

Septic Tanks - Client Guide

Sewage discharges | The General Binding Rules | Upgrading required

The 'General Binding Rules'

The vast majority of septic tanks and sewage treatment plant owners will not need permits for their discharges.

If you have an existing septic tank or small sewage treatment plant which takes less than 2 cubic metres of domestic sewage a day, and which doesn't cause pollution, then you will not have to register for a permit from the Environment Agency or Natural Resources Wales.

If the property is in an environmentally sensitive area, or it discharges to a groundwater source of drinking water, then it may still need a permit.

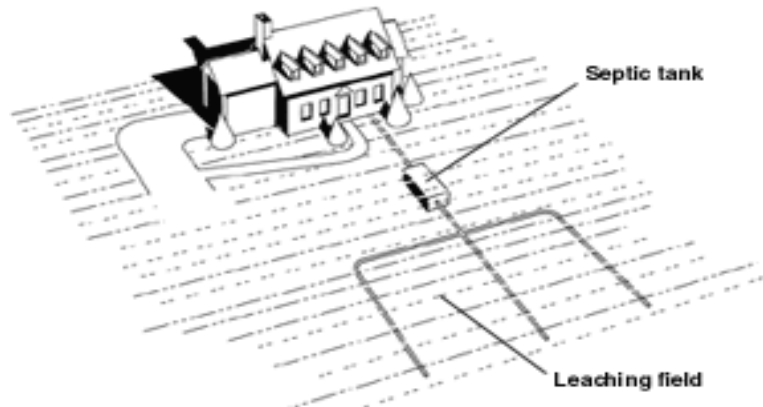
However, whether you have a permit or not, you must follow a set of rules introduced in 2015 that are called 'The General Binding Rules'.

What are the Rules?

Generally you must maintain the sewage system and not cause pollution. You can download the rules from the Environment Agency section of GOV.UK at:

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>.

We cannot give advice on drainage issues so if you have any queries you should talk to your surveyor, or the Environment Agency or Natural Resources Wales as appropriate.



Septic tanks and sewage treatment plants

As part of the deregulation of small sewage discharges, from 2015 new rules apply to reduce the need for householders to register and keep maintenance records relating to sewage disposals from septic tanks or small sewage treatment plants.

Alternative sewage arrangements to mains sewers

If your house is **not** connected to the mains sewer, your 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**, usually through a soakaway or infiltration system (not into surface waters such as rivers or streams).
- a **small sewage treatment plant** (also known as a package treatment plant). This is a part-mechanical system that treats the liquid so that it is clean enough to go into a river or stream, or into a soakaway
- a **cesspool**, or cesspit - a **sealed** tank that collects the sewage, that is pumped out and taken away for disposal by an approved contractor.
- a **non-standard system**, such as a 'reed bed' or 'trench arch' system. These may need a permit from the Environment Agency ('EA') in England, and in Wales from Natural Resources Wales ('NRW').

However, the owners of some houses that have septic tanks that discharge directly into 'surface water' (such as brooks, rivers, etc.) will need to replace or upgrade the treatment system. In October 2019 the EA removed the original January 2020 deadline for this work to be carried out, and the Rules now require this to be carried out 'as soon as possible, typically within 12 months'.

Cesspits or cesspools

If you have a cesspool then you don't have to comply with the General Binding Rules, but you must maintain it and make sure it is emptied (called 'de-sludging') regularly, for example once a month, by a registered waste carrier, and you must make sure it does not leak or overflow. The EA/NRW or your local council can make you repair or replace your cesspool if it is in poor condition.

No discharges directly to a surface water.

Discharges from septic tanks directly to a surface water are **not allowed** under the General Binding Rules.



Information for buyers

You must give your buyer:

- a description of the treatment plant and drainage system
- the location of the main parts of the treatment plant, drainage system and discharge point
- details of any changes made to the treatment plant and drainage system
- details of how the treatment plant should be maintained, and the maintenance manual if you have one
- maintenance records if you have them

In Wales only, you should set out the conditions that the sewage treatment plant or septic tank must meet to satisfy the exemption.

New owners duties

When you take ownership of the property you will be responsible for making sure that the sewage treatment plant complies with the General Binding Rules.

It is therefore advisable that you either make sure that the current owner rectifies any problem as a condition of sale, or that you negotiate a price that takes into account the repairs you will need to make when you take ownership of the property.

Applying for permits

You may need to apply for a permit from the EA or NRW in some cases.

In England, new small sewage discharges after 2015 may only be exempt if there is no public sewer within 30m. In Wales a small sewage discharge can only be exempt if it could not reasonably be made to the public sewer when it started.

If your septic tank discharges into a river or stream there are also extra requirements and you may need a permit from the EA or NRW.



Upgrading works and the responsibility/cost

In England, where properties with septic tanks that discharge directly to surface water are sold, the Rules suggest that responsibility for the replacement or upgrade of the existing treatment system should be dealt with between the buyer and seller as a condition of the sale. It is anticipated that this work will need to be done 'within a reasonable time-scale, typically 12 months'. It is assumed that this will run from January 2019, but you will need to clarify this yourself directly with the EA or NRW and negotiate any terms. We can then put the terms you have agreed in the contract. It may be that this is dealt with as a simple price reduction, unless this has already been taken into account in the price you have agreed.

The NRW's guidance for Wales indicates that NRW does not have a specific date by which a septic tank discharging to surface water needs to be upgraded. NRW considers that any upgrade could be done as part of the permit application, or the permit could include an improvement condition requiring the upgrade to be carried out at a later date. In Wales, where registration of septic tanks is required, there is no need to inform NRW if the property is sold or a lease is granted, and a new occupier takes over responsibility for the discharge.

Selling a property with a septic tank

Since 1 January 2015, an owner of the property with a septic tank or small sewage treatment plant is required to provide the purchaser with a written notice giving details of the discharge and a description of the waste water system. See the side panel on the left of this page for details.

In most cases this information is included within property information forms that are completed as part of the conveyancing process. Although keeping records will no longer be mandatory it is suggested that this information is also passed on if available, as this will help the new owner.

The septic tank is very old - do I have to replace it?

As long as a waste water system is functioning well, meeting the needs of the household or business and not causing pollution, there will be no need to change it. If a septic tank, cesspool, or other sewage treatment system leaks or releases pollution to water or land the owner could be liable to prosecution and enforcement action. They could also be liable to any adjoining owner for nuisance.

Checklist

Anyone considering buying a property with a septic tank or sewage package treatment plant should satisfy themselves that it:

- Is in working order.
- Has sufficient capacity to serve the number of intended occupants of the property.
- Does not cause pollution.
- Complies with any relevant planning legislation or building regulations.
- Has an easement where the drainage field is on adjoining land.
- Has a written maintenance agreement where the sewage treatment plant is on adjoining land and managed jointly with another landowner or by a third party.

Cost considerations

Some costs may be involved in:

- Upgrading or replacing the septic tank, if it does not meet the standards required under the Environmental Protection Regulations 2016.
- Engaging a surveyor to inspect the septic tank (to confirm it meets requirements and satisfies the criteria for the exemption, for example, the quantity of discharge) and ongoing maintenance inspections.
- Applying for an environmental permit if the septic tank does not qualify for the exemption under the 2016 Regulations.