

New rules for septic tanks and small sewage treatment plants

As part of ongoing efforts to improve water quality and reduce pollution, Government has introduced new rules that simplify the way septic tanks and small sewage treatment plants are regulated in England.

The legal requirements changed in January and septic tanks and small sewage treatment plants no longer need to be registered in order for a property to be sold.

People who own properties with septic tanks and small sewage treatment plants are, however, still responsible for meeting the legal requirements, which are called 'general binding rules', by ensuring their systems are maintained properly and do not cause pollution.

The general binding rules can be found online at

www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules

Who is responsible for complying with the rules?

Compliance is no longer automatically the responsibility of the occupier of a property or the person who occupies the land where the actual discharge takes place. . Instead it places responsibility on the owner of the property or land where the septic tank or treatment plant is located or being used.

The onus is on the owner to either operate and maintain the system themselves or have a written agreement with another person for them to be responsible for the operation and maintenance instead.

In the general binding rules, the responsible person is called an "operator".

The operator is the person who has control over the operation of a septic tank or small sewage treatment plant and can be one of the following people:

- (a) the owner of the system
- (b) someone who uses it, even though the system itself or part of it may be located on neighbouring land
- (c) another person e.g. a tenant or leaseholder who agrees to be responsible for the operation and maintenance of the system, through a written agreement with the owner of the system or land where the system is situated or being used

Any written agreement should explain what maintenance must be carried out to that particular system in order to comply with the rules. In practice this could be a clause in a tenancy or lease agreement.

Where several properties share the same septic tank or treatment plant, the premise is they all benefit from using the system, so its maintenance is a shared responsibility i.e. there can be more than one operator.

What must be done for a property to be sold?

There is a legal requirement for property sellers to inform buyers in writing if a property has a septic tank or small sewage treatment plant, including its location and maintenance requirements. This is usually done in the property information form exchanged during the conveyancing. Defects in the system are expected to be repaired either by the seller or the buyer as part of sale negotiation, in the same way that other defects in a property are dealt with.

Septic tanks and small sewage treatment plant no longer need to be registered in order for a property to be sold.

Who needs a permit?

Most people will be able to follow the rules and use their septic tank or treatment plant without needing a permit. Properties in areas designated as environmentally sensitive, however, may require a permit to help protect England's most precious habitats. This can be checked with the Environment Agency.

How do people comply with the rules?

It's easy to comply with the new rules - here are the main things property owners must do:

- Empty/desludge septic tanks and small sewage treatment plants regularly and ensure they do not cause pollution
- Repair faults or problems immediately
- Systems are limited to discharging a maximum of 2,000 litres of sewage per day into the ground or 5,000 litres of treated sewage per day into flowing water – any more and a permit is required. Check how much a system discharges online at www.gov.uk/permits-you-need-for-septic-tanks/overview
- Speak to the Environment Agency before installing a new system to check if a permit is required
- Ensure new systems meet British Standard BS EN 12566 and check with local councils that they meet planning requirements and Building Regulations
- If selling a property, inform the buyer in writing if there is a septic tank or small sewage treatment plant, including details of its location, condition and maintenance requirements

Further information

Further information is available online at: <https://www.gov.uk/permits-you-need-for-septic-tanks/overview>

To check if a permit is required, call the Environment Agency on **03708 506 506**.

If you are concerned that a septic tank or sewage treatment plant is causing pollution, call the Environment Agency's incident hotline on **0800 80 70 60**.