges into the public sewer. Given that the Plan looks to ensure that most new development will take place in the urban and built-up areas, connection to the public sewer will continue to be the main means of sewage disposal for new developments.</p> <p>However, it must also be recognised that there will be certain small scale but desirable developments in some countryside areas which are not presently served by the public sewer, where connection to the nearest public sewer would not be practicable or economically feasible.</p> <p>The States' approved Island Plan policy makes provision for such cases, by allowing consideration of suitable non-mains systems, based on a hierarchy of options, with the favoured option being package sewage treatment plants offering full treatment.</p> <p>The policy and draft guidance allow for sites to be considered on their individual merits. Responsibility for demonstrating whether or not a new development can be served by the public sewer and, if not, whether it can be appropriately and effectively served by a proposed non-mains sewerage system, rests primarily with the developer. He or she must satisfy the Minister that the sewerage</p>	No change.

			<p>arrangements are suitable.</p> <p>Given that the public foul sewerage system does not cover the whole Island, it is considered that the Island Plan policy and the draft SPG with the built-in safeguards offer a fair and reasonable approach to the disposal of foul sewage from new developments...an approach which strikes the right balance between accommodating the need for change and protecting the environment.</p>	
30	Anonymous 4	Disagree. All new buildings to be on mains drains.	See Q5 response 29 above.	No change.
31	Anonymous 5	Agree. If there is no main connection and septic and tight tanks are required then they must be made to the highest standard and monitors fitted to react to any failure.	<p>Agreement noted.</p> <p>The draft SPG sets out a range of information requirements that must be provided in support of applications for non-mains drainage, including the measures in place to allow for regular monitoring and warn of system failures. These information requirements and the detailed criteria set out in the draft SPG are geared to help ensure that any proposed non-mains systems will effectively serve the new development and that the risks to the environment are minimised.</p> <p>Furthermore, it is a requirement of the Building Byelaws that any approved non-mains system must have with it a durable fixed notice describing the continuing maintenance required to avoid risks to health. The notice makes it clear that the owner is legally responsible to ensure that the system does not cause pollution, a health hazard or a nuisance.</p>	No change.
Q6. The form of planning guidance is clear and easy to understand and use.				
32	Anonymous 4	Don't know. Nothing to add.	No comment.	No change.
Q7. The cost of making a connection to the public sewer and any local upgrading should be borne by the applicant/developer.				
33	Anonymous 2	Disagree. Where any local upgrading benefits the neighbours they should pay the costs if it is a private sewer in a private development in accordance with their contracts. Further, where	<p>Do not agree.</p> <p>This question is aimed at proposed new developments which are looking to connect to the public sewer. It does not concern any legally binding contractual arrangements that might exist between existing property owners and the drainage authority.</p>	No change.

		<p>there is upgrading required in public roads why has the States not maintained their structure to modern standards?</p>	<p>Under the Drainage (Jersey) Law, 2005, the permission of the Transport and Technical Services Minister is required to make a new connection directly or indirectly to a public sewer.</p> <p>Where an applicant wishes to connect a new development or existing property to the public sewer it is only fair and appropriate that he or she should pay a reasonable charge for connection.</p> <p>New drainage connections to the public sewer can be provided at cost by the Transport and Technical Services department (TTS), or constructed by one of its specified contractors.</p> <p>In most cases, public sewers are situated in roads and the construction of any new connection to a public sewer within either a States main road or a Parish by-road can only be undertaken by TTS with the consent of the highway authority.</p> <p>If connection of a proposed new development would necessitate upgrading/reinforcement works to increase capacity of the system so as to effectively service the additional flow from the development, then it is also appropriate that the applicant / developer makes an appropriate contribution. This is less likely to be the case for most small scale developments. However, where larger housing developments are proposed, TTS may require the developer to fund an upgrade of the nearby sewer system and/or the downstream pumping station.</p> <p>Any charges need to be agreed directly with TTS.</p> <p>The requirement of the applicant/developer to bear the above costs is set out in the relevant Island Plan policy which was approved by the States.</p>	
34	Gino Risoli Jersey Tax- payer Assoc.	<p>Agree. Cess pits can be an alternative.</p>	<p>Agreement noted. The draft SPG includes provision for the consideration of tight tanks, otherwise known as cesspools, and which are sometimes called cesspits.</p>	No change.
35	Derek Bernard	<p>Strongly agree. But only if the developer has elected that course of action.</p>	<p>Conditional agreement noted.</p>	No change.
36	Anonymous 3	<p>Strongly agree. The applicant/developer will in all</p>	<p>Agree.</p>	No change.



		probability profit from the sale of the development and so should bear the full cost of connection to the mains.		
37	Anonymous 4	Strongly agree. Why should anyone else pay? Especially so, as most not on mains drains would be delighted to have the option.	Agree.	No change.
Q8. It is appropriate to ensure satisfactory drainage arrangements are made, prior to determining a planning application.				
38	Anonymous 2	Disagree. Not all applicants will know the drainage arrangements. Furthermore, if a property is to be purchased for development and drainage rights are required, then those rights will need to be acquired. Planning are putting too many obstacles in the way of developers and commercial business practices. It is clear in doing so there is a detriment to the business environment and that developers can no longer be bothered to attempt to develop good potential sites that would provide homes for Islanders.	Do not agree. In designing proposals for new development it is important to think in a holistic manner from the outset. Applicants and their agents should consider all the aspects and requirements of a new development and not just emphasise a few aspects at the expense of others. The treatment and disposal of foul sewage is a material planning consideration and a critical aspect of any new development which will result in the discharge of sewage. It will not be permitted to construct any such development until satisfactory drainage arrangements have been agreed. It makes perfect sense, therefore, to address foul drainage provision at an early stage in the design process and get it agreed at the planning application stage. The alternative is to continue to treat consideration of foul drainage disposal as a reserved matter for consideration as part of the Building Application. This is effectively treating it as a bolt-on consideration and in some instances it will mean that satisfactory drainage will not be achievable for buildings which already have planning permission. This would effectively negate the benefit of the planning permission. In doing so, it would render abortive the time, money and effort spent on the design and application process. Even worse, it might put undue pressure on the Planning and Building Department to agree less than satisfactory drainage arrangements with associated increases in environmental risks. On the wider issue raised in the representation, land use planning will, by its very nature, put constraints on developers and commercial business practices. It attempts to reconcile the need for social and economic change with the need to	No change.

			<p>maintain and improve the environment. In doing so, it looks to strike a balance between public interest and individual rights. In effect, land use planning aims to secure a sensible and acceptable blend of conservation and exploitation of land in such a way as to ensure the greatest benefit to all.</p> <p>In the absence of land use planning, free-market <i>laissez-faire</i> conditions would prevail and land would be used for the purpose which could extract the largest net return and maximise the personal profits of private sector developers, at the expense of the wider community objectives. In such circumstances, resources would be consumed in an ill-conceived and short-sighted way and it would be likely to create insurmountable problems for future generations.</p> <p>The Minister for Planning and the Environment and the States of Jersey are committed to providing adequate good quality homes to meet the identified needs of Islanders. The approved Island Plan sets out how this will be achieved over the next 10 years and allows for private developers to play a key role in such provision.</p>	
39	Gino Risoli Jersey Tax- payer Assoc.	Disagree. Cess pit can be used as an alternative.	See Q7, response 34.	No change.
40	Derek Bernard	Strongly disagree. Leave it to the developer.	See Q3, response 17 and Q8, response 38 above.	No change.
41	Anonymous 3	Strongly agree. This will save wasting money should the application be refused.	Agree.	No change.
42	Anonymous 4	Strongly agree. As before.	Agree.	No change.
Q9. 'Foul Sewer Assessments' have an important role to play in helping to ensure that private non-mains sewerage systems are suitable and will not create a pollution problem.				
43	Anonymous 2	Disagree. This is just another charter for the jobsworth culture. The planning	The planning system does look to facilitate appropriate development in a manner which has regard to the public interest, whilst maintaining and improving the local environment.	No change.

		<p>process should be to facilitate development. If an owner has a right to connect to a drainage system, why should he then have to pay to upgrade his neighbours systems and indeed where it is working properly for the neighbours, why (albeit they are subject to the right to connect) should they have to contribute, as will be in their titles to an upgrade when it is working fine for their properties?</p>	<p>The States' approved Island Plan sets out the framework of planning policies that will be provide the basis for land-use planning decisions over the next 10 years.</p> <p>Approved Policy LWM2 addresses foul sewerage facilities. It presumes in favour of connection to the public sewer, but allows for the use of non-mains systems in exceptional circumstances. It also makes it clear that applicants are required to submit sufficient information regarding the means of sewage disposal from proposed new developments to allow a proper assessment of the proposals.</p> <p>The draft SPG helps to clarify what those information requirements are in relation to proposed non-mains sewerage systems and calls for them to be submitted in a 'Foul Sewer Assessment'.</p> <p>There are potential advantages (including to the developer/applicant) in bringing forward consideration of private sewerage proposals to the planning application stage (see Q8, response 38). The main advantage of Foul Sewer Assessments, however, is that they will help the applicants and decision makers to ensure the most appropriate drainage solutions are chosen for the developments in question and the risk to the water environment is minimised.</p> <p>With regard to the more specific point raised in the representation, it is recognised that some potential applicants/developers will enjoy contractual rights to connect existing and new properties to neighbouring systems. These rights are usually civil matters which fall outside the controls of the planning system.</p> <p>The planning system is interested in ensuring that the sewerage system for any new development is the most appropriate option, is satisfactory and effective, and will not lead to environmental, amenity and health problems.</p> <p>It may well be considered acceptable, in certain circumstances where it is not feasible or practicable to connect a proposed new development to a public sewer, for connection to be made to an existing system which has been performing adequately and has sufficient capacity (whether it is owned by the applicant, or is owned by others and the applicant has contractual rights to connect).</p> <p>If the circumstances suggest that the system in question needs upgrading to accommodate the additional load and reduce the risk of pollution, then agreement on this will be a requirement of the planning process. It will be for the applicant to demonstrate that satisfactory improvements can be made and how they will be implemented. If required improvements cannot be made to a neighbouring system to which the applicant has rights of connection, then it is not a suitable</p>	
--	--	--	---	--

			option. Connecting a new development to an existing neighbouring private sewerage system without making any necessary improvements, simply because there it a contractual right to do so, would be reckless, would increase the risk of pollution and would not be acceptable under the planning system.	
44	Derek Bernard	Strongly disagree. Where is the evidence to support this assertion?	See Q1, response 4.	No change.
45	Anonymous 4	Disagree. I do not believe this is efficient and only really a 'guess'. Face reality and extend the system throughout the Island,	See response 43 above.	No change.
Q10. The proposed information requirements to be provided in a Foul Sewer Assessment are appropriate.				
Q11. The proposed indicative cost thresholds for determining the economic feasibility of connecting to the public sewer are appropriate.				
46	Gino Risoli Jersey Tax-payer Assoc.	Don't know. Cess pit must be part of the new strategy	See Q7, response 34.	No change.
47	Derek Bernard	Strongly disagree. See answer to question 3.	See Q3, response 17.	No change.
48	Anonymous 4	Disagree. Make it obligatory to connect – further wholesale tight tanks or septic tanks are not a long term answer.	The Department is well aware of the problems that would arise with the proliferation of such private non-mains systems. They depend on proper operation and regular maintenance to function effectively and if this doesn't happen, they are prone to failure, causing pollution to the water environment, nuisance and risk to human health. Making it obligatory to connect to the public sewer, however, would not allow for	No change.

			<p>fair and balanced decision making in areas that are not presently served by the public sewer, where connection would impracticable or unfeasible, and worthwhile developments which are otherwise in accordance with the Island Plan would be denied.</p> <p>To this end, the Island Plan policy and the draft SPG makes provision for some small scale developments which are served by appropriate non-mains sewerage systems, in exceptional circumstances. In so doing, the draft guidance seeks to ensure that the risk of pollution from such systems is minimised.</p> <p>See also Q2, response 13 and Q4, responses 22 and 23.</p>	
Q12. The application details required in support of a proposed package treatment system are appropriate.				
49	Derek Bernard	Strongly disagree. See answer to question 3.	See Q3, response 17.	No change.
Q13. The application details required in support of a proposal to use an existing private non-mains system are appropriate.				
50	Gino Risoli Jersey Tax-payer Assoc.	Don't know. Cess pit is an ok alternative.	See Q7, response 34.	No change.
51	Derek Bernard	Strongly disagree. See answer to question 3.	See Q3, response 17.	No change.
Q14. The application details required on operating, monitoring and maintaining proposed private non-mains systems are appropriate.				
52	Anonymous 2	Disagree. What about connection to existing private systems rather than independently created private systems?	<p>Do not agree.</p> <p>The Island Plan policy and the draft SPG do not prevent consideration of connection to existing private systems, where connection to the public sewer would be economically unfeasible or impracticable.</p> <p>If it can be demonstrated that the system in question is available, can satisfactorily and effectively serve an appropriate proposed new development with improvement as necessary (having regard to the criteria listed in the guidance) and is the most suitable option for the development, then it may well be approved for the purpose.</p> <p>Whatever non-mains system is proposed, it should be supported by evidence to</p>	No change.

			demonstrate its suitability, having regard to the hierarchy of drainage options and the detailed guidelines contained in the draft guidance. This will help to ensure that sufficient information is available to assess the suitability of the system and that potential risks of pollution are minimised.  Provisions for future monitoring and maintenance are absolutely essential to ensure the systems continue to function effectively and potential pollution problems are avoided.	
53	Derek Bernard	Strongly disagree. See answer to question 3.	See Q3, response 17.	No change.
Q15. The flowchart on page 24 will be useful in helping to choose the best sewerage system option for a proposed development.				
54	Anonymous 2	Disagree. No it will not. Use practical assessment.	The flowchart is only meant to give an overview. When a potential option has been selected, it is necessary to read the relevant sections in the draft guidance. These allow for a practical assessment of the suitability of a selected option for a particular proposed development.	Add to the flow chart references to the relevant sections in the guidance.
55	Gino Risoli Jersey Tax-payer Assoc.	Don't know. Transparency is the key. Tendering must be completely open as well as the results of tendering.	Noted.	No change.
56	Derek Bernard	Strongly disagree. See answer to question 3.	See Q3, response 17.	No change.

### C) Response to comments from key consultees

No	Consultee	Comments	Officer Response	<i>Minister's Decision</i>
----	-----------	----------	------------------	----------------------------

1.	Director Building Control	No further comments, but has been heavily involved in helping to formulate the draft guidance.	Support welcomed.	No change
2.	Development Control	<p>No formal comments received.</p> <p>Some earlier queried were raised about how the policy will be implemented in practice (i.e. in relation to processing planning applications).</p>	<p><u>Public sewer connections</u></p> <p>Where applications propose connection to the public sewer, there will be few changes.</p> <ul style="list-style-type: none"> <li>▪ Applications must be submitted with the required information, as set out in the SPG (including drawings and confirmation from TTS that connection is acceptable, the sewer can accept the flow and any required infrastructure improvements can be accommodated).</li> <li>▪ Details of the application will be sent to TTS for formal consultation.</li> <li>▪ Applications are processed in the normal manner by the DC case officer, who makes his or her recommendation.</li> <li>▪ Where the applications are considered favourably, conditions /obligations are applied, as appropriate.</li> </ul> <p><u>Private non-mains connections</u></p> <p>Where applications propose connection to a new or improved private non-mains system the changes are more significant.</p> <ul style="list-style-type: none"> <li>▪ Applications must be submitted with the required information, as set out in the SPG (including a 'Foul sewer assessment' and supporting information).</li> <li>▪ Depending on the nature of the application, details will be sent to TTS, Health Protection, Environmental Protection and Jersey Water (if in Water Pollution Safeguard Area) for formal consultation.</li> <li>▪ Details of the private system and consultee responses should be forwarded to the Building Control Officer (BCO) who will address the suitability of the proposed foul drainage arrangements.</li> <li>▪ BCO reports back to the DC case officer.</li> </ul>	No change

			<ul style="list-style-type: none"> <li>▪ The DC case officer makes his or her recommendation.</li> <li>▪ Where the application is considered favourably, conditions/obligations are applied, as appropriate, to help guarantee that satisfactory foul drainage is achieved.</li> </ul> <p>In effect, the work of the BCO on drainage matters is brought forward to the planning application stage.</p>	
3.	Environmental Protection	Having gone through the SPG, Environmental Protection has no significant comments to make.	No comment	No change
	Environmental Protection	They point to the need to change a reference to the Environment Department rather than the Minister for P & E on page 4, bullet point 1.	This is an error in the wording of the inserted version of the Island Plan policy and should be corrected accordingly.	Change the wording of the first bullet point in Policy LWM2 on page 4 to read: "...will meet standards and conditions set by the Minister for Planning and Environment and the Minister for Transport and Technical Services"
	Environmental Protection	Other than the point above, they state that <i>"the document represents a clear and concise policy which has environmental</i>	Support welcomed.	No change.



		<i>protection at its heart</i> ".		
Environment al Protection		They strongly agree with making full use of the planning process to help reduce the risk of pollution from sewage treatment in new developments because: <i>"The planning process is the first opportunity to remove, reduce or control pollution before it actually occurs. Often the Water Pollution (Jersey) Law, 2000 can only act in a reactive fashion once pollution has occurred. If consideration is made during the planning process to pollution prevention measures, the cost to the developer, the public and the environment can be minimised"</i> .	Comments noted and agreed.	No change.
Environment al Protection		They strongly agree there is a need for the planning guidance <i>"to ensure consistency and fairness, as well as reducing process time taken up by insufficient or incorrect information being provided by the applicant"</i> .	Comments noted and agreed.	No change.
Environment al Protection		They strongly agree with the strategy of requiring new developments to connect to the public foul sewer whenever it is economically feasible and practicable, because: <i>"discharge to the foul sewer should ensure robust treatment with minimal involvement from the householder and minimal risk to the environment"</i> .	Comments noted and agreed.	No change.
Environment al Protection		They strongly agree with the strategy to only allow use of private non-mains systems in areas not served by the public	Comments noted and agreed.	No change.

		sewer in exceptional circumstances, because: "If the public sewer is available, that is where it should go to ensure minimal risk to the environment".		
	Environmental Protection	They strongly agree with the proposed hierarchy of drainage options, because it is a <i>"logical order in terms of treatment efficiency and environmental risk"</i> .	Comments noted and agreed.	No change.
	Environmental Protection	They agree that the form of planning guidance is clear and easy to understand and use, although they recognise this is a difficult question to answer and that it depends on the level of knowledge that the reader has.	Comments noted. The important thing is that applicants enlist the help of people who are sufficiently knowledgeable to understand what is required.	No change.
	Environmental Protection	They strongly agree that the cost of connection to the public sewer and any required local upgrading should be borne by the applicant/developer, because: <i>"why should the taxpayer pay for something that will increase the value of the property?"</i>	Comments noted and agreed.	No change.
	Environmental Protection	They strongly agree that it is appropriate to ensure satisfactory drainage arrangements are made, prior to determining a planning application, because: <i>"drainage provision should be a fundamental consideration in the process. As a consultee, an early opportunity to comment should lead to a smoother process in the long run"</i> .	Comments noted and agreed.	No change.
	Environmental Protection	They agree that Foul Sewer Assessments have an important role to play in helping to ensure private systems are suitable	Comments noted. Planning and Building Services are committed to ensuring that satisfactory foul drainage arrangements are in place for new developments and permits will be subject to appropriate conditions and	No change.

		and will not create a pollution problem, but only <i>“as long as it is not just a paper exercise to get plans through, and any permit is conditioned accordingly, especially with respect to maintenance provisions thereafter”</i> .	planning obligations as necessary. The Island Plan policy and the draft guidance emphasise the importance of proper monitoring and maintenance.	
	Environmental Protection	They agree that the proposed information requirements for Foul Sewer Assessments are appropriate, but suggest <i>“it may be difficult to get applicants to provide all this information up front, especially on smaller applications”</i> .	One of the main purposes of the draft SPG is to ensure that adequate information is provided to allow a proper assessment of proposed sewerage arrangements. Both the Island Plan policy and the draft SPG make it clear that failure to provide sufficient information will result in planning permission being refused (or an application not being accepted). Provision for satisfactory and effective foul drainage is regarded as a fundamental consideration in the application process, and the onus is on applicants to employ appropriately qualified persons to provide the necessary information up front for decision makers.	No change.
	Environmental Protection	They don't have an opinion on the reasonableness of the indicative cost thresholds for determining whether it is economically feasible to connect to the public sewer.	Comments noted.	No change.
	Environmental Protection	They agree that the application details required in support of proposed package treatment systems are appropriate, and suggest that these details <i>“should be provided in a succinct manner, rather than as a ‘brochure from the manufacturer’ which has been supplied previously with some applications”</i> .	Comments noted. The draft SPG makes it clear what information is required to allow a proper assessment of proposed package treatment systems.	No change.
	Environmental Protection	They agree that the application details required in support of the use of existing private non-mains systems are appropriate, because <i>“demonstrating the effectiveness of the existing system is</i>	Comments noted and agreed.	No change.

		<i>vital</i> ".		
	Environmental Protection	They strongly agree that the application details required on operating, monitoring and maintaining private systems are appropriate. In doing so, they make the point that <i>"the applicant and subsequent owners must be required to be proactive to ensure the system continues to work properly. Too often in the past a property has been sold on and the new owners do not understand their responsibilities to maintain the system or the liabilities they are taking on"</i> .	Comments noted and agreed.	No change.
	Environmental Protection	They agree that the flowchart on page 24 will be useful in helping to choose the best sewerage system option for proposed developments. However, they are <i>"slightly concerned that the 'watercourse' option may be overtly prominent. For both Environmental Protection and Building Control 'exceptional' means exceptional and it is unlikely that the criteria can be met, especially given the nature of watercourses in Jersey. It may be a bit of a false hope to applicants who could spend a significant amount of money investigating an option that is highly unlikely to be acceptable"</i> .	<p>These comments are noted and the concerns of potentially creating <i>"false hope to applicants"</i> are acknowledged. That said, it is not considered appropriate to rule out this option completely. Although unlikely, it is not inconceivable that there might be 'exceptional' circumstances where discharge to a watercourse would be acceptable.</p> <p>It is considered that option can be put into a more balanced and realistic perspective by modifying the wording in the flow chart to read:</p> <div data-bbox="981 949 1821 1029" style="border: 1px solid black; padding: 5px;"> <p>Is there a watercourse that you consider it might be possible to discharge to?</p> </div> <p>Yes</p> <div data-bbox="981 1117 1821 1337" style="border: 1px solid black; padding: 5px;"> <p>In the UK, the option is available to discharge to a watercourse, via a package sewage treatment plant, with appropriate additional treatment. In Jersey, however, it is highly unlikely that this will be acceptable, given the nature and sensitivity of the Island's watercourses and the need for exceptionally high levels of treatment, to avoid undue risk of harming amenity, health and the environment. Where an applicant considers there are "exceptional" circumstances</p> </div>	Make changes as set out in Officer Response.

			<p>that warrant such an approach, they should always consult directly with Building Control and Environmental Protection at an early stage and before spending significant monies on investigation work. Any such proposals will require both relaxation of the Building Bye-laws and a 'Discharge Permit', which are unlikely to be forthcoming without a convincing case. (see paras. 12.8 and 12.9)</p> <p>To the same end, para. 12.8 in the main text should be modified to read:</p> <p>“12.8 In the absence of suitable land for a drainage field, the only possible options to a public sewer connection are to use a tight tank (cesspool), or to discharge treated effluent to a watercourse. The watercourse option is normally available in the UK, but only in very exceptional cases where the discharge is from a package sewage treatment plant, which is able to achieve a very high standard of sewage effluent that can be accepted and diluted by the watercourse without risking harm to amenity, public health or the environment. This, in turn, is likely to require the incorporation of additional treatment of effluent, such as constructed wetland, which exploits the natural treatment capacity of certain wetland plants (e.g. reed beds).</p> <p>12.9 In Jersey, however, given the sensitivity of watercourses to pollution and their limited capacity to absorb sewage effluent, the Building Bye-laws do not provide for this option and there will be a strong reluctance to watercourses being used for this purpose. Potential applicants proposing a discharge directly to a watercourse will need to provide Building Control with a convincing argument for relaxing the Building Bye-laws. They should also consult directly with Environmental Protection at an early stage in the design process, because all such proposals will require a Discharge Permit and Environmental Protection will object where watercourse are considered to be particularly sensitive.”</p>	
--	--	--	--	--

4.	Transport and Technical Services	<p>CO and drainage engineers <i>“like the principle and approach, especially the application of a discharge permit and necessity for telemetry”</i>.</p> <p>They can see the developer / builder fulfilling all the requirements, but are worried that the liability will be passed on to a household / residents group who will have the long term responsibility. They say <i>“we sometimes struggle with the joint ownership of septic tanks let alone this type of plant”</i>. In addition, they point out that <i>“the long term replacement will be a high cost, which the owners or second owners will not see coming”</i>.</p> <p>Otherwise, they <i>“think this is the right step forward”</i>.</p>	<p>The general support for the draft SPG is welcomed.</p> <p>The concerns about future liabilities for meeting the operational, monitoring and maintenance requirements of private non-mains systems and for replacing them at the end of their lives is acknowledged and understood.</p> <p>Such concerns were weighed in the balance with other factors in formulating Island Plan Policy LWM2 (Foul sewerage facilities). This policy, which was drawn up in consultation with TTS and approved by the States, presumes in favour of connecting new developments to the mains public foul sewer, to reduce the risk pollution and any associated environmental, amenity and public health problems. This will account for most new developments. However, the Policy does allow, in exceptional circumstances, for certain otherwise desirable small scale developments to connect to a suitable private non-mains system, where connection to the public sewer would be impracticable or economically unfeasible. This was seen, on balance, to be fair and reasonable, given the limitations of the existing public sewer network coverage.</p> <p>Of course, any non-mains system has the potential to create environmental, amenity and public health problems if it is not properly monitored and maintained, if it becomes overloaded, if it is used beyond its effective life and if there is no scope to provide a replacement drainage field.</p> <p>With this in mind, the draft SPG requires the provision of sufficient information with applications proposing non-mains drainage systems to ensure:</p> <ul style="list-style-type: none"> <li>▪ they are acceptable and effective, having regard to the individual circumstances;</li> <li>▪ adequate provision is made for operating, monitoring and maintaining them (see Section 13).</li> </ul> <p>The expectation is that approved future operating, monitoring and maintenance arrangements will be the responsibility of future owners / occupiers and this is likely to be a condition of any permit. These arrangements should help future owners to be aware of their</p>	No Change.
----	----------------------------------	--	---	------------

			<p>responsibilities in this regard, and provide them with the means to properly monitor and maintain their systems.</p> <p>If future owners do not heed their responsibilities and pollution occurs as a consequence, they run the risk of committing an offence under:</p> <ul style="list-style-type: none"> <li>▪ the Planning and Building (Jersey) Law 2002 (for breaching development controls and not complying with the conditions attached to the grant of planning permission) and subsequent enforcement action;</li> <li>▪ the Water Pollution (Jersey) Law, 2000 (for causing pollution of 'controlled waters').</li> </ul>	
Transport and Technical Services	<p>Their experience of the packaged treatment plant at Bonne Nuit is that the use of telemetry monitoring, alarms and regular compliance sampling and testing is essential to ensure that the plant operates consistently. With this in mind they have raised the following queries / comments:</p> <p><u>Para 9.11, second bullet point</u> add "(including remote monitoring / telemetry)"</p> <p><u>Para 9.12</u> add bullet point "regular ongoing compliance sampling and testing".</p> <p><u>Para 10.1, last bullet point</u> add "(including proposed compliance sampling and testing regime)".</p> <p><u>Para 13.1, fourth bullet point</u> queries whether measures to warn of system failures should be mandatory, given that the text gives examples of</p>	<p>Comments noted on the need for monitoring, compliance sampling and testing for package treatment plants to ensure they operate well.</p> <p>No objection to reinforcing this by incorporating the suggested additions to the bullet points in paras. 9.11. 9.12 and 10.1.</p> <p>No objection to tightening the wording in Para. 13., bullet point 4, to read:</p> <ul style="list-style-type: none"> <li>▪ "the measures in place to warn of system failures (e.g. alarms and telemetry fitted to warn of electrical failure, overloading etc)"</li> </ul>	<p>Make changes as set out in Officer Response.</p>	

		measures that “might be fitted”.		
5.	Environment Section of Societe Jersiase	No comments received	No comment	No change
6.	Property Holdings	No comments received	No comment	No change
7.	AJA President	No comments received from the Association, but the President circulated the SPG to individual AJA Members.	No comment	No change
8.	Jersey Construction Council	No comments received.	No comment	No change
9.	Jersey Chamber of Commerce	<p>They have expressed concern about the cost implications of Island Plan Policy LWM2. They note the presumption in favour of connecting to the public sewer and recognise the need to reduce the risk of pollution of the water environment.</p> <p>They also note that <i>“in order to demonstrate a non-mains system is satisfactory, a Foul Sewer Assessment (FSA) must be carried out prior to the Planning Application. This will require:</i></p> <ul style="list-style-type: none"> <li>▪ <i>a survey to locate the nearest public sewer, including distances and levels;</i></li> <li>▪ <i>a site plan locating proposed treatment plants/tanks, and nearby watercourses;</i></li> </ul>	<p>The main purpose of Policy LWM2, which was approved by the States in June 2011, is to ensure that the discharge of sewage effluent from new developments does not cause pollution to the water environment and undue risks to amenity and public health.</p> <p>To that end, the policy presumes in favour of connection to the public sewer, which is purpose built, closely monitored and properly managed. Given the limitations of the public sewer network in countryside areas, however, the policy (unlike the former policy) does allow for consideration of private non-mains systems in exceptional circumstances.</p> <p>It is also acknowledged that there are significant potential risks of pollution to the water environment, amenity and public health (both individually and cumulatively), in relying on non-mains systems, because of poor siting and design, poor maintenance etc.</p> <p>The Minister, through the spatial strategy and other policies in the plan, has sought to limit the greater part of future development in the countryside, and the expectation is that the need for new developments requiring new private non-mains systems will be negligible.</p>	No change



		<ul style="list-style-type: none"> <li>▪ <i>an assessment of increased effluent flow;</i></li> <li>▪ <i>details and analysis of the proposed treatment solution;</i></li> <li>▪ <i>water supply, including boreholes, in the vicinity of the proposed development;</i></li> <li>▪ <i>ground conditions and permeability tests (if discharge is to a field);</i></li> <li>▪ <i>an estimate of construction costs;</i></li> <li>▪ <i>cost estimate of mains connection;</i></li> <li>▪ <i>cost of water treatment solution; maintenance proposals.”</i></li> </ul> <p>They go on to state:  <i>“Even after all of the above has been carried out there is a risk that the development may not be appropriate if the ground conditions are adverse and there is no sewer nearby.</i>  <i>In practice, the FSA will require the appointment of an engineer to (amongst other things):</i></p> <ul style="list-style-type: none"> <li>▪ <i>produce a scheme for connection to the mains (for comparative costing);</i></li> <li>▪ <i>organise the site survey, drainage surveys and site investigation works for percolation tests etc.;</i></li> <li>▪ <i>prepare calculations assessing the flow rate from the</i></li> </ul>	<p>In view of the above, it is not considered unreasonable that before deciding a planning application, the Minister needs to be satisfied that the sewerage arrangements are suitable (N.B. This is especially so where non-mains sewerage arrangements and sewage disposal are proposed). Nor is it considered unreasonable to refuse an application if:</p> <ul style="list-style-type: none"> <li>▪ the necessary information is not provided; or</li> <li>▪ the drainage proposals are assessed as being unsatisfactory.</li> </ul> <p>Foul drainage is an important material planning consideration with potentially critical implications and, like all other important factors (e.g. building design and layout, impact on the character of the area, parking etc etc) it should be addressed as part of the overall design process in a holistic manner. It is never good design practice to emphasise a few aspects at the expense of others and look to bolt-on responses to other issues retrospectively.</p> <p>It also makes little sense to ignore the foul drainage issue and leave it as a reserved matter as the Chamber suggests, by adding a condition to a planning permit. What happens if satisfactory drainage cannot be achieved? ... the condition would then be seen as unreasonable because it negates the benefit of the permit and renders all the previous work abortive and a waste of time and resources.</p> <p>Policy LWM2 requires the submission of sufficient information on sewage disposal to allow a proper assessment of the proposals. The draft SPG simply gives more guidance on what that information should be. Naturally, more detailed information will be required, in the form of a Foul Sewer Assessment (FSA) in exceptional circumstances where it is not proposed to connect to the public sewer. This must be sufficient to demonstrate why the development cannot connect to the public sewer. (i.e. because it's not practicable or would cost more than 10% of the development construction costs + the cost of a new private treatment system and would not therefore be economically feasible). It must also show that the alternative means of disposal is satisfactory. To do this, it is considered reasonable to require detailed information <i>inter alia</i> on the nature of the sewage treatment system and an assessment of the site, its location and suitability for storing, transporting and treating sewage.</p>	
--	--	--	--	--

	<p><i>development;</i></p> <ul style="list-style-type: none"> <li>▪ <i>prepare an alternative scheme for non-mains disposal (for costing);</i></li> <li>▪ <i>prepare a report summarising the information in the FSA.</i></li> </ul> <p><i>A Quantity Surveyor will be required to cost the proposed development, the cost of connection to mains and alternative drainage proposals.</i></p> <p><i>An architect will be required to compile the FSA and include it in the Planning application.</i></p> <p><i>All of these additional requirements will add significantly to the front-end costs and risks to the developer when there is no guarantee that the application will be successful for a variety of reasons.</i></p> <p><i>Chamber is of the view that at the Planning Application stage it would be sufficient for the Developer to submit outline proposals for the disposal of foul effluent. If the proposal is to use a non-mains drain solution (for cost or practicality reasons), then a condition of the Planning Permit could be that the FSA is completed to the satisfaction of TTS and P&amp;E prior to the development commencing. Obviously, in this instance, the Developer would have to accept the risk that the development may be adversely affected down the line if cost-effective off-site disposal could no be attained.</i></p> <p><i>On many smaller housing developments</i></p>	<p>Many authorities throughout the UK already require similar information for planning applications as a matter of course and responsibility for demonstrating that a new development is effectively served by a sewerage system lies primarily with the applicant.</p> <p>In many respects, the Policy and draft SPG are bringing forward the technical consideration of foul drainage issues and the associated costs for the applicant to the planning application stage ... costs which would need to be expended in any event.</p> <p>Furthermore, it is surely in the interests of the applicant to know whether or not his or her proposed development can be served effectively by a suitable sewerage system at an early stage in the design process before too much money is expended on other design work.</p> <p>In conclusion, the approved Policy sets out to meet laudable objectives in a reasonable manner as part of the planning application process. It seeks to encourage developments to connect to the public mains sewer system and to discourage the proliferation of private non-mains systems in all but certain exceptional circumstances. The information requirements for applications are seen as necessary and legitimate to allow proper consideration of proposed sewerage arrangements. They are not, as Chamber infers, motivated by any desire to discourage development by increasing costs.</p> <p>Whilst development does have a role in creating employment and promoting the economy, it should be the right development in the right place. Wider economic benefits are not good grounds for approving developments where it has not been satisfactorily demonstrated that the sewerage arrangements are suitable and will not create or add to a pollution problem.</p>	
--	--	---	--

		<i>the employment of a Quantity Surveyor is not common and his fees will be an additional burden, especially when he is pricing (and the engineer is designing) a scheme to connect to the mains which may evidently never be practical. It is time for the States to encourage development thereby creating employment for Islanders and not to discourage development by increasing costs."</i>		
10.	Environment Scrutiny Panel	The Island Plan Policy LWM2 is a very comprehensively worded policy, which the Panel strongly supports, it being essential that as far as is reasonably possible development which is capable of doing so, is connected to the public foul sewer. We agree with the Minister in this respect.	Comment and support for Island Plan Policy LWM2 noted.	No change.
	Environment Scrutiny Panel	However, it is recognised that 14% of Island properties rely on non-mains drainage systems and we agree that it is unreasonable to place a moratorium on any developments in these locations which rely on non-mains drainage. We agree the proposed hierarchy of drainage options and the end of the use of septic tanks, since these have the potential for failure and pollution.	Support for use of non-mains systems where the public sewer is not available and for the hierarchy of non-mains drainage systems is noted.	No change
	Environment Scrutiny Panel	We particularly feel that the draft should address in more detail the policy where the existing non-mains system has already failed, or is failing and requires replacement.	It is proposed to address this issue by inserting two more sections, as follows: <b>16. What to do if an existing non-mains sewage treatment system fails</b> 16.1 All non-mains sewage treatment systems, even if they are properly designed, constructed and maintained, have a limited life expectancy and	Make changes as set out in officer response.

			<p>will fail at some point in the future. Many are designed to have a lifetime of around 20 to 30 years. When the system has failed, or is failing, it is not treating and disposing of sewage in a safe, environmentally sound fashion. As a consequence, sewage can contaminate ground and surface water and residents and neighbours can be exposed to disease causing pathogens and viruses contained in sewage.</p> <p>16.2 There are a number of symptoms to look out for when a system is failing, including:</p> <ul style="list-style-type: none"> <li>▪ drains emptying much slower than usual, despite the use of plungers and drain cleaning products;</li> <li>▪ slow flushing of toilets;</li> <li>▪ gurgling sounds in the plumbing system;</li> <li>▪ sewage backup in drains and toilets;</li> <li>▪ unpleasant odours around the house and particularly around the drainage field after heavy water use (e.g. wash days) or rainfall;</li> <li>▪ wet spots with lush green grass around the tank and over the drainage field, even during dry weather;</li> <li>▪ liquid seeping along the surface of the ground near the tank and in the drainage field area;</li> <li>▪ the presence of nitrates or bacteria in nearby well water;</li> <li>▪ the build-up of aquatic weeds or algae in nearby ponds and watercourses; and</li> <li>▪ an increase in the required frequency for pumping out the tank.</li> </ul> <p>16.3 The best way to prevent failures is to undertake regular and proper monitoring and maintenance, but when failure does occur, the problem needs to be corrected swiftly and properly. In the first instance, owners should contact a reputable local drainage contractor (who installs, maintains and mends non-mains systems) or a suitably qualified professional engineer to determine whether there is a failure, establish the causes of the failure, suggest how to cure the problem (where this is practicable) and confirm whether or not a new drainage system is required. Other immediate actions to take will include having the tank pumped out, reducing water consumption and fencing off areas where sewage has seeped to the surface.</p>	
--	--	--	--	--

			<p>16.4 Where there is no planned development involving an increase in foul sewage discharge, and the problems can be solved by altering and improving the existing system (e.g. by creating or increasing the size of the drainage field, or installing additional treatment plant as an add-on to the existing) a planning application will not be required. However, the improved system will need to comply with the requirements of the Building Bye-laws and owners should contact the Environment Department (Building Control) to discuss their plans.</p> <p>16.5 If a replacement system in a new location is the only practical long-term solution, this will require planning permission in addition to building permission and will need to comply with Island Plan Policy LWM2 and the supplementary guidance set out in this document.</p> <p><b>17. What about if you need to replace an existing tight tank (cesspool)?</b></p> <p>17.1 If a property's drainage discharges to a tight tank, frequent emptying will be necessary by a waste disposal tanker contractor, because all the waste water is retained in the tank. Typically, they require emptying on a monthly basis and this can make the annual running cost of a tight tank very high. For this reason, property owners may look to replace their tight tanks with a package sewage treatment plant, or, where practicable and feasible, connect to the public foul sewer.</p> <p>17.2 Owners may also wish to replace their existing tight tank, because:</p> <ul style="list-style-type: none"> <li>▪ they want to increase the capacity of their tight tank system;</li> <li>▪ their tank smells quite badly (i.e. due to the need for venting to allow excess sewage gases to exit the tank), or</li> <li>▪ the tank has failed, or is failing.</li> </ul> <p>17.3 A tight tank may leak, particularly if it is an old brick or block construction. In some cases, leaks may even be due to deliberate damage aimed at reducing the frequency and cost of emptying. If there is a leak, a reputable local drainage contractor should be called out to remove the leaked sewage, establish the cause of the leak and carry out</p>	
--	--	--	---	--

			<p>suitable remedial works.</p> <p>17.4 Where the owner wishes to install a new system to replace the existing tight tank, even if there are no development plans involving an increase in foul sewage discharge, this will require planning permission in addition to building permission and will need to comply with Island Plan Policy LWM2 and the supplementary guidance set out in this document.</p>	
	Environment Scrutiny Panel	The Panel is impressed with the comprehensive technical advice and setting of standards for non mains systems, which is beyond our competence to review. The Panel notes and agrees with the increase in the 30 metres distance criteria from the public sewer in the UK to 100 metres in Jersey, even though this fails to recognise the need for pumping to deal with gradients.	Support welcomed.	No change.
	Environment Scrutiny Panel	The variability in cost of connecting to the public sewer has clearly been the main driver for including the section on costs (paras. 9.6 – 9.14). Whilst we understand the logic, we query whether it is necessary to include such a complex and cumbersome arrangement to help the Minister to decide whether to accept an applicant's contention that connecting to the main drain is not viable. This seems to tie the Minister's discretion and could lead to unnecessary bureaucracy for the applicant in compiling, and the Minister in checking and validating, all the cost figures required under para. 9.11. We suggest that this part of the draft is reconsidered, and if guidance is required	<p>For reasons stated above, Policy LWM2 looks to ensure that new developments connect to the public foul sewer. In exceptional circumstances, where applicants are proposing connection to private non-mains sewer on grounds of cost or practicality, it is only reasonable that they provide sufficient information to demonstrate their case. It is noted that the Scrutiny Panel understands this logic.</p> <p>Where a non-mains system is put forward as the only cost effective solution it is considered appropriate that the applicant is required to demonstrate why connection to the mains is economically unfeasible.</p> <p>To help determine the economic feasibility or otherwise of mains connection, it is necessary to establish a threshold figure. The draft SPG includes a threshold figure which is considered reasonable having regard to the objectives of the Policy LWM2.</p> <p>The threshold effectively means that for smaller developments if the cost of connection to the sewer is greater than 10% of all construction costs + the cost of an installed private treatment system, then a private system is</p>	Make changes as set out in officer response.

		<p>that a simpler arrangement be proposed.</p>	<p>likely to be acceptable from a cost viewpoint (subject to a minimum of £5,000).</p> <p>This is regarded as a relatively simple formula that is easy to understand and allows for different types and sizes of development. There are simple standard methods for estimating construction costs and the cost of a private treatment system should be readily available from local drainage suppliers and contractors and/or the internet.</p> <p>As alluded to by the Panel, the draft SPG also requires estimates of the costs of installing the proposed non-mains drainage, for comparative purposes. Para. 9.11 sets out a list of individual cost items typically associated with providing a private non-mains system, which should be taken into account. It is accepted that, as it stands, this might appear unduly complex. It is, therefore, proposed to simply require the submission of a quote and alter the text to read:</p> <p><i>“9.11 To assist with the Minister’s considerations, an applicant who proposes to use non-mains drainage must submit details of the costs of both connecting to the public sewer and providing a private sewage treatment system. For these comparative purposes, the costs for the proposed system should take the form of a quote from a reputable local drainage supplier/contractor. This quote might typically take into account the following preliminary and capital cost items, where applicable:</i></p> <ul style="list-style-type: none"> <li>▪ <i>preliminary site investigation work;</i></li> <li>▪ <i>plant unit costs (including remote monitoring/telemetry equipment);</i></li> <li>▪ <i>installation costs;</i></li> <li>▪ <i>commissioning;</i></li> <li>▪ <i>pumping stations;</i></li> <li>▪ <i>land drainage field;</i></li> <li>▪ <i>outfall;</i></li> <li>▪ <i>sampling point;</i></li> <li>▪ <i>site access.”</i></li> </ul>	
--	--	--	--	--

