

Local Development Order Upgrading Septic Tanks and Small Sewage Treatment Plants

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9 October 2024

Local Development Order – Upgrading Septic Tanks and Small Sewage Treatment Plants

Introduction

The Local Development Order (LDO) grants planning permission for the replacement of septic tanks and small sewage treatment plants at individual properties 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 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](#). Scheme promoters will be required to attain these other requirements.

Description of development

The replacement of an existing non-mains sewerage system with a small sewage treatment plant, with a treatment efficiency for Total Phosphorus removal of at least 5 mg/l without chemical dosing, including the installation of associated pipes, cables, vents, ducts, manholes or kiosks, and alongside ancillary engineering operations.

Constraints - Development not permitted if:

- a) The boundary of the premises that the system serves is within 30 metres of a public foul sewer.
- b) Is in a European protected site or affects functionally linked habitat.
- c) Is in a [site of special scientific interest \(SSSI\)](#)
- d) The development is in or likely to affect [groundwater](#) in source protection zones [1 and 1c](#)
- e) Any part of the development would be within 20m of a main river.
- f) 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](#) and with reference to the Council's Level 1 Strategic Flood Risk Assessment.
- g) The development would be situated within the curtilage of a listed building.
- h) The development would be situated within an area of high archaeological and heritage sensitivity.
- i) The development includes land potentially affected by [contamination](#) from a previous activity or pollution incident.
- j) The development is within 5m of the strategic highway boundary.

Conditions

The following conditions apply to all small sewage treatment plants permitted under but not limited to this LDO:

1. Proposals are only be deemed LDO compliant subject to the submission and subsequent local planning authority approval of the details in writing.
 - a. The plan must show the proposed location of the small sewage treatment plant in relation to the site boundaries, other existing buildings or constraints on the site.
 - b. The plan must show the location of the discharge point or drainage field

- c. The model of the small sewage treatment plant installed
 - d. The British Water, or equivalent, accreditation certificate for the system
- 2. The small 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.
- 3. Future replacements of the system shall have an equivalent treatment efficiency of at least 5 mg/l for Total Phosphorus removal, and must meet requirements of relevant planning and environmental legislation.
- 4. Should the treatment system no longer be required or becomes obsolete, it must be removed within 6 calendar months unless otherwise agreed with local planning authority.
- 5. 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.
- 6. Within 30 days of the development being completed, the developer or land owner must provide written notification to the LPA, this must include photographic evidence of the completed works and development site.

Reason

To ensure the protection and improvement of the phosphorus sensitive catchment

Informatives

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

- 1. The planning permission under this Order is based on the information submitted with the application. If this information is found to be incorrect, the proposal would no longer be 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: Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department.
- 3. Consent under the Building Regulations is likely to be required in most cases. Further details on the Building Regulations can be obtained from the [Wiltshire Council Building Control Service](#).
- 4. An installation of a package treatment plant (PTP) 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
- 5. [Other environmental permissions](#) may be required.
- 6. Applicants should understand whether they could form part of a sewerage undertaker's legal duty (Wessex Water in this instance) to build and pay for a new sewer to connect a number of neighbouring properties (known as first time sewerage).
- 7. An asset register will be used to record installations in the catchment.
- 8. Before carrying out any tree work you must check if a tree is covered by a Tree Preservation Order (TPO), Conservation Area, or through another form of protection and appropriate action taken accordingly.

9. Any outfall to the Kennet & Avon Canal, regardless of the need for planning permission or otherwise, will require a licence from the Canal & River Trust as well as the Environment Agency.
10. Pollution Prevention During Construction Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
 - the use of plant and machinery
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and waste
11. The Environmental Permitting (England & Wales) Regulations 2016 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an environmental permit which the Environment Agency will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.
12. The discharge of domestic sewage associated with a development may require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The End 2 applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.
13. The discharge of domestic sewage associated with a development may be subject to General Binding Rules under the Environmental Permitting (England & Wales) Regulations 2016 which provide a statutory baseline of good practice. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact the Environment Agency on 03708 506506.

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 phosphorus sensitive catchment area has the same meaning as Section 96C of the Water Industry Act 1991
- e) High archaeological and heritage sensitivity – means Registered Parks and Gardens, Scheduled monuments, Registered battlefields, World Heritage Site
- f) Small sewage treatment plant (also known as a 'package treatment plant) – means a system that treats the liquid so it is clean enough to go into the ground or a surface water
- g) Notification to the LPA shall be provided via an electronic or physical letter, sent to developmentmanagement@wiltshire.gov.uk, or Planning Department, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN
- h) 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.