

**COUNCIL FOR NATURE CONSERVATION  
AND THE COUNTRYSIDE**  
**An Advisory Council to the Department of the Environment**  
Room G-07, Waterman House, 5-33 Hill Street, Belfast, BT1 2LA  
Tel: 028 9054 3184 [secretariat-hillst@doeni.gov.uk](mailto:secretariat-hillst@doeni.gov.uk)

21 Jun 2011

Mrs Noreen McCleery  
Northern Ireland Environment Agency  
Water Management Unit  
17Antrim Road  
Lisburn, BT28 3AL  
Via email

Dear Mrs McCleery,

**PROPOSED RESTRUCTURING AND REVISION OF THE APPLICATION FEES FOR  
DISCHARGE CONSENT UNDER THE WATER (NORTHERN IRELAND) ORDER 1999  
FOR SINGLE DOMESTIC DWELLINGS**

CNCC is grateful for the opportunity to comment on the above proposals which, in general, we welcome.

Responses to the questions posed in the consultation document are set out at Appendix 1.

As an overall comment we feel that, judging by the current regime where stop notices or court cases have seldom been applied, the threat of enforcement will continue to be a hollow one. A more effective deterrent would be introduction of a fixed penalty system, where breaches would result in a fine if the fault is not rectified within a stated period and an escalation thereafter if non-compliance continues.

Yours sincerely,



**PETER ARCHDALE  
VICE CHAIRMAN**

## **Appendix 1**

### **CNCC comments on NIEA Draft Guidelines for Discharges of Sewage Effluent from Single Domestic Properties**

Questions 1-4;  
No comment.

Question 5;  
The meaning of last paragraph in the section on p. 6 about review of existing discharge consent is unclear and should be re-drafted.

Questions 6-8;  
No comment.

Question 9;

#### **p. 15 Planning & Consent**

We have severe reservations about the current system whereby full planning permission may be granted without a discharge consent being issued and would like to see a more joined-up approach that links both permissions, so that construction may not be started until both are obtained.

#### **p. 17 Part 1 Assessed Registration**

In the 1<sup>st</sup> paragraph, the phrase "practicable" is a judgement and thus open to interpretation. We feel clearer guidance could reduce disagreement. Also, some recent developments such as reed beds, sand filters and peat filters should be considered as alternatives to discharge to underground stratum.

#### **p. 18 para. 5**

We feel that familiarity with the requirements of the BS for the percolation test is not sufficient assurance of quality for the test and the individual should be both certified and competent to conduct the test.

#### **p.19 Applications Unsuitable**

The phrase "reasonable period of time" is vague and should be more clearly stated.

#### **p. 20 Part 2**

We found this whole section difficult to understand and feel it should be re-written to make the intent clear to those outside the water business. In the bottom paragraph, it is not clear who will assess if the impact is having a visual impact on the waterway. This raises a concern that the proposed methodology does not consider cumulative impact on the waterway, nor potential for impact on N2K sites.

#### **p.23 Septic tank design capacity**

It is noted that the current NIW protocols for emptying septic tanks require clients to pay for emptying if less than 12 months have elapsed since the last emptying. In the absence of any progress on the water charging issue, it is recommended that the periods be aligned.