

Registration of Private Drainage Systems and Private Water Supplies

There are many properties in our part of the West Country which are not served by the mains sewerage system. Lawyers acting on behalf of people moving to this part of the country, particularly from cities, towns and suburbs, are astonished to learn that there are such systems still in use even for modern properties. Mind you they often seem to think that all properties in Cornwall are built over old mine works, or subject to radon gas. Happily very few actually are.

New rules for registration of private drainage systems came into existence last year and are intended to ensure that systems are environmentally friendly.

Type of System

The first thing to know is the type of system that serves your property. This can be one of the following:-

1. **Cesspools** comprise sealed tanks with no discharge to the environment. Obviously such systems have to be emptied on a regular basis according to use. They do not have to be registered.
2. **A Septic tank** is different from a cesspool in that it has an outlet flow from the tank. The liquid requires further treatment which is normally achieved by a soak away into the ground where bacteria in the soil complete the treatment process. It has, therefore, to be regulated to protect the environment. The system has to reduce the bacterial and nutrient load of the effluent to be processed, and prevent pollution to water courses or nearby sources of drinking water. Every now and then the solid content of the septic tank has to be removed to ensure the system is kept "sweet". If your septic tank discharges directly to surface water you will have to apply for a permit to make the discharge. The idea behind this is to make sure that if your system requires an upgrade to comply with

modern requirements then the necessary work must be carried out within in a set time depending on the individual circumstances.

3. **Sewage treatment plant.** These plants are like a mini sewage works and produce much cleaner effluent than septic tanks. They tend to rely on a source of electrical power in addition to regular maintenance. Normally the outflow can be discharged as surface water such as rivers or streams.

There are numerous detailed rules about the location of the discharge, for arrangements where there are shared systems, and for the proximity of the well spring or bore hole. These are mostly straightforward common sense and involve too much detail for this article. Information is readily available from your Local Authority.

Registration

You should be aware that **if your system discharges to a river or stream it must be registered straightaway. Systems which discharge to ground can be registered at any time up to the first of January 2012.** In certain circumstances a special permit may be required for example if your property is close to a nature conservation area.

If you already have “consent to discharge” or an environmental permit for effluent then you do not need to register. Some systems can be registered as exempt – but, generally speaking, one made to the surface water from a sewage treatment plant must not exceed 5,000 litres per day. A discharge to ground must not exceed 2,000 litres per day. There are charts and calculations available from the local authority covering single domestic properties, a group of houses, and many other different types of property.

Maintenance and Records

There are quite a lot of rules and regulations governing the continuing use of systems. These include making proper inspection, operation, and maintenance removal of what is known as “sludge” from the system by a properly authorised contractor. Regulations require the making of records of maintenance and repairs which have to be kept for at

least five years. Above all, the aim is to ensure that the system used must not cause pollution.

Private Water Supplies

New regulations came out in 2009 which relate to private water supplies. These may be from boreholes or springs ponds or reservoirs. The aim is to protect health, and maintain water quality to the same standards as for mains supplies.

You may have received a questionnaire last year which was sent out to obtain up to date information to help the Local Authority to compile the necessary records. If you did not then a copy can be supplied by Cornwall Council. The form asks for information about the source of water e.g. a borehole, well or stream; and whether there is a filter system. It seeks information on the type of premises e.g. residence, café, holiday accommodation, and approximate volume of water used. Apparently the norm is about 150 litres (that's about 34 gallons "in old money") which I find quite surprising. In addition, detail is sought of the purpose for the supply e.g. domestic, commercial or farming.

It is said that this information is for our health and safety. But I have heard a cynical suggestion that this may eventually lead to charges being imposed. Surely not!

Information

When we are acting on behalf of either a Seller or a Buyer of a property which has a private drainage system or private water supply, we will be requiring full details to be provided so that they can be passed on to the new owner, together with maintenance records. It is also important to know that when a property changes ownership, then the Seller must make sure that the new owner is registered in his place. If not, liability for the drainage system will remain with the Seller.

Full detail of legal requirements for keeping and maintaining such systems can be obtained from the Environment Agency.

Action

As I have said on a number of occasions, ownership of property brings many responsibilities and regulatory requirements. It is easy to break the law without being aware of that fact. The environmental regulations are particularly onerous. You will have seen, I'm sure, the swingeing penalties imposed by courts for illegal or negligent discharge of effluent. Laws are there both to protect and to punish.

So do check what you need to do. Often a brief consultation with your solicitor will set you on the right track.

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