

Septic Tanks in England - Client Guide

Sewage discharges | The General Binding Rules | Upgrading may be required

The 'General Binding Rules'

The vast majority of septic tanks and sewage treatment plant owners will not need registration or permits for their discharges, provided that they comply with the General Binding Rules, and fall within certain exemptions. There are separate requirements for Wales.

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>.

Exemption requirements

In general, if you have an existing domestic sewage system which:

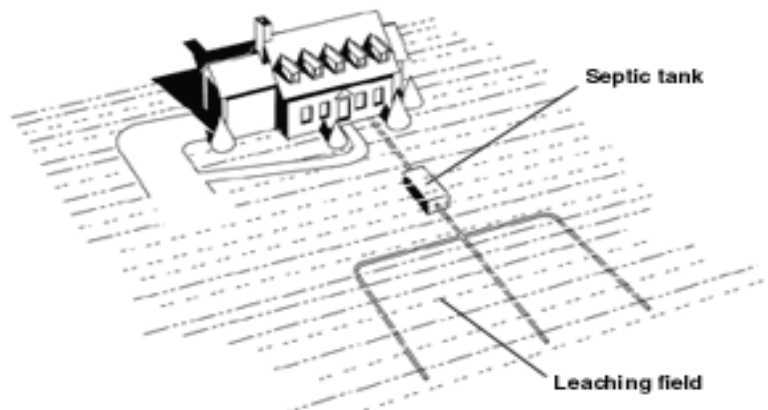
- Is a septic tank that takes less than 2 cubic metres of domestic sewage a day (or a small sewage treatment plant which takes less than 5 cubic metres of domestic sewage a day),
- Doesn't cause pollution, and
- Is a septic tank that doesn't discharge directly to surface water,
- Doesn't discharge to a groundwater source of drinking water,

And in addition, where the discharge started after 1/1/2015:

- Isn't in an environmentally sensitive area,
- Is not within 30m of a public sewer

Then you will not have to register for a permit from the Environment Agency.

You must get specialist advice to check whether any exemption applies, or whether you need a permit. We cannot advise you on this.



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. There are also new rules for discharges that started after 2nd October 2023.

For properties in Wales, please see our separate guide for the different legal requirements in relation to sewage discharges in Wales.

Alternative sewage arrangements to mains sewers

If your house is **not** connected to the mains sewer, your sewage will usually 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 water such as rivers or streams). The remaining sludge must be removed every year or so.
- A **small sewage treatment plant** (also known as a package treatment plant). This is a part-mechanical system that treats the liquid first so that it is then 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')

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 so that it doesn't drain directly to surface water without some form of pre-treatment. They may even need to connect to mains drainage.

Where to get specialist advice on drainage issues

We cannot give advice on drainage issues. If you have any queries you should talk to your surveyor, or the Environment Agency, or find an **accredited service engineer** or consultant. For example you can find an engineer at:

<https://www.britishwater.co.uk/directory/findengineer.aspx>

Cesspits or cesspools

If you have a cesspool then you don't have to comply with the General Binding Rules or apply for a permit, but you must maintain it and make sure it is regularly emptied as needed (perhaps every 2 weeks in some cases) by a registered waste carrier. You must make sure it does not leak or overflow. The EA or your local council can make you repair or replace your cesspool if it is in poor condition.



Information for buyers

You must give your buyer the following details of your septic tank or sewage treatment system:

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

New owners duties

When you take ownership of the property you will be responsible for making sure that the sewage system complies with the General Binding Rules. There are new rules for discharges after 02-10-23.

You should either make sure that the current owner fixes any problem as a condition of sale, or possibly negotiate a price that takes into account the repairs or changes to upgrade the system you will need to make when you take over ownership of the property.

Your specialist adviser will also be able to tell you whether it will be necessary to obtain planning and building regulation approval for the works. If so, you should ensure this is obtained before proceeding with the purchase.

Mains drainage?

Where 2 or more properties need to upgrade or replace their drainage systems, the drainage authority may have a duty under s.101A of the Water Industry Act 1991 to build and pay for a new public sewer for them.

If you think this might apply, you should get further advice from the drainage authority, the Environment Agency, or your specialist adviser. We cannot advise you on this.



'The 2020 Regulations' - No direct discharges allowed

Discharges from septic tanks **directly** to a surface water (or by soakaways) are **not allowed** under the General Binding Rules. You may have to install a drainage field, connect to main drainage or replace it with a small sewage treatment plant. Originally this had to be done by 1-1-20 but in October 2019 the EA said that this work must be carried out 'as soon as possible', normally within 12 months.

Upgrading works and the responsibility/cost

If you are buying a property with a septic tanks that discharges directly to surface water, we suggest you negotiate with the seller as to which of you will have the responsibility for the replacement or upgrade of the existing treatment system. We suggest you, your agents, or your specialist drainage adviser negotiates this for you. We can then put the agreed terms in the sale contract. We would not be able to deal with this negotiation for you as we are not experts in drainage works.

Selling a property with a septic tank

Since 1 January 2015, an owner of a 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 system is very old - do I have to replace it?

In practice many old systems are found not to comply with the Rules. Old septic tanks often leak, or use simple 'soakaways' which are not now permitted. Often, even where there is a drainage field, there are no paper records or surveys available to prove compliance with the relevant legal requirements. It may be necessary to apply for an Exemption, or for the system to be upgraded. Each situation is different, and an expert survey is recommended.

Checklist

Anyone considering buying a property with a septic tank or sewage package treatment plant or cesspit 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 any part of the system is on adjoining land, and enforceable rights of access to maintain and replace it,
- Has a written maintenance agreement where any part of the system is on adjoining land and managed jointly with another landowner or by a third party. Also, are there enforceable cost-sharing provisions in that case?

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 or engineer to inspect the septic tank or sewage system to confirm that it meets the requirements and criteria for any exemption, the quantity of discharge, and any ongoing maintenance inspections or work,
- Applying for an environmental permit if the septic tank does not qualify for the exemption under the 2016 Regulations.

These costs are, of course, not included in any quotation we have given you.