

25 February 2019

Mr. Andy Scate, Group Director, Regulation S.O.J.

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Dear Mr. Scate,

Horizon Development Discharge Permit DP(B2018/08/01

Both our organisations, SOS Jersey and The Earth Project Jersey (EPJ) are addressing this 'complaint' directly to you because, as I am sure you will understand, extremely urgent action on your part might be required.

You issued a discharge permit for treated groundwater arising from the Horizon Development Soakaway DP(B2018/08/01, dated 14/11/18, the conditions of which were intended to prevent any pollution arising as a result of excavations that were to be undertaken in relation to the construction of the Horizon complex. Such conditions explicitly referred to the treatment of all groundwater appearing during excavations. The underlying reason for this was that the Horizon construction is situated on a landfill site, the exact composition of which is unknown and contains pockets of Bellozanne incinerator ash and other unknown materials.

It should be noted that during the Castle Quay excavations, adjacent to the Horizon site, there was similar flooding on high tides. The Regulator became aware of this too late in the day to take any action then but it is surprising that the Horizon permit was not amended to prevent a recurrence this time around.

SOSJ and EPJ have been monitoring the excavation at high tides to see exactly what was happening. On Thursday, 21st February coinciding with the high Spring tide of 39 feet plus, when the depth of excavation had reached down further than the first of two planned basement levels, several thousand gallons of seawater rose up through the excavations and sat for over an hour before draining away very quickly. Approximately one and a half hours after this a stream of very discoloured water entered the Elizabeth marina (photograph attached).

Under the terms of the discharge permit, all ground water entering the site shall be treated and then pass through a settlement tank and sand filter prior to the soakaway as described in the groundwater treatment system method statement.

The seawater in the marina immediately adjoining the excavation site was, however, highly discoloured. This is clearly shown on the attached photograph and it seems highly likely that this discoloured water has emanated from the construction site.

Such was the enormous volume of the water lying in the site, it seems unlikely that it could have passed through any treatment mechanism and we have concerns that the permit is not being complied with.

If it is not, the very purpose of, and reason for the issue of the permit is being contravened and, if the permit is to be taken seriously, all work on the excavation should be halted immediately until it is ascertained that the treatment mechanism measures have been properly upgraded in order to ensure that not a further drop of untreated water is discharged anywhere in the island or the sea which surrounds it.

This 'complaint' is being copied to the Attorney General's office in the case that the Regulator himself does not have the authority to issue **an immediate injunction** on proceedings pending further investigations.

Yours faithfully,

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