

## Septic tanks and small sewages discharges

### Properties not connected to the mains sewer

If a property or business is not connected to the mains sewer, its sewage will go to one of the following:

- **a septic tank** - an underground tank where the solids sink to the bottom and the liquid flows out and soaks through the ground
- **a small sewage treatment plant (also known as a package treatment plant)** - a part-mechanical system that treats the liquid so it's clean enough to go into a river or stream
- **a cesspool (also called a cesspit)** - a sealed tank that collects the sewage
- **a non-standard system**, e.g. a reed bed or a trench arch system, which may need a permit from the Environment Agency.

### The New Regulations

New regulations brought in on 1 January 2015 ("the Regulations"), have attempted to simplify the regulation of domestic small sewage discharges from septic tanks or small sewage treatment plants. This information sheet summarises those rules.

If you have a cesspool, the rules will not apply, although planning controls apply to the installation of new cesspools and the Environment Agency can take enforcement action if a cesspool is in poor condition.

### Septic tanks and small sewage treatment plants

In most cases, septic tanks and small sewage treatment plants no longer need to

be registered or require a permit; instead any operator must follow a set of general binding rules where they are making a small sewage discharge.

However, a permit will still be required in areas that are identified as being environmentally sensitive.

### What is a small sewage discharge?

- A discharge of 2m<sup>2</sup> per day or less (equivalent to sewage from 9 people living in a single property) to the ground via a septic tank and infiltration system; or
- A discharge of 5m<sup>2</sup> per day or less (equivalent to sewage from 31 people occupying a single property) to water.

For larger discharges, different rules apply.

### Who is an Operator?

An operator is a person who has control over the operation of a septic tank or sewage treatment system. An operator may be:

- 1 an owner of the system;
- 2 someone who uses it even though the system itself or part of it may be located on neighbouring land; or
- 3 another person e.g. a tenant or leaseholder who agrees to be responsible for operation and maintenance through a written agreement.

If you share a septic tank with other properties, responsibility for the septic tank and its discharge and for complying with the

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general binding rules is a shared responsibility, unless you have a written agreement which states otherwise.

### What is an existing discharge?

If the discharge was already being made before 31 December 2014, it is an existing discharge. If you have upgraded or replaced your treatment system (or are planning to do so) but still make the discharge to the same place, this is still an existing discharge.

### What is a new discharge?

A new discharge is one that was started after 1 January 2015. If you have upgraded or replaced your existing treatment system (or are planning to do so) and make the discharge to a different place, this would be classed as a new discharge.

### The General Binding Rules

Under the Regulations anyone who has a domestic septic tank or small sewage treatment plant will be expected to follow a set of rules (“the General Binding Rules”) whether or not a permit is required.

The rules apply to all sewer discharges and include specific regulations depending on whether sewage is discharged to drainage water or via an infiltration system or drainage field.

There are also additional rules which only apply to new discharges.

Rules applicable to all small sewer discharges:

- The system must be installed and operated in accordance with the

manufacturer’s specification and be large enough to handle the maximum of sewage that it will need to treat;

- Maintenance must be undertaken regularly. Records (for example, maintenance, tank emptying and servicing receipts) must be kept for 5 years (you should pass any records on to the new occupier if you move house);
- Waste sludge from the system must be safely disposed of by a registered waste carrier, a minimum of once a year; and
- The discharge must not cause pollution of surface water or groundwater. It should be noted that discharges from septic tanks directly to surface water (as opposed to those that discharge to the ground) are not allowed under the General Binding Rules. Environment Agency guidance on the Rules states that septic tanks of this type should be replaced or upgraded within a reasonable timescale, typically 12 months.

Additional rules also contain detailed technical information on the size and siting of a discharge. It is therefore advisable to obtain a septic tank/drainage survey from a qualified drainage expert to ascertain whether the drainage system is compliant, suitable for the property and in satisfactory condition.

Guidance can be found at:  
[www.gov.uk/permits-you-need-for-septic-tanks/overview](http://www.gov.uk/permits-you-need-for-septic-tanks/overview)

### Permit Requirements

Permits will continue to be used in areas designated as environmentally sensitive; the Environment Agency will be able to tell you

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if a particular area is designated as environmentally sensitive.

Households and businesses located in an area nearest to a groundwater drinking water supply (known as a groundwater source protection zone 1 or SPZ1) will be in environmentally sensitive areas.

Permits will also be required where systems are not able to meet the General Binding Rules.

The Environment Agency will grant a permit if there is:

- no evidence of pollution; or
- the risk of pollution is acceptable

If there is evidence of pollution or the risk of pollution is unacceptable the Environment Agency will ask you to make changes to your system and may issue a permit with improvement conditions.

The current permit application charge for a small sewage discharge is £125.

### Enforcement

The Environmental Agency has said that if it identifies a small sewage discharge which requires a permit, its first course of action will always be to provide advice and guidance to help the operator make a permit application.

If you are granted a permit but the Environment Agency finds that your system may be causing pollution to surface or groundwater it will contact you to discuss the issues. The formal options that the Environment Agency has include, amongst others:

- issuing a warning;
- statutory enforcement notices and works notices;
- suspension or revocation of environmental permits;
- injunctions;
- carrying out remedial works;
- other civil and financial sanctions including Fixed Penalty Notices; and
- prosecution and orders ancillary to prosecution.

### Property sellers

Property sellers must provide the purchaser with a written notice if a property has a septic tank or small sewage treatment plant. The notice must include details of the location, maintenance and a description of the waste water system. In most cases this information is included within property information forms that are completed as part of the conveyancing process.

### Further information

This information sheet is not intended to be a substitute for specific advice and is for general guidance only. It is based upon our understanding of the legal position as at November 2019 and may be affected by subsequent changes in the law.

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