

Local Development Order – Upgrading Septic Tanks and Sewage Treatment Plants

Introduction

The Local Development Order (LDO) grants planning permission for the replacement of septic tanks and small sewage treatment plants with more efficient 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 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) Sound pressure levels at an assessment position at any neighbouring property exceeds 37dB(A) as a result of the package treatment plant.
- j) 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.'

Conditions

The following conditions apply to all sewage treatment plants permitted under this LDO:

- a) The sewage treatment plant and drainage field shall be installed, maintained and operated without chemical dosing in accordance with the submitted specification and details hereby approved.
- b) 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.
- c) An installation of a sewage treatment plant needs to meet the requirements of the General Binding Rules or, if an environmental permit is required, ensure it is in line with any approved permit.

- d) Within 42 days of the completion of the development, the developer or landowner shall notify the Head of Development Management of the local planning authority 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. Other environmental permissions may be required.

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) Notification to the LPA shall be provided via an electronic or physical letter, sent to **planning@lakedistrict.gov.uk** , or Head of Development Management, Lake District National Park Authority, Wayfaring House, Murley Moss, Oxenholme Road, Kendal LA9 7RL
- f) 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.

g) 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.

h) 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.

i) Neighbouring property means – any building used for any of the purposes of Class C of the Town and Country Planning (Use Classes) Order 1987 (as amended)