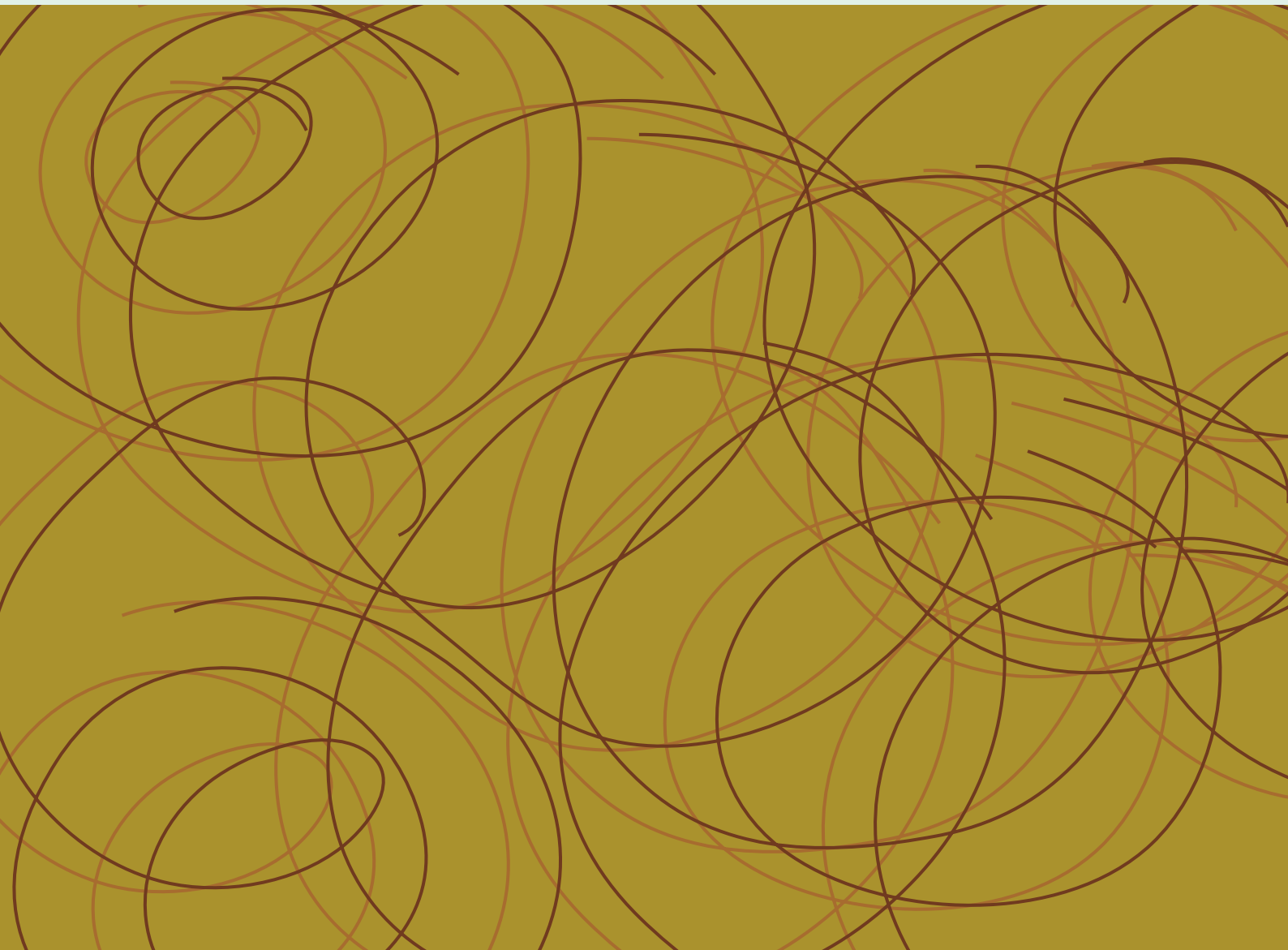


Disposal of Foul Sewage

October 2005



About Supplementary Planning Guidance

Supplementary planning guidance builds upon the policies in the Island Plan 2002 and provides more detailed advice on the way in which those policies are likely to be interpreted and applied. The guidance falls into two basic types, area or site based guidance and topic or issue based guidance.

Guidance documents are prepared in consultation with interested parties and/or those who might use them and, in appropriate circumstances, will only be adopted following public consultation.

This guidance does not have the same status as the policies in the Island Plan, which remain the first consideration when making decisions on development proposals. It will, however, be a material consideration in the determination of planning applications, and can be given substantial weight.

The current supplementary planning guidance is listed and can be viewed on the States of Jersey website www.gov.je/PlanningEnvironment/Planning. Documents which pre-date electronic production will be added to the website for viewing or downloading following review, as appropriate. Hard copies of all supplementary planning guidance can be obtained from Planning and Building Services, Planning and Environment Department, South Hill, St. Helier, JE2 4US. Telephone: 01534 445508, email: planning@gov.je.

Introduction

Planning policy for the disposal of foul sewage is contained within Policy NR2 of the 2002 Island Plan. The policy states,

“New development proposals that rely on septic tanks, soakaways or private sewage treatment plants as a mean of waste disposal will not normally be permitted.”

Although this principle is clear as far as it goes, there is a need to clarify how planning applications will be dealt with in detail under the policy.

The purpose of this guidance is to set out the Minister for Planning and Environment’s interpretation of this policy and it’s detailed requirements.

Background

The overriding purpose of Policy NR2 is to ensure that the Island’s groundwater is not contaminated by effluent from private sewage treatment plants.

It is recognised, however, that the mains sewerage system does not cover the whole Island and that there are still some remote areas which may never be reached by mains drains. It would be unreasonable and undesirable to place a moratorium on any development in those areas and so alternative solutions may need to be used, where some new development may be permissible.

Where connection to a public sewer for the disposal of foul sewage is not possible and an alternative solution is justified the States’ wider environmental objectives, which relate specifically to the important health issues surrounding the safe disposal of sewage and protection of the quality of water supplies, will remain the Minister’s primary consideration.

What is meant by “new development”?

There is often some confusion over the meaning of this phrase in relation to Policy NR2. Some argue that it relates only to new housing development; others believe that it means all new building work.

For the avoidance of doubt, *new development* means any new building work, whether it is to build or convert a building to create a new dwelling or other use, or to extend an existing building.

In applying this policy, however, the key test for the Minister as to whether new development is likely to be acceptable under the terms of Policy NR2 is whether the **development would increase the occupancy of a building** and thus increase the loading on the drainage system.

Accordingly, applications which seek permission for additional bedroom accommodation on a septic tank / soakaway or other private treatment system will normally be refused, on the basis of Policy NR2, as these will have the direct result of increasing the potential occupancy of the property and thus increase the loading on the drainage system and the associated risk of pollution.

Development which does not, however, increase the potential occupancy of a building may be permitted. For example, a conservatory, kitchen or bathroom extension simply seeks to improve the facilities of an existing property. It does not result in additional pressure on the existing drainage system and could therefore be permissible, under the terms of Policy NR2, subject to other policies and guidelines being met.

Other types of rooms, such as lounges, play rooms, studies or dining rooms, will be judged on their individual merits, having regard to their ability to be occupied as bedrooms, and the capacity and operating record of the existing foul drainage system. The Minister will consider and assess the likelihood of any increase in the risk of pollution as a result of this type of development and determine whether it is acceptable or not.

Systems for the disposal of foul sewage

Owing to the potential for and the frequency of pollution of the water environment from private sewerage treatment and disposal plants, the Island's building bye-laws¹ require buildings to be provided with an adequate system of drainage, in accordance with specific standards, in the following order of priority;

- connection to a public sewer;
- private sewer connecting to a public sewer;
- cesspool;
- septic tank, which has an appropriate form of secondary treatment

The Minister for Planning and Environment will, through Policy NR2, require the provision of the most appropriate form of disposal for foul sewage in association with new development, where new development relates to a potential increase in the occupancy of buildings, as outlined below;

Mains Sewers

Where it is proposed to create a new dwelling or extend an existing dwelling which relies on a septic tank/soakaway system, and where any such proposal would increase potential occupancy, the Minister will require a connection to the public foul sewer where there is a foul sewer with adequate capacity within a reasonable distance. A connection may even be required, via a private sewer, to a public sewer which is some distance away from the site, if that is deemed to be the most appropriate solution.

¹ Part 6, Schedule 2, Requirement 22, Building Bye-laws (Jersey) 2004

It is a requirement that the person undertaking the development meet the cost of the connection.

Cesspools

Policy NR2 does not cover cesspools (also described as cesspits or “tight-tanks”) as they are not treatment plants (they are simply receptacles for the receipt of foul sewage which require regular emptying).

As these do not discharge effluent to ground they may, in the case of small scale developments where it is not practicable to connect to the public sewer, be permissible, subject to other policies and guidelines being met. The requirement to regularly empty cesspools is not, however, particularly sustainable from an economic or an environmental perspective.

There are bye-law requirements relating to the use, size and location of these units, and it is expected that the use of tight tanks/cesspools will be limited.

Septic tanks

Septic tanks provide for the settlement, storage and partial decomposition of solids which need to be removed (desludged) at regular intervals (although much less frequently than cesspools). Septic tanks still discharge liquid effluent which can, however, be polluting and harmful and which requires further treatment. It is because of the high risk of pollution from the discharge of effluent from septic tanks that there is a general presumption against their use in Jersey.

It is only in extremely exceptional circumstances that the use of a septic tank with an appropriate form of secondary treatment, to safeguard groundwater, would be countenanced. Septic tank drainage systems are only suitable on sites with subsoils having good percolation characteristics and will not work on sites with poorly drained or saturated subsoils.

The building bye-laws require secondary treatment for septic tanks to be provided in the form of a drainage field, drainage mound or constructed wetland (eg. reed beds). Pit-soakaways are no longer permissible, as they invariably intercept the water table and thus untreated effluent from the septic tank is directly discharged to the groundwater.

Guidance on the design and construction of septic tank systems is given in the Building Bye-law Technical Guidance documents published by Planning and Building Services².

² Building Bye-laws (Jersey) Technical Guidance Documents 2004, Approved Document H, Drainage and Waste Disposal (2002 edition, published by DTLR) as amended

Consultations

The majority of the Island's public water supply is derived from the abstraction of surface water in the main valley watercourses or from aquifers. The areas draining to these watercourses and the aquifers are designated in the Island Plan as Water Pollution Safeguard Areas.

If a development proposal is in a Water Pollution Safeguard Area, Planning and Building Services will consult Jersey Water on the application to ensure that the public water supply is not put at risk from potential sources of pollution.

The Environmental Protection Section of the Planning and Environment Department will, as a matter of course, be consulted on all applications for on-site sewage treatment systems.

Proximity to boreholes and wells

Where properties have private water supplies, particular care is required to ensure that they are not contaminated by effluent from private sewage treatment plants.

Building Bye-laws

Permission for the provision of or extension to private drainage systems is also required under the Building Bye-laws. The relevant bye-law and supporting technical guidance is available from Planning and Building Services and can be viewed and downloaded from the States of Jersey website (www.gov.je/PlanningEnvironment/Planning).

Useful contacts

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