The following guidance has been developed so that Local Planning Authorities no longer need to formally consult the Environment Agency on low risk development proposals that utilise a non-mains drainage system for the disposal of foul water.

The Agency is a statutory consultee, under the terms of Article 10 (s) of the Town and County Planning (General Development Procedure) Order 1995 for development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge. Specifically excluded from this statutory consultation procedure are applications that include the construction of septic tanks and cesspools serving single dwelling, single caravans or single buildings, in which not more than ten people would normally reside, work or congregate. Due to this exclusion from the statutory consultation procedure, Local Planning Authorities do consult the Agency on many small-scale development proposals that utilise a non-mains foul drainage system.

This local guidance covers those applications where the development incorporates a non-mains foul drainage system. This guidance assumes that the applicant has followed the advice in Circular 3/99 “Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development” and due to cost and or practicability it is not possible to connect to a public sewer. In addition to planning permission, applicants will, in most instances, be required to register an exemption or apply for an environmental permit from the Agency, prior to the operation of a non-mains foul drainage system. The Agency will not grant either where it is considered reasonable to connect to a public sewer.

If there are issues, other than non-mains foul drainage, which the Local Planning Authority considers the Agency would like to comment on, then a formal consultation should be forwarded for a bespoke response. In circumstances such as this, the local planning guidance should not be used, as the Agency will provide an all encompassing written response to this consultation, which will include comments on foul drainage to a non-mains system.

The local planning guidance (text in italics) is applicable to any development for a single dwelling, caravan or building, in which less than ten people will normally reside, congregate or work and incorporates the construction of a new non-mains foul drainage system.

**INFORMATIVE:**

*Under the Environmental Permitting (England & Wales) Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold an environmental permit issued by the Environment Agency. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.*

*A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.*

**Glossary of Terms**

*Non-mains Drainage Systems*—include package treatment plants, septic tanks and cess pools.
Environmental permit – a permit issued under the Environmental Permitting (England & Wales) Regulations 2010 to carry out a water discharge activity or groundwater activity including discharge of effluent from sewage treatment plants to inland freshwaters, coastal water or territorial waters. Small discharges may be covered by an exemption for the activity provided they meet the required criteria. It is an offence, under the Environmental Permitting (England & Wales) Regulations 2010 to cause and/or knowingly permit a water discharge activity or a groundwater activity that is made to inland freshwaters, coastal waters or territorial waters without a relevant permit or registered exemption from the Environment Agency.
Local Guidance for Cumbria Planning Authorities

Pollution Control

The following guidance has been developed so that Local Planning Authorities no longer need to formally consult the Environment Agency on low risk development proposals that nevertheless have the potential to pollute the water environment. The Agency is a statutory consultee, under the terms of Article 10 of the Town and County Planning (General Development Procedure) Order 1995, on only a few types of development. However, Local Planning Authorities do consult the Agency on many other applications where the development could pose a risk of pollution to the water environment. To address this issue, in most instances, simply securing appropriate drainage from the site will prevent the pollution of controlled waters.

This local guidance covers certain low risk developments where the measures necessary to prevent pollution of controlled waters can be included within a development proposal without having to formally consult the Agency. If there are issues, other than general pollution control, which the Local Planning Authority considers the Agency would like to comment on, then a formal consultation should be forwarded for a bespoke response. In circumstances such as this, the local planning guidance should not be used, as the Agency will provide an all encompassing written response to this consultation, which will include comments on pollution control issues.

Domestic Oil Tanks

INFORMATIVE: Domestic oil tanks >3500 litres must be stored on site in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Domestic oil storage tanks <3500 litres must be stored in accordance with Approved Document J of the Building Regulations.

Oil Storage at Commercial, Industrial and Institutional Sites

INFORMATIVE: Where it is proposed to store more than 200 litres of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Swimming Pools

INFORMATIVE: Swimming pool contents must be allowed to de-chlorinate by standing for at least two days prior to being discharged. The swimming pool water may be discharged to foul sewer with permission from United Utilities. Should there be no available foul sewer; provided the swimming pool backwash chemical content is reduced to zero it could be discharged to a sewage treatment plant if one is available. However, as the permit holder for the plant, the owner is responsible for the quality of the discharge of effluent. It is the owners responsibility to ensure that the swimming pool drain down and backwash does not cause an environmental problem or pollution of inland freshwaters, coastal waters and territorial waters.
Agricultural Livestock Buildings, Slurry Stores, Silage Clamps & Fuel Stores

INFORMATIVE: The proposed development must fully comply with the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991 (as amended 1997) and the “Code of Good Agricultural Practice for the Protection of Water”. Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use. The Applicant is advised to contact 01768 215866 for more information. To comply with this the applicant needs to complete WQE3: New or improved agricultural structures form which can be obtained from the Environment Agency.

Please consult the Environment Agency on any proposal for new intensive poultry unit housing over 40,000 bird capacity or applications which propose to increase the capacity of an existing poultry unit to over 40,000 birds.

The Agency should also be consulted on any applications for intensive pig Units (or an extension to an existing unit) that will result in capacity to house 750 sows or 2000 fattening pigs over 30kg.
PPS23 has imposed a more precautionary approach to development proposals on land affected by contamination. Much of the investigative work and risk assessment that was previously required by condition should now be provided with, or prior to the application being made so that the Local Planning Authority can satisfy itself that the scheme will remove any unacceptable risks.

Where development is proposed on land that is or may be affected by contamination, an assessment of risk should be carried out by the applicant for consideration by the Local Planning Authority before the application is determined.

**Advice to applicants:**
The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

**Developments that fall within 250 metres of a landfill site**
Please consult with your Council’s Environmental Health Section in order to obtain comments on landfill gas issues.
Local Guidance for Cumbria Planning Authorities

Flood Risk Standing Advice

Please refer to the Agency’s Flood Risk Standing Advice web-pages for guidance on flood risk, available at:
www.environment-agency.gov.uk/research/planning/82584.aspx

Local Planning Authority users can download our interactive tool which advises of when to consult the Environment Agency; what the consultation should contain; and how to make a decision on lower risk sites.

The web-site also provides advice and guidance for planning applicants and their agents regarding submitting a planning application.