

Your Legal Questions

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Q. I have recently had a septic tank installed at my property. Other than planning and building regulations, is there anything else I should be aware of?

A. In short yes. The Environmental Permitting (England & Wales) Regulations 2010 provides that most discharges to surface and groundwater must have a specific permit. However there are exceptions to this where certain types of discharge have been classified as exempt. Where a discharge is classified as exempt it must still be registered with the Environment Agency to obtain an Exemption Certificate. The Regulations also provide a timescale by which registration must have taken place. A discharge to surface water such as to a river or a stream became registerable on the 6 April 2010, discharges through the ground via a drainage field or infiltration system, otherwise known as soakaway will become due for registration on the 1 January 2012. This system has replaced the old consent to discharge system.

If you already hold a consent to discharge then you do not need to do anything. If that discharge would now be treated as exempt then it will automatically become exempt. If it is not treated as exempt, it will be treated as permitted. The Environment Agency's website provides information and sets out the criteria as to whether the discharge is exempt or not and an application can be made either online or by postal application. An acknowledgement of the application is then received and a certificate should then follow shortly after.

Once issued, to maintain the exempt status, you must comply with the conditions of registration such as regular maintenance and desludging of the system.

If you are thinking of selling your house then it may be prudent to register sooner rather than later so that any sale is not delayed whilst an exemption certificate is awaited. Your solicitor will of course be able to help you through the process.

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