

Local Development Order – Upgrading Septic Tanks and Sewage Treatment Plants

Statement of Reasons for Local Development Order

1.1 This Local Development Order (LDO) grants planning permission for the installation of sewage treatment plants. The following sets out the reasons why an LDO was 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 the LDO extends to the whole of the National Park.

1.9 In creating the 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.