



Llywodraeth Cymru  
Welsh Government

## Circular 008/2018

Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants

July 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

# Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants

<b>Audience</b>	Planning authorities; businesses; government agencies; other public sector groups; professional bodies and interest groups; voluntary groups and the general public.
<b>Overview</b>	This circular updates the information and guidance to be used by planning authorities when considering proposals for new development in areas with no public sewerage system.
<b>Action required</b>	For planning authorities to be aware, from 3 July 2018: <ol style="list-style-type: none"><li>1. Welsh Government Circular WGC 008/2018, which provides information and guidance on the use of private sewerage systems in new development, takes effect;</li><li>2. Welsh Office Circular 10/99 (Planning Requirement in respect of the Use of Non-mains Sewerage incorporating Septic Tanks in New Development) is cancelled.</li></ol>
<b>Further Information</b>	Planning Directorate Welsh Government Cathays Park Cardiff, CF10 3NQ Tel: •0300 0604400 Email: <a href="mailto:planning.directorate@gov.wales">planning.directorate@gov.wales</a>
<b>Additional copies</b>	This guidance is available from the Welsh Government website at: <a href="http://gov.wales/topics/planning/policy/circulars/">http://gov.wales/topics/planning/policy/circulars/</a>
<b>Related documents</b>	Planning Policy Wales. Welsh Government Circular 016/2014 The use of planning conditions for development management. Building Regulations Approved Document H – Drainage and waste disposal. GPP 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer. British Water Codes of Practice for small wastewater treatment systems.



# Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants

## 1.0 Introduction

- 1.1 For many developments in rural areas there is no available public sewerage system. It is essential for the protection of public health, amenity and the local environment such developments have effective and sustainable provision to manage sewerage. The problems associated with inadequate non-mains sewerage must not be perpetuated in future developments as a result of producing 'domestic' sewage, defined as the contents of lavatories, and water which has been used for cooking and washing.
- 1.2 This Circular replaces Welsh Office Circular 10/99, updating references to legislation and other guidance. It provides advice on the exercise of planning controls on non-mains sewerage and associated sewage disposal aspects of new development in order to avoid public health, amenity or environmental problems. These can arise from the inappropriate use of non-mains sewerage systems, particularly those incorporating septic tanks and cesspools. Where proposed, the suitability of the use of such sewerage systems is likely to be a material consideration in reaching planning decisions. Planning authorities should aim to satisfy themselves the sewerage proposals for a development are suitable, and public health, amenity and environmental problems which might justify refusal of planning permission are unlikely to arise. In doing so, they should take account of:
- a) any information provided by the developer;
  - b) comments provided by Natural Resources Wales; and
  - c) other relevant information, including comments from their own professional advisors.

Developers should make a full assessment of the suitability of any proposals for non-mains sewerage systems at the project design stage. The factors which should be considered in such an assessment are set out in Section 2.0. This Circular complements policy and advice already contained in:

- a) Planning Policy Wales
- b) Welsh Government Circular 016/2014 The use of planning conditions for development management
- c) Building Regulations Approved Document H – Drainage and waste disposal

- d) Guidance for Pollution Prevention (GPP) 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer<sup>1</sup> from Natural Resources Wales
  - e) British Water Codes of Practice for small wastewater treatment systems<sup>2</sup>
- 1.3 The planning system should not be used to achieve objectives achievable through other legislation such as the Environmental Permitting Regulations<sup>3</sup>. However, the potential for pollution is a material consideration which must be taken into account. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location.
- 1.4 Where discharges of treated sewage effluent are proposed in excess of 5 cubic metres per day to surface water and in excess of 2 cubic metres per day to ground water, they require an environmental permit from Natural Resources Wales. Smaller discharges will require either a permit (in some circumstances) or must be registered as exempt from the need for a permit. The terms of the registration require the system to be properly installed and maintained. Full details are available on the Natural Resources Wales web site:  
[www.naturalresources.wales](http://www.naturalresources.wales)

## **2.0 Assessment of applications for planning permission of development proposals incorporating private sewerage**

### **Planning New Developments**

- 2.1 The responsibility for demonstrating a new development is effectively served by a sewerage system rests with the developer. Before deciding a planning application, the planning authority needs to be satisfied the sewerage arrangements are suitable. If the non-mains sewerage and sewage disposal proposals are assessed as being unsatisfactory, this would normally be sufficient to justify refusal of planning permission.

### **Consultation Bodies**

- 2.2 Assessment by the relevant planning authority of the acceptability of the arrangements for sewerage and sewage disposal will need to take account of the views and information from interested bodies and parties. In addition to the views of relevant sections within the local authority, such as the Environmental Health Department and Building Control, the views of other key bodies listed below could also be material to assessing the suitability of sewerage and sewage disposal proposals.
- Natural Resources Wales\*

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<sup>1</sup> <http://www.netregs.org.uk/media/1471/gpp4-20171114-online-v2.pdf>

<sup>2</sup> <http://www.britishwater.co.uk/Publications/codes-of-practise.aspx>

<sup>3</sup> Environmental Permitting (England and Wales) Regulations 2016 (SI 2016/1154)

- The Water and Sewerage Undertaker(s) of the area\*
- Neighbouring planning authorities if the proposed development is on its boundaries
- Any other body or person deemed by the planning authority to provide any constructive and relevant information.

\* indicates these bodies may be statutory consultees under Articles 14 and 15 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

### **Assessment of Private Sewerage**

- 2.3 When drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer. This should be done in consultation with the Sewerage Undertaker of the area.
- 2.4 If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the planning authority a connection to a public sewer is not feasible, a package sewage treatment plant should be considered. The plant should offer full treatment with the final effluent discharge from it meeting the standard and conditions set by Natural Resources Wales. The proposal for a package plant should also set out clearly the responsibility and means of operation and maintenance to ensure the discharge permit or the relevant exemption conditions will be met throughout the life of the plant. This may be achieved by having the treatment plant including, if necessary, any associated sewers, adopted by the sewerage undertaker under section 104 of the Water Industry Act 1991. Adoption by the sewerage undertaker is not likely to be appropriate for small scale plants and single dwellings.
- 2.5 Only if it can be clearly demonstrated by the developer the sewerage and sewage disposal methods referred to in paragraphs 2.3 and 2.4 above are not feasible, taking into account cost and/or practicability, should a system incorporating septic tank(s) be considered. Applications for planning permission should be supported by a full assessment of the proposed use of septic tanks, to confirm the adverse effects by reference to the factors in paragraph 2.6 below will not arise. This assessment should focus on the likely effects on the environment, amenity and public health and, in particular, it should include a thorough examination of the impact of disposal of the final effluent by soakage into the ground. Note discharge of septic tank effluent into surface waters is not permitted.

2.6 The assessment of private drainage proposals should include full and detailed consideration of the following factors:

- a) **Contravention of recognised practices:** Any evidence which shows the proposed arrangements are likely to prejudice, contravene or breach any statute, Regulation, Directive, Code of Practice, Byelaw, water quality objective or any other authoritative standard (such as British Standards, Groundwater protection position statements research papers/reports with proven conclusions).
- b) **Adverse effect on water sources/resources:** Any information produced by the British Geological Survey, Natural Resources Wales (including its predecessor bodies) or any other authoritative sources, which shows the area has geological formations which could allow the transmission by percolation or by surface run-off of sewage effluent from the proposed foul drainage system, directly or indirectly, so as to adversely affect any existing or potential surface or groundwater sources.
- c) **Health hazard or nuisance:** Any evidence which indicates the proposed arrangements and the associated effluent disposal system is likely to lead to a risk to public health or cause a nuisance.
- d) **Damage to controlled waters:** Any evidence, including reference to information on site hydrology and geology and to the Environmental Permitting Regulations, which indicates the proposed arrangements may result in the entry of any poisonous, noxious or polluting matter or any solid waste matter into any controlled waters, including ground waters.
- e) **Damage to the environment and amenity:** Any evidence the proposed arrangements are likely to lead to raw or partially treated sewage entering into receiving waters or onto land, to such an extent as to damage or undermine the environment and amenity value of the locality or any other area, particularly if it is of special significance such as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) or public open space.
- f) **Overloading the existing capacity of the area:** Any authoritative assessment or available records, which indicate
  - i) the addition of new discharges from a proposed development to those which already exist in the area, or
  - ii) the quality or quantity of new discharges by themselves

are likely to overload the local subsoil soakage capacity or receiving water to the extent it may lead to the problems of ponding, sewage flooding, pollution or nuisance.

- g) **Absence of suitable outlets:** Any evidence to show there is no suitable facility such as satisfactory water courses (for a package treatment plant) or adequate land for soakage in the locality to accommodate the disposal of effluent from the proposed treatment plant(s) or septic tank(s) serving the new development.
- h) **Unsuitable soakage characteristics:** Any results derived from percolation tests which have been carried out in accordance with BS 6297 or a subsequent superseding standard, (preferably carried out in winter conditions when the soils are saturated), which show the local soil conditions would preclude effective disposal of any sewage effluent from the proposed sewage treatment plant(s) or septic tank(s) serving the new development.
- i) **High water table: Any evidence drawn from records of 'rest water levels' observed in trial holes** which show the water table in the locality is so high, at any time of the year it could inhibit or impede or adversely affect the proposed foul drainage/effluent disposal arrangements.
- j) **Rising ground water levels:** Any evidence, such as water table records of the locality, which show the levels have been rising consistently and are likely to interfere with the proposed foul drainage/effluent disposal system, or may cause damage to other land or property in the area e.g. by its contribution to landsliding or subsidence.
- k) **Flooding:** Any evidence, such as records of frequencies and levels of previous flood incidents, which show the locality is subject to flooding to the extent the proposed private sewerage would lead or contribute to environmental or amenity problems.
- l) **Maintenance plan:** Environmental Permitting Regulations permits and exemptions require records of maintenance and de-sludging of the treatment system to be kept for 5 years. Keeping a service log, contractor invoices or entering into a service agreement with a servicing contractor should meet this requirement.



- 2.7 If on the basis of the information and evidence received, it can be demonstrated by virtue of one or more factors set out in paragraph 2.6 above, the private sewerage and/or sewage disposal proposals put forward for a proposed development are likely to lead to a significant environmental, amenity or public health problem in any area, it would normally be sufficient to justify refusal of planning permission for the development. Even if an applicant proposes the use of private treatment systems as a temporary measure, with the intention at a later stage of connecting the drainage from the proposed development to a public sewer, planning permission should not be granted if the proposed short term measure is likely to give rise to any of the above problems. However, before taking a decision to refuse planning permission, in any case, a planning authority should consider whether it is possible, in a practicable and sustainable manner, to overcome by means of a condition attached to the planning permission the problems related to those factors in paragraph 2.6 above which would otherwise justify the refusal of permission. Advice on conditions is contained in Welsh Government Circular 016/2014.
- 2.8 In principle, a properly constructed and maintained cesspool, being a holding tank with no discharges, should not lead to environmental, amenity or public health problems. However, cesspools are not a sustainable, long term solution for sewage provision. In practice, it is known such problems occur as a result of frequent overflows due to poor maintenance, irregular emptying, lack of suitable vehicular access for emptying and through inadequate capacity. These problems can be exacerbated by unsuitable conditions, such as some of those listed in paragraph 2.6 above. When considering a scheme proposing the use of cesspools, the planning authority should adopt the same process of considering the possibility of significant problems arising as described in paragraph 2.6 above, and whether these problems can be overcome by the attachment of suitable conditions to a planning permission.

### **Local Development Plans**

- 2.9 Planning authorities may wish to include appropriate policies in their development plans to reflect a) the contents of this Circular; b) its own knowledge and experience of the circumstances and conditions in various localities within its area; and c) the views of appropriate bodies on the issue of private sewerage and its likely effect on public health, amenity and the environment.

## Development Management

- 2.10 Before a planning application is made, the applicant should discuss with the planning authority, Natural Resources Wales and sewerage undertaker proposed sewage disposal arrangements for the development. If the planning authority has reason to believe there is a possibility of problems arising from the installation of non-mains sewerage, these should be brought to the attention of the applicant. The authority should also make the applicant aware of the contents of this Circular or any other readily available information which may be relevant, so the applicant can then take full account of the likely requirements of the authority in the design of the foul drainage aspects of the scheme.
- 2.11 If a planning application involving private sewerage incorporating a septic tank or package sewage treatment system is received without prior discussion and with inadequate information, the planning authority should advise the applicant immediately of the assessment requirements contained in this document, and any other relevant information. The applicant may then wish to consider whether or not to proceed with the application or whether to amend the application.
- 2.12 If the developer submits insufficient information about the private sewerage proposals for the planning authority to give proper consideration, the following alternatives would be available to the authority:
- a) in the case where, in the authority's own opinion based on its experience of the locality or its policies for the area, a private sewerage proposal with disposal via septic tanks or package plants is not likely to produce an acceptable solution by reference to the factors set out in paragraph 2.6 above, the applicant should be advised the application would be likely to result in a refusal of planning permission, even if additional information is produced. This should avoid the applicant incurring further unnecessary expense. However, the decision whether to withdraw or to proceed with the application should rest with the applicant; or
  - b) the authority may ask the applicant to produce further information, including any test results, to enable it to decide whether the relevant factors contained in this Circular are demonstrated.
- 2.13 The decision on whether to grant planning permission should be based on a thorough assessment of the likely impact of the foul drainage proposal on public health, amenity and the environment, assessed by reference to the factors set out in paragraph 2.6 above. Full account should be taken of the views of Natural Resources Wales and other appropriate bodies.

2.14 The specific policies and practices necessary to ensure compliance with the requirements of this Circular are a matter for planning authorities in the light of all the relevant conditions and circumstances which apply in their areas.

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Chief Executive:  
County and County Borough Councils in Wales  
The National Park Officer:  
National Park Authorities in Wales