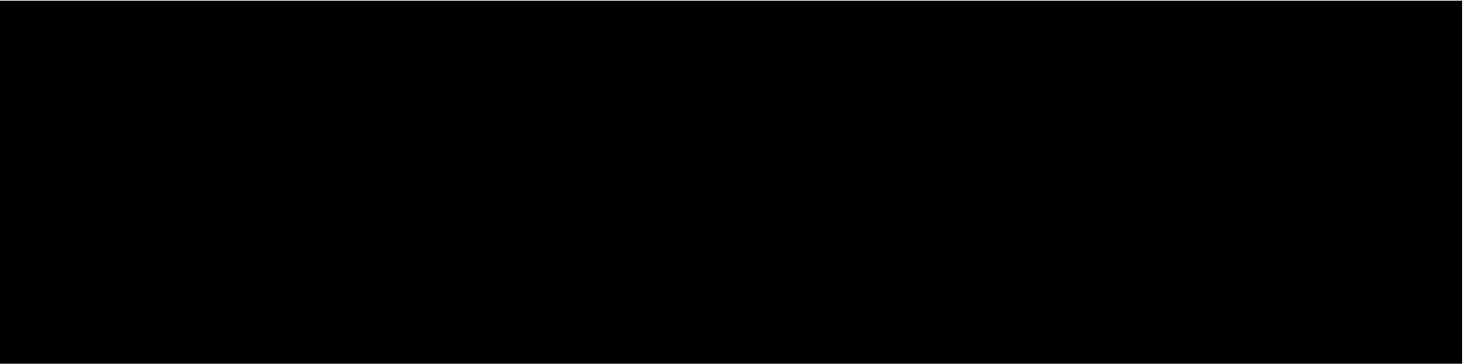




From: Amy Myer <Amy.Myer@arun.gov.uk>

Sent: 08 July 2020 18:42

To: Planning.Responses <Planning.Responses@arun.gov.uk>

Subject: FW: P/116/19/OUT - Sefter School House land - SEWERAGE TREATMENT CONSULTATION

Pls add to file as 'Environment Agency comments – Foul Water Disposal'

Thanks

Amy

From: Brown, Sophie [REDACTED]

Sent: 06 July 2020 16:22

To: Amy Myer <Amy.Myer@arun.gov.uk>

Cc: Daniel Vick <Daniel.Vick@arun.gov.uk>

Subject: RE: P/116/19/OUT - Sefter School House land - SEWERAGE TREATMENT CONSULTATION

Hi Amy,

We would only be consulted on major applications proposed to go to non-mains drainage such as package treatment plants, as per our consultation checklist. In the event of minor applications with non-mains proposed we have the attached non-mains advice for LPAs to use to help inform their decision.

Hope this helps.

Many thanks,

Sophie

Sophie Brown | Planning Advisor | Sustainable Places | Solent and South Downs Area | Environment Planning and Engagement
Environment Agency | Oving Road | Chichester | West Sussex | PO20 2AG
[REDACTED]

Please be aware I work Part Time hours and will be available Monday, Tuesday, and Wednesday, only. If you have any urgent enquiries outside of those hours please email [REDACTED]

When to consult the Environment Agency

Advice for Local Planning Authorities

August 2017

This guidance informs Local Planning Authorities (LPAs) of the types of planning consultations where the Environment Agency would like to be consulted. It describes the categories of development that could potentially impact on the environment and includes those for which we are listed as a statutory consultee in the [Development Management Procedure Order 2015](#) (DMPO) and current Government planning policy.

The guidance does not override the requirement to use the Environment Agency's [Flood Risk Standing Advice](#) (FRSA) or other locally agreed standing advice.

Pre-application, planning application and permission in principle consultations

Category	Description
Cemeteries	Development relating to using land as a cemetery, including extensions.
Coastal erosion	Development (excluding minor development) located within Coastal Change Management Areas, as defined by the LPA.
Environmental Impact Assessment (EIA)	Development requiring an EIA, including scoping opinions and the environmental statement.
Flood risk	Development, other than minor development or as defined in our FRSA , which is carried out on land: • within Flood Zone 2 or 3, or • in an area within Flood Zone 1 which has critical drainage problems as notified by the Environment Agency.
Groundwater protection	Potentially contaminating development ^{1 2} located in Source Protection Zones.
Hazardous waste/Control of Major Accident Hazard Regulations (COMAH) Sites	Development: • of new establishments, or • modifications to existing establishments which could have significant repercussions on major accident hazards, or • within 250 metres, where the siting or development would increase the risk or consequences of a major accident.
Intensive farming	Development of intensive animal farming (such as pig or poultry) that may require an Environmental Permit ³ .
Pollution from land contamination	Development on land where a previous use ¹ of the site may have caused contamination.
Mineral Extraction	Development involving or including mineral and mining operations and restoration schemes relating to such development.
Oil and fuels	Development for the purpose of refining or storing non-domestic oils and their by-products.
Refuse or waste	Development that includes: • the storage or spreading of sludge or slurry, or

	the storage, transfer, process, treatment and / or use of refuse or waste.
Non-mains drainage	<u>Major development</u> proposing to use non-mains foul drainage.
Works affecting a watercourse	Development involving carrying out works or operations in the bed of or within 8 metres of the top of the bank of a Main River as notified by the Environment Agency.
Discharge / variations of Conditions	Only consultations where the Environment Agency has requested the condition be attached to the planning permission.
Planning appeals –	Only appeals related to an Environment Agency objection or recommended condition.

Strategic Consultations

Category	Description
Local Plans	Development Plan Documents, including documents prepared individually or in co-operation with other LPAs.
Environmental evidence documents	Including, but should not be limited to: - Water Cycle Strategy. - Strategic Flood Risk Assessment. - Surface Water Management Plan. - Strategic Infrastructure Plan. - Environmental or Green Infrastructure Study. - Strategic Housing Land Availability Assessment.
Strategic Environmental Assessment (SEA)/Sustainability Assessment (SA) of local plans	SEA/SA of local plan documents, including screening, scoping, draft and final report and post adoption statement.
Other strategic planning allocations	Including, but should not be limited to enterprise zones, garden cities and other strategic growth proposals such as urban expansions.

Endnotes -

¹ - As defined on gov.uk, [Land contamination DoE Industry Profiles](#)

² - This type of development also includes the storage of potentially contaminating substances as defined in DoE industry profiles

³ - An environmental permit is required for the development of or expanding of, an existing facility with more than 750 sows or 2,000 production pigs over 30kg or 40,000 poultry

Advice for Local Authorities on non-mains drainage from non-major development

1. Introduction

We have produced this advice to assist Local Planning Authority (LPA) Planning Officers in responding to pre-application enquiries and making decisions on planning applications without consulting the Environment Agency (EA). Following changes to the Development Management Procedure Order in April 2015 the Environment Agency is no longer a statutory consultee for non-major development proposing non mains drainage.

The inappropriate use of non-mains foul drainage can pose a serious risk to the environment and to public health.

This guidance should be used in conjunction with:

- The Environment Agency's non-mains foul drainage assessment form (FDA1) (or equivalent);
- The general binding rules for small sewage discharges (including criteria for sites where discharges will require an environmental permit); and
- Maps showing the location and extent of Source Protection Zone 1's (SPZ1) and other groundwater constraint areas¹. A permit is required for any discharge to ground in an SPZ1 and this may not be granted.

The flowcharts indicate cases:

- where non-mains foul drainage as proposed may lead to environmental harm and therefore be contrary to national planning policy.
- where insufficient information has been supplied to allow an informed judgement to be made on the proposal and the Planning Officer should consider the need for further assessment by the applicant.

If you choose to use this guidance, we recommend you share it with your Building Control team and Approved Building Inspectors, if you use them.

2. Policy Framework

The National Planning Policy Framework (paragraphs 120 and 122) stresses the need for LPAs to take into account the effects of pollution on health and the environment and to ensure that development is appropriate for its location. The Government's planning advice on the use of non-mains foul drainage in England is contained within the Planning Practice Guidance (PPG). The principles set out in the PPG are expanded upon in Building Regulations Approved Document H.

The operation of small sewage discharges such as those from septic tanks or package treatment plants is regulated under the Environmental Permitting Regulations 2010 (EPR). Under EPR operators of such plants need to follow a number of conditions known as general binding rules to ensure their systems are legal and not causing pollution or apply for a permit if they will be discharging in a sensitive area. More information is available at www.gov.uk/small-sewage-rules

¹ Groundwater constraint areas are areas currently designated by the EA as Source Protection Zone 1 in addition to other areas which have been identified by EA Area Offices as being of specific local concern with regard to future discharge of effluent to ground.

3. Foul Drainage Assessments

3.1 Connection to the public foul sewer

Private non-mains foul drainage systems are not considered to be environmentally acceptable within publicly sewered areas. Both the [NPPG](#) (paragraph 020 in the section on water supply, wastewater and water quality) and the [Building Regulations 2010 \(Approved Document H\)](#) set out a presumption in favour of connection to the public foul sewer wherever it is reasonable to do so. This is also a requirement of the general binding rules for small sewage discharges and is reiterated by the Environment Agency in [GP3 - Position Statement G5 "Connection to public foul sewer"](#).

Before a proposal to use non-mains foul drainage is considered in detail an applicant must therefore show to the Planning Officer's satisfaction that it is not reasonable to connect to the public sewer. Connection to sewer may be reasonable where it is more costly than the installation of a private foul sewerage system because of the benefits of connection to the mains foul sewer.

The Planning Officer must be satisfied that the applicant has identified the closest potential point of connection to the existing public foul sewerage network. Where appropriate this may be checked using the statutory maps maintained by sewerage undertakers, along with local knowledge.

As a rule of thumb connection to the public foul sewer should be considered to be potentially feasible where the distance from the development site to the sewer is less than the number of properties multiplied by 30m, as explained the [guidance on the general binding rules](#).

The potential environmental impact of discharges from proposed private sewerage systems and the question of whether it is reasonable for a development to connect to the public foul sewer should be considered on the basis of the cumulative volume of effluent from all foul drainage systems serving the overall development, rather than the volume of individual discharges from any separate foul drainage systems serving that development.

For discharges proposed to go to mains foul sewer the Planning Officer should be confident that this is a feasible option and that any mitigating measures necessary to enable a connection to be made have been identified and agreed between the applicant and the sewerage undertaker. If it emerges that it is not feasible to connect to the public foul sewer the EA may not be able to permit a discharge to surface water or ground.

Problems with the public sewer being at capacity, or other operating problems with the public sewer are not acceptable reasons for non-connection where this is reasonable in other respects. Where there is a lack of capacity within the public sewerage system applicants should establish with the sewerage undertaker how they can connect their development to the existing network without exacerbating any existing problems. If it emerges that an agreement cannot be reached to allow use of the mains foul sewer then the developer and LPA should be aware that the Environment Agency may not be able to grant a permit for a discharge to surface water or groundwater at a later stage. The [NPPG](#) explains that in such circumstances the scope for phasing development in line with provision of any necessary additional capacity should be explored.

3.2 Choice of non-mains sewerage option

Where a connection to public sewer is not reasonable, the NPPG and [Building Regulations Approved Document H](#) set out the following hierarchy of non-mains alternative solutions.

- package sewage treatment plants (which may be offered to the sewerage undertaker for adoption),
- septic tanks, and
- cesspools (if no other solution is possible).

From the Environment Agency's perspective when a discharge cannot be made to the public foul sewer, the sensitivity of the receiving environment (surface water or groundwater) will be key to whether a potential discharge will be acceptable.

3.2.1 Discharges to Ground

For any discharge to ground from a package treatment plant or septic tank the first assumption should be that the discharge will be made to a shallow infiltration system designed and installed in line with BS6297:2007 + A1:2008 and any subsequent amendments to that standard. This is a requirement of the general binding rules for small sewage discharges. Very similar requirements for the design and installation of shallow drainage fields are set out in [Building Regulations Approved Document H2](#). Part 2A of the sequence of flowcharts below may be used to highlight cases where the requirements for the drainage field in the BS6297:2007 and [Building Regulations Approved Document H2](#) may not be met.

Drainage fields are an important component of a non-mains wastewater treatment system, as they use the biologically active soil beneath the system to provide additional treatment of the effluent in the ground before it enters groundwater. Designs used for surface water soakaways (including the use of soakaway crates) are not appropriate for foul effluent drainage.

Deep infiltration systems (boreholes, wells, concrete ring structures) for discharges to ground pose a higher risk of groundwater pollution by concentrating the discharge in one small area and bypassing the soil layers and are not in line with BS6297:2007. These systems are not appropriate as an alternative to a shallow infiltration system where the only reason for their use is to maximise the proportion of available land that can be built on. All such discharges require an [environmental permit](#) and will not be permitted unless the full requirements of [GP3](#), in particular Position Statement G9 - "Use of deep infiltration systems for surface water and effluent disposal", can be met. In cases where a deep infiltration system is proposed we strongly recommend pre-application discussions with the Environment Agency and twin-tracking of applications for planning permission and any associated environmental permit.

3.2.2 Discharges to Surface Water

Any discharge to a watercourse must be via a package treatment plant and not a septic tank. The Environment Agency will not grant a permit for a new discharge to a watercourse from a septic tank in anything other than exceptional circumstances. Further details are available in the [guidance on the general binding rules](#).

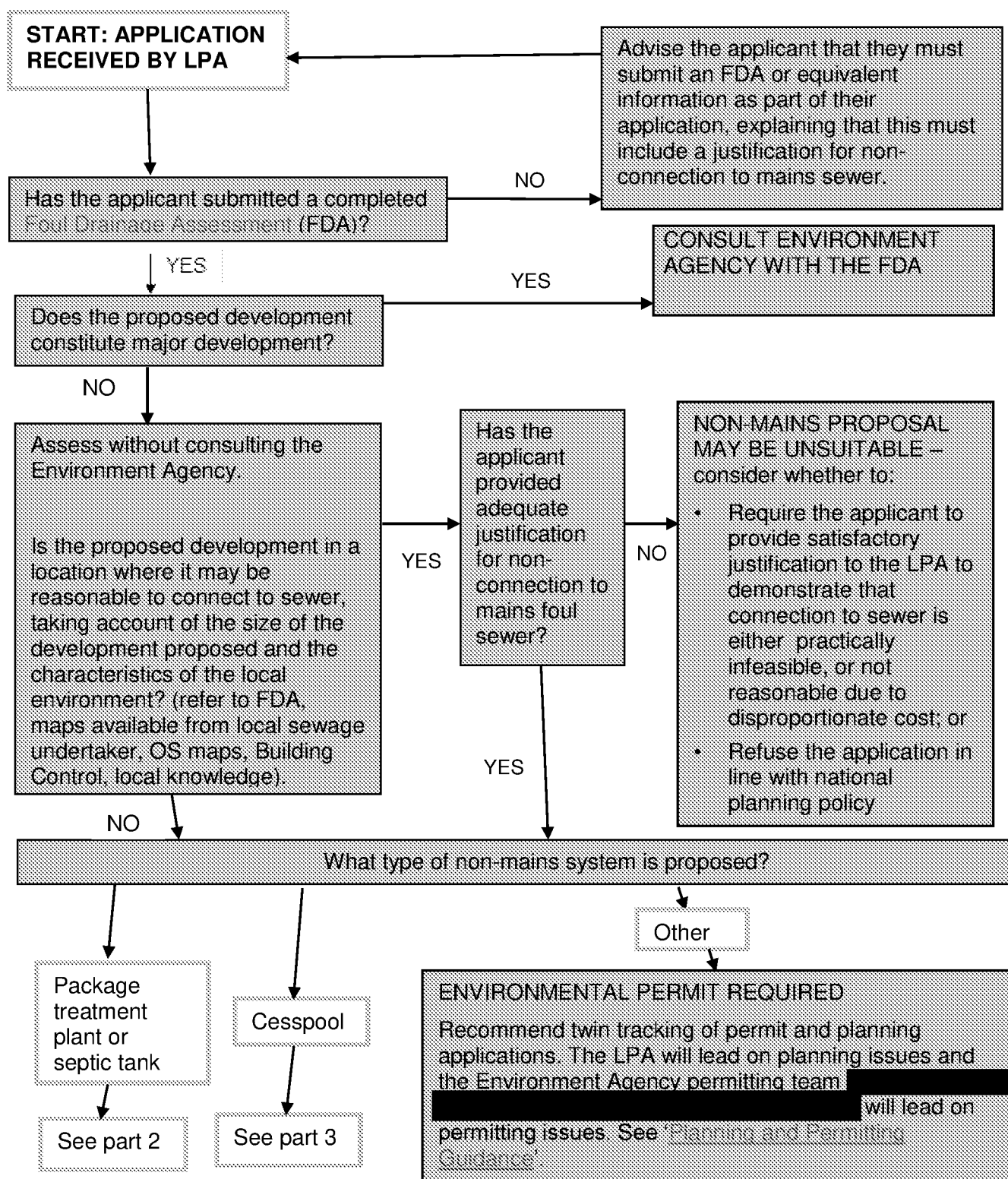
Measures that are necessary in order for a non-mains sewerage system to be acceptable, relating for example to siting, design, maintenance or emptying, may be specified in a submitted foul drainage assessment by an applicant or elsewhere in the course of a planning application. Where that is the case, the local planning authority should ensure that the conditions it attaches to any planning permission it grants are sufficient to ensure that the relevant measures are implemented.

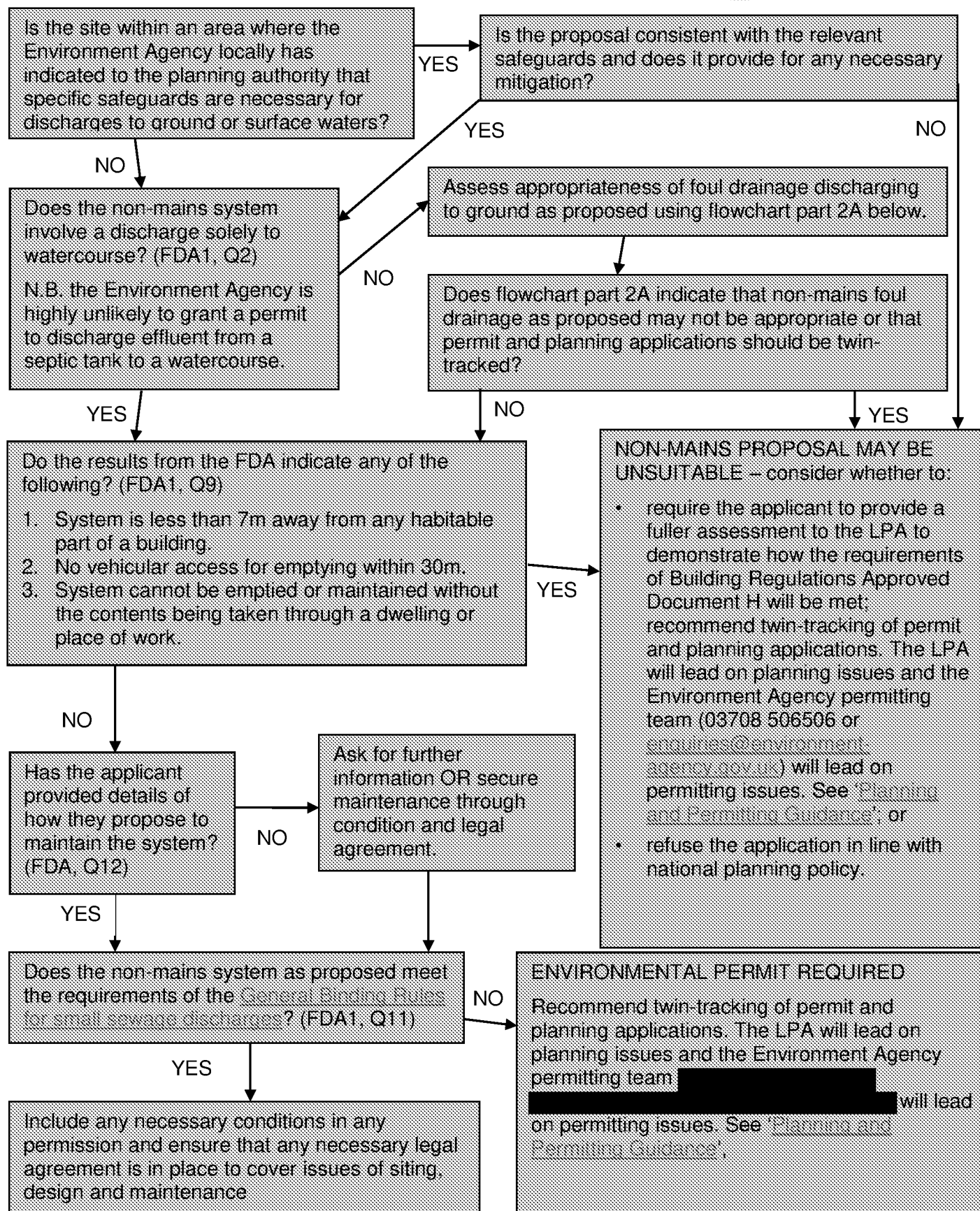
3.2.3 Cesspools

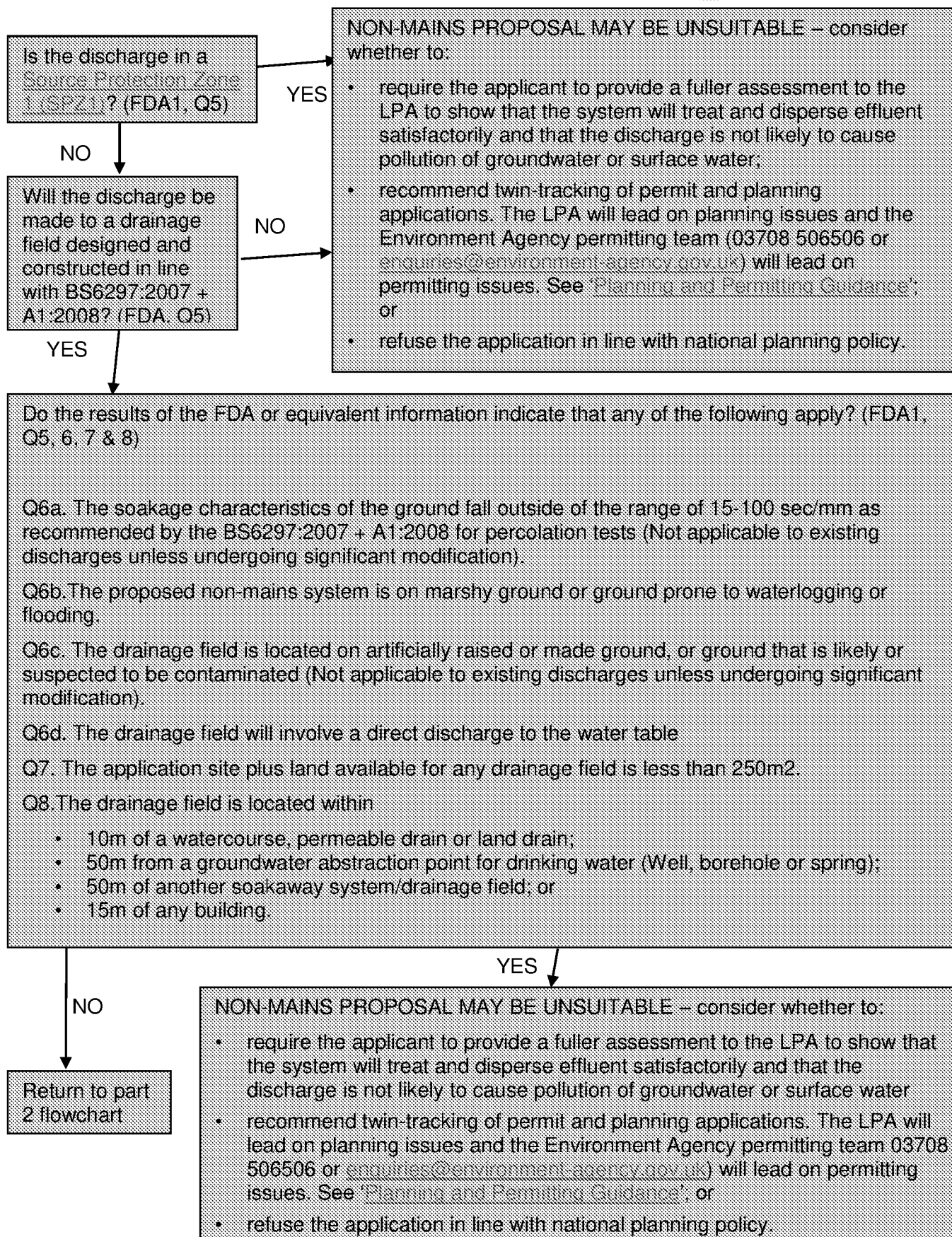
A cesspool is a watertight tank used for receiving and storing sewage and has no outlet. It relies on road transport for the removal of raw sewage and is therefore the least sustainable option for sewage disposal. It is essential that a cesspool is, and remains, properly sealed in order to prevent the ingress of groundwater or surface water.

Because these are sealed systems which do not discharge to the environment there is usually no requirement to hold a permit for these systems.

Part 1 - overview of suggested process:



Part 2 - Package treatment plant or septic tank


Part 2A - Discharges to ground

Part 3 - Cesspool