

Local Development Order – Upgrading Septic Tanks and Sewage Treatment Plants

1 Summary

1.1 Approval is sought to proceed with a Local Development Order permitting the replacement of septic tanks with package treatment plants without the need to make a planning application. The proposed Order has been amended since the previous report to Committee in August 2025 to include a condition that sets maximum sound levels. Some minor amendments to provide clarity have been added also.

Recommendation that a **Adopt the Local Development Order – Upgrading**
you: **Septic Tanks and Sewage Treatment Plants (as set out**
 at Annex 1)

2 Background

- 2.1 In August, Park Strategy and Vision Committee agreed to consult on a proposed Local Development Order (LDO) to permit the replacement of existing septic tanks with package treatment plants.

- 2.2 Committee also agreed to delegate to the Director of Sustainable Development to make the Order subject to no substantive concerns being received during the consultation process.

- 2.3 The consultation period ended on the 15 October 2025. Representations are set out at Annex 2. It is considered that some of the representations are substantive hence the referral back to committee.

Previous Committee	Main Points discussed
Park Strategy & Vision Committee 23 April 2025 - Away Hour	Members were generally supportive in principle but wanted further exploration of how third-party amenity could be safeguarded
Park Strategy & Vision Committee 7 August 2025	Supportive of proposal. Interested in views of Environmental Health and others with respect to noise and odour aspects.

3 Policy Context

- 3.1 Improving the condition of internationally important nature conservation sites helps to realise one of the Lake District National Park Partnership's Vision Outcomes of Contributing to a Spectacular Landscape, Wildlife and Cultural Heritage. *"A landscape... whose benefits to people and wildlife are valued and improved"* and whose *"natural and cultural resources are assets to be managed and used wisely"*
- 3.2 Outcome 3: *Securing the future of farming and forestry, nature recovery and climate change* of the Lake District National Park Partnership's Management Plan 2020-2025 seeks to deliver the ambition and vision of the nature recovery priorities identified in the Local Nature Recovery Strategy. Two key outcomes to measure success are 1) that 75% of water bodies would be at or above Water Framework Directive Good Ecological Status by 2027 and 2) 100% of SSSIs should be in recovering condition by 2020 and 90% in favourable condition by 2040.
- 3.3 With respect to the Lake District National Park Local Plan 2020-2035, Policy 04 seeks to protect our important habitats, sites and species

4 Options

- 4.1 Members are presented with the following options.
- a) Proceed to make the Local Development Order in the form set out at Annex 1
 - b) Proceed to make the Local Development Order with amendments.
 - c) Do not proceed with a Local Development Order.

4.2 These options are assessed in the following section.

5 Assessment of Options

5.1 I propose that members select Option a) in paragraph 4.1 above and make the Local Development Order in the form set out in Annex 1. It would allow homeowners to replace old or polluting tanks with package treatment plants without the need to make a planning application. Treatment plants are predominantly underground so there is little landscape impact and new plants will continue to need to abide by the Environment Agency's general binding rules or obtain a permit from the Environment Agency, so there are other safeguards against tanks being installed in such a way that would result in environmental pollution. Those treatment plants which don't meet the terms of the order would have to apply for planning permission in the normal way. Changes to the draft Order in response to the consultation responses may be summarised as follows:

- Part b) of the description of development has been modified to clarify that this applies to plant and equipment serving up to three dwellings. This brings this part into line with part a).
- As there are no registered battlefields in the Lake District National Park, that has been removed from the list of historic sites where the Order would not apply.
- The condition disapplying the Order from locations within 20m of a main river has been removed as the terms of the order prevent new discharge points in any event.

Three additional conditions are proposed

- In order to benefit from the LDO noise levels at neighbouring properties arising from new treatment plants must not exceed 37dB(A). This is the same requirement as the Government has imposed to enable air source heat pumps to benefit from general permitted development rights.

- Any above ground equipment should not exceed 1m in height. This has been introduced to ensure that landscape impact is minimised.
- Development within 10m of a public water main would not be permitted unless written approval is provided from the operators of the water main.

5.2 Option b) would involve amending the proposed LDO before adoption. Members should choose this option if they are concerned that some critical conditions are absent, or if they consider that the conditions are overly onerous to a degree that would unacceptably restrict the number of persons who could take advantage of the LDO. The final form of such an LDO would depend on the nature of Members' concerns.

5.3 Option c) would retain the status quo where planning permission should be sought for the installation of a package treatment plant. Members should choose this option if they are concerned that, following the responses to the consultation, the risks of granting a blanket planning permission outweigh the benefits. Given the record of around 100 applications for new or replacement tanks having been made and none refused over the last five years, and that it will remain a requirement for installers to abide by general binding rules or seek a permit from the Environment Agency, the risks of new tanks causing significant harm to amenity, or causing unacceptable pollution are considered slight, subject to the restrictions in the proposed order.

5.4 I recommend that members resolve to adopt Option a). The creation of an LDO necessarily leads to a partial giving up of control on behalf of the local planning authority, and it is possible that on certain limited occasions this will result in unforeseen adverse impacts. However, given the record of approvals and absence of compliance complaints on this subject, the small possibility of harm is outweighed by the benefits of reduced pollution of our catchments. I am satisfied that the conditions set out in the Order would prevent most if not all possible unacceptable adverse impacts, but should unforeseen problems emerge, they can be addressed, as adopted LDOs may be reviewed, modified or revoked at any time.

6 Stakeholder Consultation

- 6.1 Copies of the draft LDO, statement of reasons and other supplementary information have been made available on our website. Certain specific parties have been invited to comment directly (as set out in the previous report), and a general invitation to comment made through advertising the draft order in local newspapers covering the whole of the National park.
- 6.2 Annex 2 sets out the responses we have received through the consultation process along with officer comments where appropriate.
- 6.3 Should Members agree to adopt an Order we are required to send a copy of the LDO along with the reasons for its adoption to the Secretary of State within 28 days of making the Order. The Secretary of State has the power to modify or revoke the Order.
- 6.4 We are also required to place a copy of the Order and the statement of reasons on our planning register within 14 days of the date of adoption. This would be our website.

7 Demonstrating Best Value

- 7.1 The Best Value implications are:
- Challenge – we are challenging ourselves to review and streamline our planning processes to identify solutions to support Cumbria Nutrient Neutrality and improve water quality across the wider National Park.
 - Compare – we have compared our approach to other Authorities that have Nutrient Neutrality affected catchments.
 - Consult – We have consulted with the public and relevant organisations to ensure the LDO is appropriate and practicable.
 - Compete – not relevant.

8 Finance Considerations

- 8.1 There would be a loss of planning application fees when the need to make an application is removed as a result of the LDO. On the other hand, it is doubtful whether the fees for an individual application for a package treatment plant cover the costs to the authority of publicising, consulting and determining it. The

reduction of applications will enable officers to devote more time to other applications. Overall, it is considered that the costs to the Authority would be neutral at worst.

9 Risk

- 9.1 The risk to the authority is negligible. A thorough consultation process has been undertaken and representations taken into account. Any unforeseen issues that do arise as a result of an adopted LDO can be addressed through its modification or revocation.

10 Legal Considerations

- 10.1 Section 61A of the Town & Country Planning Act 1990 allows local planning authorities to create Local Development Orders (LDOs). The process of doing so is set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

11 Human Resources

- 11.1 No staffing implications

12 Diversity Implications

- 12.1 No diversity implications

13 Sustainability

- 13.1 The replacement of polluting septic tanks with less polluting package treatment plants should have a positive impact on the environment, particularly in catchments which have excess levels of phosphorus at present.

Background Papers	Proposed Local Development Order (Annex 1) Representations received through consultation process (Annex 2)
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Responsible Director	Steve Ratcliffe, Director of Sustainable Development
Date Written	5 November 2025

Annex 1:

Local Development Order – Upgrading Septic Tanks and Sewage Treatment Plants

Statement of Reasons for Local Development Order

1.1 It is proposed to adopt a Local Development Order (LDO) which grants planning permission for the installation of sewage treatment plants. The following sets out the reasons why an LDO should be adopted.

1.2 An increase in nutrients, particularly nitrogen or phosphorous, can significantly affect water quality and habitats. Natural England has identified areas where this could be particularly harmful because the catchment is a protected Habitats Site of international importance and is already in an unfavourable condition.

1.3 In March 2022, Natural England issued advice that certain new developments, in such catchments, will need to mitigate against any increase in nutrient pollution that they cause. Four catchments within Cumbria have been identified, all as a result of excess phosphorus. The affected catchments are listed below:

- River Derwent and Bassenthwaite Lake Special Area of Conservation
- River Eden Special Area of Conservation
- River Kent Special Area of Conservation
- Esthwaite Water RAMSAR

All four fall wholly or partly within the National Park.

1.4 Developments within the identified areas will therefore only be permitted where they can demonstrate that they are nutrient neutral and will not result in a net increase in nutrients within the affected catchments.

1.5 The impact of the advice is that a significant number of proposed housing schemes have been unable to be approved, as they are unable to demonstrate nutrient neutrality. This has had an impact in housing development within the National Park, but the biggest impact has been felt outside the National Park in settlements such as Carlisle and Penrith

1.6 There are various means to achieve reductions in phosphorus, but one way is to replace existing ageing septic tanks with package treatment plants which discharge much lower levels of phosphorus. The phosphorus saved can be used as credits to free up stalled housing sites.

1.7 An obstacle to this approach is the need to apply for and receive planning permission for the installation of tanks. Applicants are required to provide plans and other information as part of a planning application and to pay a fee. It is considered that this might prove a deterrent to those wishing to upgrade.

1.8 The principal motivation for the LDO is to make it more straightforward to replace existing septic tanks with more modern and less polluting equipment. This is particularly important in catchment areas of important European protected sites but the benefits of a reduction in pollution apply throughout the National Park, so it is intended that the LDO would extend to the whole of the National Park.

1.9 In recommending the creation of an LDO we have taken into account that nearly 100 applications have been submitted for new or replacement tanks since 2020, and none of these applications have been refused. This is unsurprising for a number of reasons. Firstly, most applications were for the replacement of existing septic tanks which were coming to the end of their working life. Secondly, as treatment plants are predominantly underground there is little landscape impact. Finally, new plants require a permit from the Environment Agency or abide by general binding rules. Consequently, there are safeguards against tanks being installed in such a way that would result in environmental pollution. These safeguards would be unaffected by the LDO. In short, replacement treatment plants rarely cause problems which would warrant the refusal of planning permission, and it is intended that the various limitations and conditions which form part of the LDO would exclude from the scope of the LDO permission those rare occasions when more detailed consideration is required. Those treatment plants which don't meet the terms of the order would have to apply for planning permission in the normal way.

Introduction

The Local Development Order (LDO) grants planning permission for the replacement of septic tanks and small sewage treatment plants with new small sewage treatment plants.

Works are only covered by the LDO when the constraints do not apply and the conditions are complied with. These are set out below.

The motivation of the LDO is to make it more straightforward to replace existing septic tanks or small sewage treatment plants with more modern and therefore less polluting equipment. This is particularly important in catchment areas of important European protected sites and other waterbodies where excess phosphorus is harming the special features of those sites. Natural England has identified several catchments within Cumbria where this is the case. Although that has been the principal motivation for the LDO it is proposed that the permitted development rights are not confined to those catchments, as the benefits of a reduction in pollution apply throughout the National Park.

The LDO grants planning permission, which is one stage of the approval process. It does not remove any of the requirements set by the Environmental Permitting (England and Wales) Regulations 2016, the General Binding Rules 2023, nor Building Regulations 2010.

Description of development permitted

- a) The replacement of a septic tank or sewage treatment plant, serving up to three dwellings, with a new sewage treatment plant, including the installation of associated pipes, cables, vents, ducts, manholes or kiosks, and any ancillary engineering operations.
- b) The installation of additional equipment, to an existing septic tank or sewage treatment plant serving up to three dwellings, designed to reduce phosphorus discharge.

Development not permitted if:

- a) The discharge of the newly installed plant is to a different discharge point from that of the plant to be replaced.
- b) The new plant's treatment efficiency for Total Phosphorus removal is less than 5 mg/l
- c) The new plant requires chemical dosing
- d) The boundary of the premises that the system serves is within 30 metres of a public foul sewer.
- e) Any part of the development is in a European protected site, and/or a site of special scientific interest (SSSI)
- f) Any part of the development is within:
 - i. the curtilage of a listed building; or
 - ii. a Registered Park and Garden; or
 - iii. a Scheduled monument; or
- g) Any part of the development would be within flood zone 2, 3 or 3b or requires a flood risk assessment in line with the requirements of the National Planning Policy Framework
- h) Any part of the above ground development would exceed 1m in height
- i) Any part of the development is within 10m of a public water main/s, unless the developer has first obtained written approval of the proposed works from the Water Undertaker and Sewage Undertaker and any necessary protective measures for the water main/s both during construction and following completion of the development.

Conditions

The following conditions apply to all development permitted under this LDO:

- a) Sound pressure levels at an assessment position at any neighbouring property shall not exceed 37dB(A) as a result of the package treatment plant.
- b) The development shall be installed, maintained and operated without chemical dosing.
- c) Any land affected by the works must be reinstated to its previous condition, as far as reasonably possible, unless written confirmation to the contrary is provided by the Local Planning Authority.
- d) Within 42 days of the completion of the development, the developer or landowner shall notify the Local Planning Authority in writing of the installation with the following details:
 - i. A plan to a recognised metric scale showing the location of the sewage treatment plant in relation to the site boundaries. The plan must show the location of the discharge point or drainage field
 - ii. The model of the small sewage treatment plant installed
 - iii. The British Water, or equivalent, accreditation certificate for the system

Informatives

The following informatives apply to all proposals permitted under the LDO:

1. The planning permission under this Order is subject to the conditions above. If the conditions are not complied with then the proposal is not permitted under the LDO and any approval given would be null and void. A full planning application would then be required to regularise the development.
2. Non-Mains Drainage: Consent under the Building Regulations is likely to be required in most cases. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department of the relevant council
3. All sewage treatment plants must be operated in accordance with Environment Agency General Binding Rules, or an Environmental Permit issued by the Environment Agency.
4. Other environmental permissions may be required.
5. Any written notification to the Local Planning Authority required under this Order can be made by email to **planning@lakedistrict.gov.uk** or by post to Planning, Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, LA9 7RL.

6. Public water and sewer records can be viewed via United Utilities online viewing facility for free. Viewings are by appointment only. To book an appointment, the applicant should email propertysearches@uuplc.co.uk or call 0370 751 0101. Alternatively, a number of providers offer a paid for mapping service, including United Utilities. To purchase a sewer and water plan from United Utilities, visit [Property Searches | United Utilities](#) United Utilities also provides a pre-application service, to be used if proposals are near a water main. Contact:

Website (including 'Live Chat'): www.unitedutilities.com/builders-developers/

Telephone (Monday-Friday, 8am-6pm): 0345 072 6067

Definitions:

a) European protected site – means a site listed under the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (see regulation 8) and a Ramsar Site, meaning given at Section 37A of the Wildlife and Countryside Act 1981

b) Site of Special Scientific Interest - has the meaning given at Section 52 of the Wildlife and Countryside Act 1981

c) General Binding Rules means – the standard rules published by the Environment Agency pursuant to the Environmental Permitting Regulations 2016

d) A sewage treatment plant (also known as a 'package treatment plant) – means a system that treats waste so that the treated liquid discharge is clean enough to go into the ground or a surface water

e) Chemical dosing – means the use of chemicals such as a combination of ferric chloride, ferric sulphates, aluminium and a range of metallic salts to remove and capture phosphorus during treatment before the water is released back into the environment.

f) Assessment position means - a position one metre external to the centre point of any door or window to a habitable room of a neighbouring property as measured perpendicular to the plane of the door or window. Habitable room means - any rooms used or intended to be used for sleeping or living which are not solely used for cooking

purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms

Annex 2: Consultation Responses

The comments received during the consultation period are set out below. For the sake of clarity and brevity the comments are sometimes paraphrased or abridged but no information has been omitted.

Where officers' comments have been made, these are shown in *italics*

Westmorland and Furness Council, Environmental Protection

Whilst no objection is raised regarding the principle of a LDO, concern is raised with regard to potential noise and odour nuisance arising from newly installed plant, particularly as there would be no opportunity to proactively comment or object and therefore relying on a reactive investigation, by the relevant Local Authority, should such arise.

As you will be aware the Microgeneration Certification Scheme (MCS) has a noise standard (MCS 020) for air source heat pumps, with the latest version setting an overall noise limit of 37 dB(A) at a neighbour's habitable window, a change from the previous 42 dB(A) at 1m. This demonstrates that the previous noise level has now been deemed too high. Noise for package treatment systems is inherent due to the components including an electricity supply, moving parts, pumps, motors and aerators etc. Additionally, but not exhaustively, non mains drainage systems are in rural areas where background noise levels are particularly low, and frequently below the 37dB(A) used in the MCS approach. As such, the Local Authority has received and investigated complaints which has resulted in remedial works and/or separate planning application, being necessary.

Whilst an indicative distance from non-associated boundary would be a control mechanism, each setting is unique due to the likes of varying low background noise levels, deterioration/vibration in moving parts over time (insufficient maintenance/servicing), topography and prevailing wind direction and conditions. Such also applies to impact from odour. Experience indicates that non-mains drainage systems are predominantly nearer to non-associated premises, be this garden areas or buildings, than the respective owners premises, further compounding concerns.

Officers comment: The revised LDO has adopted the MCS noise level as suggested

It is noted that the LDO would permit a new system to serve up to three dwellings. The LDO does not clarify if three previous separate systems (each serving a single dwelling) could be combined under the proposal.

Officers comment: I think it unlikely that such a scenario would be a frequent occurrence but even if it were I do not see any particular problems in combining provided that pollution levels are reduced.

Whilst the information in the LDO makes reference to Building Regulations these are not carried through to the actual conditions. It is considered that evidence of compliance with the respective Building Regulations is also a mandatory requirement.

Officers comment: I do not consider that it would be appropriate to make compliance with building regulations a condition of approval. The planning system should operate on the assumption that other control regimes operate appropriately. We do not for example require compliance with building regulations when granting permission following a planning application.

Currently planning applications can be viewed online, as public documents, it is requested that details of systems installed/approved be similarly available for full transparency.

Whilst we don't want to thwart development I remain to have concerns in respect of odour and noise and cannot see how such can be overcome with the proposed LDO without noise and odour being addressed prior to installation.

The order should not apply if the land where the replacement tank is sited is not owned by the user of the tank.

Officer comment: It is common for tanks to be on land not in the ownership of the householder for example in an adjacent farmers field. The grant of planning permission either through the submission of a planning application or through a development order does not override the requirement for those carrying out the development to get permission from the landowner to carry out the work. In short such a requirement would significantly reduce the ability to take advantage of the LDO for no good reason.

South Cumbria Rivers Trust

Firmly in support of the proposed Local Development Order - outdated or inadequate non-mains sewage infrastructure can cause significant harm to the freshwater environment across the Lake District, so any steps to simplify the upgrade or replacement of these systems is a positive step. The proposed order also adds appropriate safeguards to ensure that new discharges are not being added without prior consultation of the relevant authorities and consideration of possible impacts on the freshwater environment.

Based on the current text, the only passage that may benefit from amendment relates to clause (b) under "Development not permitted if", which currently reads as 'the new plant's treatment efficiency for Total Phosphorus removal is less than 5 mg/l' - our concern is that it could lead to some confusion for a layperson attempting to apply the LDO. The passage may benefit from some additional context, particularly given the fact that "treatment efficiency" is not defined within the order and would likely influence the type of sewage system an applicant chooses to upgrade to.

Officers comments: While it is true that this requirement may not be intelligible to the average layperson, it is almost always the case that installation would be carried out by a professional well versed in the technical specifications of package treatment plants. If this requirement was removed then one of the main drivers of the LDO would be jeopardised as if the levels of pollutants are not reduced the hoped for gains for water catchments would not be achieved.

The only other point which may or may not be worth mentioning relates to the replacement of cesspits, with a section to clarify that these would not be covered by the proposed order as a result of needing a new discharge point to the environment to be created.

Officers comments: The LDO would enable the replacement of septic tanks and sewage treatment plants but not apply to replacing a cesspit

Colton Parish Council

We welcome this development order as we recognise it will make it easier for homeowners to upgrade their systems. We cover a large rural area with, on the whole, older housing stock. A significant number of properties have septic tanks. Water quality and sewage management were raised as priority issues during our community consultation, undertaken when we reviewed and updated our community plan in 2024. Our understanding of the development order is that it will make the upgrade process more straightforward, helping to reduce the barriers that may deter people from taking steps to improve their older sewage treatment arrangements.

Windermere & Bowness Town Council

Support the Local Development order for septic tank upgrades. Anything that can make it quicker, easier and cheaper for properties to upgrade their septic tanks is welcomed provided that environmental standards are still rigorously monitored and enforced. While replacing septic tanks with connection to the mains sewerage system is preferable from a water quality perspective, we realise that this isn't possible in all cases. We hope that this will be one small step on the road to improving the water quality of the National Parks lakes and rivers to protect them for future generations.

United Utilities Water Ltd. (U UW)

U UW welcomes the initiative and its potential to improve water quality across the National Park.

U UW requests the inclusion of an additional criterion to broaden the applicability of the LDO and better reflect the needs of small-scale replacements serving non-residential uses.

Specifically, we wish to recommend the following wording:

Criterion C: 'The replacement of a septic tank or sewage treatment plants serving non-residential development, where the volume of flows does not exceed those set out in the general binding rules, including the installation of associated pipes, cables, vents, ducts, manholes or kiosks and any ancillary engineering options.'

This amendment would:

- align with the Environment Agency's general binding rules for small sewage discharges;
- enable modest non-residential uses to benefit from the LDO without compromising environmental safeguards; and
- encourage proactive upgrades in sensitive catchments.

Officer comment: there is some merit in this suggestion however it would involve a significant extension of the scope of the original draft order. I think it would be sensible to adopt the LDO in its current form and then consider amendments once it has been in operation for a reasonable period of time to see if any unforeseen problems emerge. Should it operate smoothly then a modification to the LDO can be considered.

We also request that any replacement of a septic tank or sewage treatment plant needs to ensure no impact on our utility assets (water and wastewater). Within our operating area we have experience of private sewage treatment plants being sited on top of, and near to, our assets which is not acceptable. It is important to outline the need for our assets to be fully considered in the siting of any proposals. We will not permit development over or in close proximity to our assets.. Where our assets exist on, or are in proximity to, a site, UUW must be contacted so that the implications for design and construction are fully understood. In this context, we request the following additional criterion under the heading of 'Development not permitted if':

'Any part of the development is within 10m of a public water main/s, where the exact location of the water main is confirmed by a site-specific survey, unless written approval is provided from United Utilities of the proposed works and any necessary protective measures for the water main/s both during construction and following completion of the development.'

Officer comment: This appears a reasonable request, however reference to "a site-specific survey" is unnecessary.

We also request the following additional informative is included on the LDO:

'The public water and sewer records can be viewed via United Utilities online viewing facility for free. Viewings are by appointment only. To book an appointment, the applicant should email propertysearches@uuplc.co.uk or call 0370 751 0101.

Alternatively, a number of providers offer a paid for mapping service, including United Utilities. To purchase a sewer and water plan from United Utilities, visit Property Searches | United Utilities United Utilities also provides a pre-application service, which must be used if the proposals are near to a water main. The contact details are below. Website (including 'Live Chat'): Building & Developing - United Utilities Telephone (Monday-Friday, 8am-6pm): 0345 072 6067

Our Rivers Group

We are unaware of any issues with respect to noise or odour associated with replacing old septic tanks with newer package treatment plants.

Burrow Environmental

PTPs do not smell unless they are being operated contrary to the instructions (e.g. killing off the bacteria using antibacterial products) and the best way to understand this is to visit installed PTP sites in person. We have recently been carrying out checks on installed PTPs and there is no odour whatsoever.

It would be sensible to use the limit of 37db relating to the Technical standard MCS 020(a) as this is already established. However, since the compressor is just one part of a PTP system and it is housed rather than being a standalone product open to the air (as a heat pump is), it needs a different approach through a testing process

It is unnecessary to prohibit installations *within 20 metres of a main river* due to the fact the General Binding Rules relating to existing discharges do not require a permit to continue the discharge. Post-2015 discharges are subject to additional rules which do not apply to any of the sites we are dealing with, due to the age of the property and consequential time of discharge commencement.

In each case of our PTP installations the discharge itself pre-dates 2015 - wastewater and consequential effluent has been going to the same place consistently, and the discharge point remains unchanged or within 10m, thereby not triggering "new" status.

We have at least 3 TMRs approved where the property is (with a broad brush) in a flood risk zone, but where the PTP land is either unaffected or potentially affected to such a shallow extent that raising the level of the cover of the PTP and fitting a non-return valve on the outlet will be done to mitigate the risk.

Officers note: Burrow Environmental and Our Rivers Group are the contractors engaged to replace septic tanks by Cumbria Nutrient Neutrality, so the introduction of the LDO would be to their advantage.

Friends of the Lake District

Support the implementation of a Local Development Order which will enable people with older, inefficient septic tanks and PTPs to replace these with more efficient systems without requiring planning permission. Removing this requirement will encourage home and business owners to replace such tanks, which will in turn will reduce the amount of nutrient pollution entering watercourses within the National Park and further afield. This will have positive effects on nature and the landscape.

It is anticipated that the majority of the replacement tanks will be underground therefore the landscape impact is likely to be minimal, particularly as there is a requirement for land to be reinstated to its previous condition.

We do however have some concerns about any replacement tanks which will be overground, particularly where they will be located within sensitive areas such as the setting of heritage assets etc. These could be significant in size if serving several dwellings.

This issue could be overcome by including an additional bullet point to the list of criteria and we have suggested some text below at g).

f) Any part of the development is within: i. the curtilage of a listed building; or ii. a Registered Park and Garden; or iii. a Scheduled monument; or iv. a Registered battlefield site.

g) Any part of the development (excluding minor elements) is above ground and within the setting of any site or building referred to in criterion f above.

If you were to take this wording forward, you may wish to specify which minor elements are excluded (e.g. minor pipework, connection to property etc) for clarity.

Officers comment: The LDO has been amended to prohibit above ground equipment higher than 1m above ground level.

An alternative option could be to add a condition which states:

“Where a PTP cannot be installed underground, it must accord with a landscaping scheme that has, before development commences, been submitted to and approved by LDNPA.”

The downside to this is that it would require additional work to be undertaken by the property owner and in some cases, such as on prominent sensitive sites, landscaping may not be appropriate mitigation.

Officers comment: the respondents have correctly identified the downsides of this approach. The intention is to simplify the process but requiring additional information would do the opposite. The vast majority of package treatment plants are predominantly underground with just a manhole cover visible on the surface. Requiring a landscaping scheme seems excessive.

Consideration should also be given to whether criteria e and f should include other sensitive designations such as national nature reserves and locally important heritage assets.

Officer comments: All national nature reserves are also SSSIs so would be covered by the current wording. There is no universally agreed means of identifying locally important heritage assets. There is a local list of such assets but this is by no means exhaustive, so to introduce this condition would be overly complex and create uncertainty.

Comments from individuals (mostly anonymous)

I support the proposal of the LDO. Septic tank upgrades have obvious environmental benefits but the process is complicated so anything to make it easier for homeowners is helpful and welcome

We are supportive of the LDO and think it will smooth over the process, for what is a low impact development (replacing existing septic tanks).

What is the significance of 20 metres of a main river?