

Environment Agency Cumbria and Lancashire Area

Local Planning Guidance for Lancaster Planning Authority

28 April 2015

Local Planning Guidance

The following series of local planning notes has been developed so that local planning authorities no longer need to formally consult the Environment Agency on low risk development proposals under the following headings:

1. Non Mains Drainage
2. Pollution Control
 - Sealed surface car parking / service areas
 - Domestic Oil Tanks
 - Oil stored at Commercial, Industrial and Institutional Sites
 - Swimming Pools
 - Agricultural Livestock Buildings
 - Stables
3. Land Affected by Past Contaminative Uses
4. Flood Risk Standing Advice

1. Non Mains Drainage

The following guidance has been developed so that local planning authorities no longer need to formally consult us on low risk development proposals that utilise a non-mains drainage system for the disposal of foul water.

We are a statutory consultee, under the terms of Schedule 5 Article 15 and 17 (t) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO), for development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge. Specifically excluded from this are applications that include the construction of septic tanks and cesspools serving single dwellings, single caravans or single buildings in which not more than ten people would normally reside, work or congregate.

This local guidance covers those applications for any development incorporating a non-mains foul drainage system that we have not identified as high risk, i.e. we have not submitted a bespoke response in relation to the proposal. This guidance assumes that the applicant has followed the advice in paragraph 020 of the Water Supply, Waste Water and Water Quality section of the national Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) and due to cost and or practicability it is not possible to connect to a public sewer. In addition to planning permission, applicants may be required to apply for an Environmental Permit from us, prior to the operation of a non-mains foul drainage system. If a permit is not required, applicants must follow the rules for maintaining and using a septic tank or treatment plant (known as the 'general binding rules').

Where it is considered reasonable to connect to a public sewer, the use of a non-mains drainage system will not comply with the general binding rules and we would be unlikely to issue a permit if required. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we are unlikely to issue a permit for the discharge from a non-mains drainage system in such circumstances.

Where we are a statutory consultee on an application for reasons other than the disposal of sewage, trade-waste, slurry or sludge, then a formal consultation should be forwarded to us and the local planning guidance should not be used as we will provide an all encompassing written response to the consultation which will include comments on foul drainage to a non-mains system as necessary.

This guidance should be applied to any application for development involving a new non-mains foul drainage system or the re-use of an existing non-mains foul system where we have not returned a bespoke response to you within 21 days of submitting the application to us for consultation.

Glossary of Terms

Non-Mains Drainage Systems – include package treatment plants, septic tanks and cesspools.

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 from the Environment Agency where required.

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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 hold an environmental permit issued by the Environment Agency or comply with the 'general binding rules' for the use of a non-mains drainage system. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Domestic effluent discharged from a non-mains drainage system at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period will not require a permit provided that no public foul sewer is available to serve the development and that the site is not within a 'sensitive area'.

Further information on when a permit will be required is available on our website at <https://www.gov.uk/permits-you-need-for-septic-tanks/overview>

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.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Silverdale

INFORMATIVE

There are special problems with the drainage in Silverdale and we recommend that for new developments or developments covered by the local planning guidance which may require the replacement of a septic tank the following treatment is necessary:-

- i) full biological treatment in a proprietary unit
- ii) discharge to an associated soakaway constructed to the requirements of section H2 of the Building Regulations

We,also recommend that the applicant engages a specialist consultant to advise on the precise design (subject to these minimum standards) of the sewage treatment system. The consultant should be made aware of the location of and problems with the existing septic tanks/ soakaways adjacent to the site.

You may feel that should planning permission be granted it should be conditioned to require the applicant to submit full details of the proposed design of the system to yourselves.

For your information, in the case of larger developments for which the Environment Agency is a statutory consultee and for which we will provide a bespoke response, we may also require ultra-violet sterilisation of the treated sewage effluent.

2. Pollution Control

The following guidance has been developed so that local planning authorities no longer need to formally consult us on low risk development proposals that may have the potential to pollute the water environment. We are a statutory consultee under the terms of Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) on certain development types, but it is not unusual for local planning authorities to consult us on non-statutory proposals where they feel 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 elements or types of development where the measures necessary to prevent pollution of controlled waters can be included within a development proposal without having to formally consult us. Where we are a statutory consultee on an application, then a formal consultation should be forwarded to us and the local planning guidance should not be used as we will provide an all encompassing written response to the consultation which will include comments on pollution control as necessary.

The local planning guidance set out below is applicable to the elements or types of development as identified.

2.1. Sealed Surface Car Parking / Servicing Areas >0.8ha and/or 50 spaces

INFORMATIVE

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas should be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Further guidance can be found in our Pollution Prevention Guidelines 3 (PPG3) 'Use and Design of Oil Separators in **Surface Water Drainage Systems**'.

INFORMATIVE

Oil interceptor efficiency is enhanced by connecting any roof water in to the surface water system downstream of the interceptor. However, if the unit is sized accordingly, taking the area of roof drainage into account, then roof water may pass via the interceptor.

2.2. 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.

2.3. Oil Storage at Commercial, Industrial and Institutional Sites

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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.

2.4. 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.

In the absence of a foul sewer there are three options for the disposal of swimming pool drain down / back wash water:

- 1) If the chemical content of the backwash water is reduced to zero, it could be discharged at an appropriate rate through a sewage treatment plant; or
- 2) If the chemical content of the backwash water is reduced to zero, it could be used to irrigate a suitable piece of land; or
- 3) The backwash water must be stored and tankered away for suitable disposal off site.

It is the responsibility of the owner 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. The owner is responsible for the quality of the discharge of effluent associated with any disposal via a sewage treatment plant.

2.5. Agricultural Livestock Buildings

INFORMATIVE

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.

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.

2.6. Stables

INFORMATIVE

Manure should be managed in accordance with The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). Permanent stores for solid horse manure should have bases that do not let liquids pass through and the bases should slope such that liquid run-off is contained within the store. Applicants should consider providing a roof to keep rainfall off the manure to minimise the volume of liquids produced and reduce odour by keeping the manure as dry as possible.

INFORMATIVE

Manure should not be stored or applied

- within 10 metres of any ditch, pond or surface water
- within 50 metres of any spring, well, borehole or reservoir that supplies water for human consumption or for farm dairies

INFORMATIVE

Manure is not subject to waste controls whenever it is used as a fertiliser on land for benefit. It can be used as a fertiliser without the need to register an exemption and moved without a waste carrier registration. The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air recommends that manure should not be applied when:

- the soil is waterlogged
- the soil is frozen hard
- the field is covered in snow
- the soil is cracked down to field drains or backfill
- the field has been pipe or mole drained or sub-soiled over drains in the last 12 months
- heavy rain is forecast within the next 48 hours
- on very steep slopes where run-off is a high risk throughout the year

3. Land Affected by Past Contaminative Uses

The NPPF seeks to prevent unacceptable risks from pollution by ensuring development is appropriate for the location. 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.

INFORMATIVE

For 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.

Where contamination is suspected the Environment Agency recommends that developers should:

Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

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.

Refer to our website at www.environment-agency.gov.uk for more information.

4. Flood Risk Standing Advice

Please refer to our Flood Risk Standing Advice webpages for guidance on flood risk and when to consult us where proposals should be accompanied by Flood Risk Assessments

<https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

Local Planning Authority users can access webpages which advise when to consult us; what the consultation should contain; and how to make a decision on lower risk sites.

Advice and guidance for planning applicants and their agents regarding submitting a planning application is also available

<https://www.gov.uk/flood-risk-assessment-for-planning-applications>

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03708 506 506 (Monday to Friday, 8am to 6pm)

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