

NORTHERN IRELAND ENVIRONMENT AGENCY

WATER (NORTHERN IRELAND) ORDER 1999

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

CONSULTATION PAPER

APRIL 2011

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PURPOSE

The purpose of this consultation paper is:-

- to propose the restructuring of the current application fee bands for single domestic dwellings; and
- to propose revised application fee rates.

INTRODUCTION

The Northern Ireland Environment Agency (NIEA) of the Department of the Environment is responsible under the Water (Northern Ireland) Order 1999 for promoting the conservation of water resources and the cleanliness of water in waterways and underground strata. Prior to 1 July 2008, NIEA was known as Environment and Heritage Service (EHS).

NIEA is responsible for the implementation and enforcement of environmental regulations, many of which require operators and their activities to be authorised and monitored where appropriate. The Agency is required to achieve full cost recovery for such regulatory functions through the application of fees and charges on customers we regulate.

One of the ways in which NIEA exercises these functions on behalf of the Department is by controlling effluent discharges to waterways or the underground stratum, through the granting of discharge consents.

All applications for consent to discharge and for review, or transfer of, existing consents are processed by the Water Management Unit (WMU) of NIEA. WMU is currently based at the NIEA offices at 17 Antrim Road, Lisburn.

Applications for single domestic dwellings have averaged almost 3000 per year since their introduction. These require thorough scrutiny before a consent can be granted in order to protect the aquatic environment. Where an application is for discharge to the underground stratum, (soakaway) the applicant must arrange for soil percolation tests to be carried out. The results are submitted to NIEA to determine if the ground is suitable and also the length of the soakaway that will be required to operate an efficient soakaway.

The proposed restructuring and revision of application fees for single domestic dwellings has been developed with the aim of recovering the full costs associated with applying the legislation.

A summary of the proposals is set out in **Appendix 1**.

BACKGROUND INFORMATION – ABOUT THE LEGISLATION

On 24 August 2001, the Water (Northern Ireland) Order 1999 ('the Water Order') replaced the Water Act (Northern Ireland) 1972.

Under Article 7* of the Water Order, it is necessary to obtain the consent of the Department of Environment to make a discharge from a house or other premises, to a waterway or to the underground stratum. This is a legal requirement and failure to do so is an offence under the legislation. The requirement to obtain a consent to discharge applies to all proposed discharges and also to pre-existing discharges, irrespective of the date of commencement.

Since 24 August 2001, all new discharge consents have been granted under the terms of the Water Order. However, discharge consents previously granted under the terms of the Water Act that were 'live' at 24 August 2001 became valid under the terms of the Water Order.

Under the terms of Article 11 of the Water Order, and in line with Government Policy on the 'Polluter Pays' principle, the Department has the powers to raise, through a scheme of fees and charges, sufficient funds to cover the Department's costs relating to:

- the processing of all applications for discharge consent, and also
- the monitoring of all discharge consents which are checked by NIEA for compliance with consent conditions under the Department's compliance assessment monitoring programme.

The application fees element of the charging scheme was implemented on 29 October 2001, and applies to all persons making application for consent to discharge, for review of an existing consent or for the transfer of an existing consent.

Under Schedule 1 paragraph 8 of the Water Order, a person selling or transferring ownership of a consented premises is required to notify the Department within 21 days of the transfer occurring. NIEA charges a fee to the person who will take on responsibility for the discharge consent, to cover the administrative cost of preparing and re-issuing the consent.

** as amended by the Water and Sewerage Services (NI) Order 2006*

REVIEW OF EXISTING APPLICATION FEES

Although periodic reviews of fees and charges have taken place, since their introduction in 2001, application fees have not been increased since they were first introduced, with the exception of a GDP inflationary increase of 2.25% in April 2010.

An analysis of the application fee income currently received by NIEA demonstrates an overall shortfall when compared with the costs incurred by the Department in administering this work area. This is a result of increasing costs such as increasing annual salaries, fuel, chemicals, consumables etc. in line with inflation.

Water Management Unit has completed a review of how applications for single domestic dwelling consents to discharge are handled and has redesigned the process of how they will be handled in future. The new processes are aligned to deliver against the ethos set out in the current draft Government White Paper on Better Regulation and apply to two distinct discharge types:

- Application for Consent to Discharge to the Underground Stratum; and
- Application for Consent to Discharge to a Waterway.

Application for Consent to Discharge to the Underground Stratum

Implementation of the proposed new processes is expected to reduce the technical and administrative burden on both the applicant and the Department in processing applications for consent to discharge to the underground stratum. This would see a small reduction to the current application fee.

Application for Consent to Discharge to a Waterway

The proposed new process for applications for consent to discharge directly to a waterway, will require more scrutiny due to the technical nature of the application and the requirement to meet regulatory discharge standards as determined by the European Water Framework Directive Classifications. This process is consistent with current consenting processes for all other discharges to waterways. In order to minimise the financial burden on future applicants for this type of consent, NIEA has developed a simplified method of processing these applications whilst still protecting the aquatic environment.

A proposed fee increase reflects the additional work required by the Department to process this type of application, including undertaking a hydrology assessment of the catchment, computer modelling of the impact on the waterway,

mathematical calculation of the discharge consent conditions and setting the discharge limits for the associated treatment system.

Review of an existing discharge consent

A review application may be instigated by the consent holder, or it may arise as a result of NIEA detecting the need e.g., due an increase (or decrease) in the volume of the discharge, a change in the content of the effluent, or any other change which might fall short of the need for a new application to be submitted.

The current application fee falls short of reflecting the amount of work, and related costs, incurred by the Department in processing these applications. It is therefore proposed to charge an increased fee where the review of an existing consent is required.

In cases where a review is instigated by the Department with a view to imposing a requirement on an existing consent – (this can arise as a result of a new EC Directive coming into effect, or the need arising to ‘tighten’ conditions in a consent) then no fee would be payable by the consent holder.

It should be noted that a new application is necessary, in cases where a significant change of discharge content and nature or to the location of the point of discharge is being considered.

Transfer of ownership of a discharge consent

A discharge consent is a legal document and it is a valuable asset. Without the benefit of a discharge consent, a domestic dwelling that is not connected to the public sewer will have a reduced value on the open market, and may prove difficult to sell. Under the terms of the Water Order, it is the responsibility of the current owner/holder of a discharge consent to notify the Department of the details of the person taking on ownership of, or responsibility for, the related premises.

At present, the fee payable does not cover the cost to the Department in processing a transfer therefore it is proposed that this will be increased accordingly.

The proposed new fee levels will ensure the Department meets its legislative requirement to fully recover its costs in administering its regulatory role, whilst ensuring that the costs are applied proportionately to applicants for single domestic dwelling discharge consents.

It is proposed that the revised fees structure, and associated fee rates, outlined at Appendix 1 will be implemented with effect from 22 July 2011.

EQUALITY SCREENING

Under Section 75 of the Northern Ireland Act 1998, public authorities have a statutory duty to promote equality of opportunity. We have completed an equality screening of the proposed revised Water Order application fees and have concluded that it does not impact on equality of opportunity on any of the groups specified in Section 75. The screening paper can be found at **Appendix 2**.

Any Section 75 issues raised as a result of this consultation process will be taken into consideration.

CONSULTATION QUESTIONS

The Northern Ireland Environment Agency is keen to listen to your views on its proposals for fees and charges. The Agency aims to fully recover its regulatory costs whilst providing an efficient service and restricting fee increases. The questions posed below are designed to encourage you to express your opinions and share ideas. However, your response does not need to be restricted to these questions. All constructive comments are welcomed.

Purpose and Introduction

Question 1 – What general comments do you have on the purpose of the consultation paper?

Question 2 - In particular, do you consider there to be other aims and objectives incorporated in the review?

Question 3 - Can you identify them and illustrate your reasons with examples from other organisations?

Background Information – About the Legislation

Question 4 – Is the background information about the Legislation sufficiently summarised/detailed?

Review of Existing Application Fees

Question 5 – If you consider that the concepts behind the proposals for fees and charges are not sufficiently explained which aspects would you recommend for further development in order to improve understanding?

Question 6 - Do you have any comments on the range of application fee types set out in the Consultation Paper and Appendix 1?

Question 7 - Do you consider that the charges relate well to the service provided and if not would you prefer to alter the service or application fee level?

Question 8 – Please detail how you would alter the service or application fee whilst retaining the full regulatory role set out in Legislation to protect the water environment.

Technical Guidance

Question 9 – Do you consider the technical guidance in Appendix 1 to be effective in detailing how an applicant can apply for consent? Does it contain enough detail to support the selection of the treatment system an applicant should install?

COMMENTS ABOUT THE CONSULTATION PAPER

This Consultation Paper invites comments on the Department's proposals. Written comments should be sent not later than 24 June 2011 to:-

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The Department may wish to publish responses to this consultation paper in due course, or deposit them in its libraries. If this is done, all responses received will be included, unless a respondent specifically asks that his or her response be treated as confidential. Confidential responses will however be included in any statistical summary of numbers of comments received or views expressed.

However, respondents should be aware of the requirements under the Freedom of Information Act 2000 - Confidentiality of Consultation Responses. Details are set out in **Appendix 3**.

Appendix 1



DRAFT

GUIDELINES FOR DISCHARGES OF SEWAGE EFFLUENT FROM SINGLE DOMESTIC PROPERTIES

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TERMS AND DEFINITIONS

Biological layer

Biological film (or biomat) that grows on the base of the infiltration system or on top of the filter material when pre-treated effluent infiltrates the subsoil or the filter material.

Connection pipe

Non-perforated pipe used to connect the septic tank to the distribution chamber.

Disposal area

Total area of the site where the pre-treated effluent is discharged into the ground using a soil infiltration system.

Distribution chamber

Chamber allowing even gravity distribution of pre-treated effluent via the distribution pipes.

Distribution layer

Layer of the infiltration system composed of granular fill material in which pre-treated effluent is discharged through infiltration pipes.

Distribution pipe

Non-perforated pipe used to connect the distribution chamber to a single infiltration pipe.

Dosing chamber

Small tank receiving pre-treated effluent and containing a dosing device, which automatically discharges the desired quantity.

Drainage field

System of infiltration pipes placed in trenches and arranged so that effluent can be discharged to the ground.

NB The most common design of drainage field is shallow linear infiltration trench.

End connection

Perforated/ non-perforated pipes and fittings that connect the lower ends of any parallel infiltration pipes, enabling airflow.

NB The connecting fittings may incorporate ventilation and access provision

Filter material

Granular inert material, usually sand, placed beneath the distribution layer, the purpose of which is to provide a degree of infiltration to the pre-treated effluent.

Geotextile

Decomposition resistant fabric that is permeable to liquid and air but impermeable to solid particles.

Granular fill material

Inert material in the distribution layer where the infiltration pipes are placed.

Infiltration

Percolation of effluent around the point it is discharged.

Infiltration pipe

Perforated pipe through which pre-treated effluent is discharged to the infiltration trench or bed.

NB Often called a percolation pipe.

Infiltration system

Series of infiltration pipes, placed in either single trenches or one large bed,

which discharge effluent in such a way it percolates into the disposal area.

Infiltration trench

Trench in which a single infiltration pipe is placed and surrounded by fill material and separated from other infiltration trenches by undisturbed soil.

Geotextile membrane

Fabric that is permeable to liquid and air but impermeable to rough solid particles. It is also resistant to decomposition.

NB The hole diameters are approximately 1mm.

Land drain

Surface or subsurface channel for the transportation of rain water; used to drain ground and divert the natural flow of surface and subsurface water away from infiltration area.

Pre-treated effluent

Wastewater that has undergone at least primary treatment.

Soakaway

Permeable area of ground, or buried structure, designed to speed the drainage of clean surface water into the ground.

Subsoil

Unconsolidated material beneath the topsoil and above the bedrock.

Topsoil

Upper layer of soil.

Upstream system

Septic tank or secondary wastewater treatment system.

Water table

Level below which the ground is saturated with water.

NB The water table has seasonal variations.

Trial hole

Pit excavated to establish the ground characteristics and depth of water table and bedrock.

Percolation test hole

Pit excavated to establish soil porosity and trench requirements.

Statement

The Department's preferred option for sewage disposal is discharge to public sewer. Where the applicant can demonstrate that discharge to public sewer is not practicable, the sewage effluent should be discharged to the underground stratum via a sub-surface irrigation system, provided the ground conditions are suitable. Where the ground conditions are unsuitable, site improvement works should be undertaken to determine whether discharge to underground stratum can be accommodated. Discharge to a waterway may be allowed where the ground conditions are unsuitable for discharge to underground stratum.

This document sets out the minimum requirements for sewage discharges from domestic properties that are acceptable to Water Management Unit (WMU) of Northern Ireland Environment Agency (NIEA). More stringent conditions/standards may be imposed depending on the local circumstances.

Considerations

Apart from the site requirements laid out in this document, WMU has other considerations to take into account before determining whether or not to consent

a discharge. These include the density of dwellings in the immediate vicinity which are not on mains sewerage, or any Natural Heritage (a Directorate of NIEA) designations which may restrict the site.

Planning and Consent

Applicants should be aware that all discharges of sewage effluent require consent under The Water (Northern Ireland) Order 1999 which is independent of planning legislation. It is recommended that Water Order consent is applied for before planning permission. This ensures that WMU will have assessed the site's suitability for sewage disposal before being asked by Planning Service to respond to the planning consultation. Should the applicant bypass WMU and apply for planning permission, WMU will not be in a position to respond to the planning consultation until an application for consent under The Water (Northern Ireland) Order 1999 has been determined, which may delay the planning decision.

Applications

The application form and guidance for consent to discharge from domestic premises can be obtained directly by contacting the Water Management Unit of NIEA.

It is recommended that the applicant uses the services of a suitable engineer/architect to undertake:

1. Completion of the application and sign off.
2. The site suitability examination.
3. Design and installation of the sewerage system serving the domestic premises.

The following websites contain useful information on suppliers of wastewater treatment systems:

1. [SIMM](#)
2. [British Water](#)

Reminder

It is an offence under the Water (Northern Ireland) Order 1999 to knowingly or recklessly make a statement which is false or misleading in any material particular for the purpose of obtaining a discharge consent. The Department will not hesitate to instigate enforcement action should an applicant be found to have willfully provided such information.

Failure to install the sewage treatment facilities in the manner described in the application (or in the case of existing systems to accurately describe the current condition on site) or to maintain as per the consent conditions shall be considered as non-compliance and therefore an offence under of the Water (Northern Ireland) Order 1999. Where the Department deems that this is the case, the Department's consent to discharge may be declared invalid, and appropriate enforcement action taken.

This document is split into 4 Parts:

1. Applications for discharges to underground stratum made via an assessed registration scheme.
2. Applications for discharges to waterway made via existing NIEA consenting processes.

3. Technical Guidance on septic tanks, installation of soakaways, package treatment plants and undertaking percolation tests.
4. Maintenance and compliance issues.

PART 1 ASSESSED REGISTRATION FOR DISCHARGES FROM DOMESTIC PREMISES TO UNDERGROUND STRATUM

Where the applicant can demonstrate that discharge to a public sewer is not practicable, the sewage effluent should be discharged to the underground stratum via a sub-surface irrigation system, provided the ground conditions are suitable.

It is proposed that all new and existing single domestic sewage discharges to underground stratum will be assessed to see if they are suitable to be **registered** as low risk discharges. Treated sewage discharges to sub-surface strata will be **assessed for registration** at the application stage. It is the responsibility of the applicant/consent holder to install and maintain systems as per any consent issued based on the application information provided.

Assessed Registration (A) – New Discharges to Sub-Surface Strata

The application must clearly demonstrate that the proposal meets all the criteria listed below so that consent to discharge can be granted based on standard consent conditions. The specific details of the criteria required for Assessed Registration are consistent with extant legislation, current industry Codes of Practice and applicable British Standards.

1. Connection to the Northern Ireland Water Limited foul sewerage system is not feasible or practicable, or is not within 30m from the curtilage of the dwelling.

2. The discharge is solely of sewage from a single domestic dwelling and contains no surface water drainage.
3. The septic tank to be installed is certified as manufactured to BS EN 12566-1 or the packaged wastewater treatment plant to be installed has BS EN 12566-3 certification and is capable of removing at least 95% of the influent Biological Oxygen Demand (BOD) at all times.
4. Any sub-surface irrigation system is designed and installed in accordance with Departmental guidance, which is consistent with BS 6297:2007 + A1:2008.
5. Ground conditions are appropriate to offer effective treatment and dispersal of any sewage effluent discharged (percolation test average Vp value to be > 15 <100). Any percolation test must be undertaken by someone who is familiar with the requirements of BS 6297:2007 + A1:2008.
6. Any drainage field is appropriately sized in relation to the reported percolation test results.
7. The discharge is not within 50m of any potable water supply.

Assessed Registration (B) - Existing Discharges to Sub-Surface Strata

All complete applications for existing discharges to sub-surface strata should be tested against the criteria listed below. The application must clearly demonstrate the existing system meets all criteria listed in the checklist, so that consent to discharge can be granted based on standard consent conditions. The specific details of the criteria required for Assessed Registration are in accordance with extant legislation, current industry Codes of Practice and applicable British Standards.

Applications for consent to discharge from an existing septic tank or package treatment plant to a sub-surface irrigation system must demonstrate that:

1. The discharge is solely of sewage from a single domestic dwelling.
2. There is no ponding of effluent.
3. There is no evidence of pollution attributable to the sewage treatment system if there is a waterway within 10 metres of any part of the treatment system.
4. If the tank is a manufactured septic tank (i.e. not block built) or packaged wastewater treatment plant, that it has been desludged and maintained in accordance with manufacturers' recommendations.

Applications Unsuitable For Assessed Registration

Where an application does not meet the criteria for Assessed Registration, the applicant will normally be given a period of time to submit an amended proposal with a view to satisfying the criteria stipulated.

Ultimately, consent may be refused if proposals offer unacceptable environmental risk due to unsuitable ground conditions or inadequate treatment. This may also be the case where it is demonstrated that an existing sewage treatment system, septic tank or sub-surface irrigation system is offering insufficient treatment or dispersal of effluent. However, the applicant will be advised of the situation and will normally be given a reasonable period of time to rectify any issues.

PART 2 DISCHARGES TO WATERWAY

It is proposed to move towards non-numeric consents for discharges to waterway from single domestic dwellings. Therefore any consent issued for systems not in place at the time of application will require compliance with the relevant British Standards (currently BSEN 12566:2005 Part 3). In addition, the proposed treatment system must carry the appropriate CE marking, described in Annex ZA.3 of BSEN 12566-3:2005, demonstrating the appropriate treatment efficiency. The laboratory undertaking the testing must be able to demonstrate that they are a notified body for Part 3 of BSEN 12566:2005. The treatment efficiency required will be determined by the dilution afforded by the proposed receiving waterway. This information will be obtained in the form of a catchment size.

The table below details the required treatment efficiencies in relation to catchment size.

Table 1 Required Treatment Efficiencies in Relation to Catchment Size

Catchment size of receiving waterway at discharge point	Minimum treatment efficiency* required (% BOD reduction)
Greater than 2km ²	95%
Less than and including 2km ²	97.5%**

Where a discharge already exists but is not causing a visible impact on the receiving waterway, numeric discharge standards will be set commensurate with the optimum performance of the existing treatment system. No upgrade of the treatment system will be required. However no standard less stringent than a 40 mg/l Suspended Solids and a 60 mg/l Biochemical Oxygen Demand should be set.

Should an existing discharge be determined as causing a visible impact on the receiving waterway, the system will require upgrade to a system compliant with the requirements of BSEN 12566:2005 Part 3, which demonstrates the appropriate treatment efficiency.

** Treatment efficiency based on a maximum influent loading of 500mg/l, as stipulated by Annex B 3.2 of BSEN 12566:2005 Part 3.*

***or 95% followed by an appropriate form of tertiary treatment designed to produce a final effluent standard of 10 mg/l Biochemical Oxygen Demand/15 mg/l Suspended Solids*

The following criteria must be satisfied to allow the Department to begin processing the application:

1. Correct fee paid.
2. Adequate location map.
3. Adequate site plan (1:500 scale).
4. Irish Grid Reference of point of discharge.
5. Evidence showing compliance with BS EN 12566:2005 Part 3.

PART 3 TECHNICAL GUIDANCE SECTION

Septic Tanks

Septic tank systems comprise a septic tank and a sub-surface irrigation system (also called a soakaway or percolation area). The majority of the treatment occurs in the percolation trenches and in the underlying subsoil. These systems provide effective treatment and disposal of domestic wastewater when sized, sited, installed and maintained in accordance with this technical manual.

Package sewage treatment works can sometimes be used when septic tanks are not suitable. Sewage effluent from septic tanks requires greater depths of subsoil and a larger percolation area than effluent from a sewage treatment works.

The septic tank or sewage treatment works used upstream of the sub-surface irrigation area must conform to BS EN 12566-1, BS EN 12566-4, or BS EN 12566-3 and should be installed in accordance with the manufacturer's instructions.

Septic tank systems will be acceptable for discharge of sewage effluent to underground stratum provided the ground conditions are suitable. The septic tank system comprises the septic tank itself followed by a sub-surface irrigation system. Septic tanks provide suitable conditions for settlement, storage and partial decomposition of solids; this needs to be removed at regular intervals. Further treatment of the septic tank effluent is required before it can discharge to the groundwater. The soakaway is a system of sub-surface irrigation pipes that allow the effluent to percolate into the surrounding soil. Further treatment of the effluent takes place naturally in the aerated layers of the soil.

Septic tank systems may be used where the subsoil is sufficiently free-draining and the site is not prone to flooding or waterlogging at any time of year. For satisfactory secondary treatment of the effluent to take place, a minimum of 1.2 metres of unsaturated soil must exist at all times below the invert level of the percolation trench and the water table or bedrock.

BSEN 12566-1:2000/A1:2004 *Small Wastewater Treatment Systems for up to 50 PT – Part 1: Prefabricated Septic Tanks* is a product standard developed and published by CEN. The standard specifies a range of requirements and test methods in relation to septic tank design and performance.

Septic tanks may be assembled on-site if they comply with the requirements of BSEN 12566-4:2007 *Small Wastewater Treatment Systems for up to 50 PT – Part 4: Septic Tanks Assembled in situ from Prefabricated Kits* and are installed in accordance with the manufacturer's instructions.

Septic tank design capacity

The septic tank should be of sufficient volume to provide a retention time for settlement of the solid matter, while reserving an adequate volume for sludge storage. The volume required for sludge storage is the determining factor in sizing the septic tank. This sizing depends on the potential occupancy of the dwelling, which should be estimated from the maximum number of people that the house can accommodate and the number/ type of bedrooms

The tank capacity should be calculated from the following formula:

$$C = 150 \times P + 2000$$

(Where C is the capacity of the tank and P is the design population, with a minimum of four persons.)

The septic tank installed should always equal or exceed this design capacity. A minimum capacity of 2,600 l (2.6m³) should be provided on sites where the population is less than four. This assumes that de-sludging of the septic tank is carried out at least once every 12-month period. An effluent screen on the outlet is recommended.

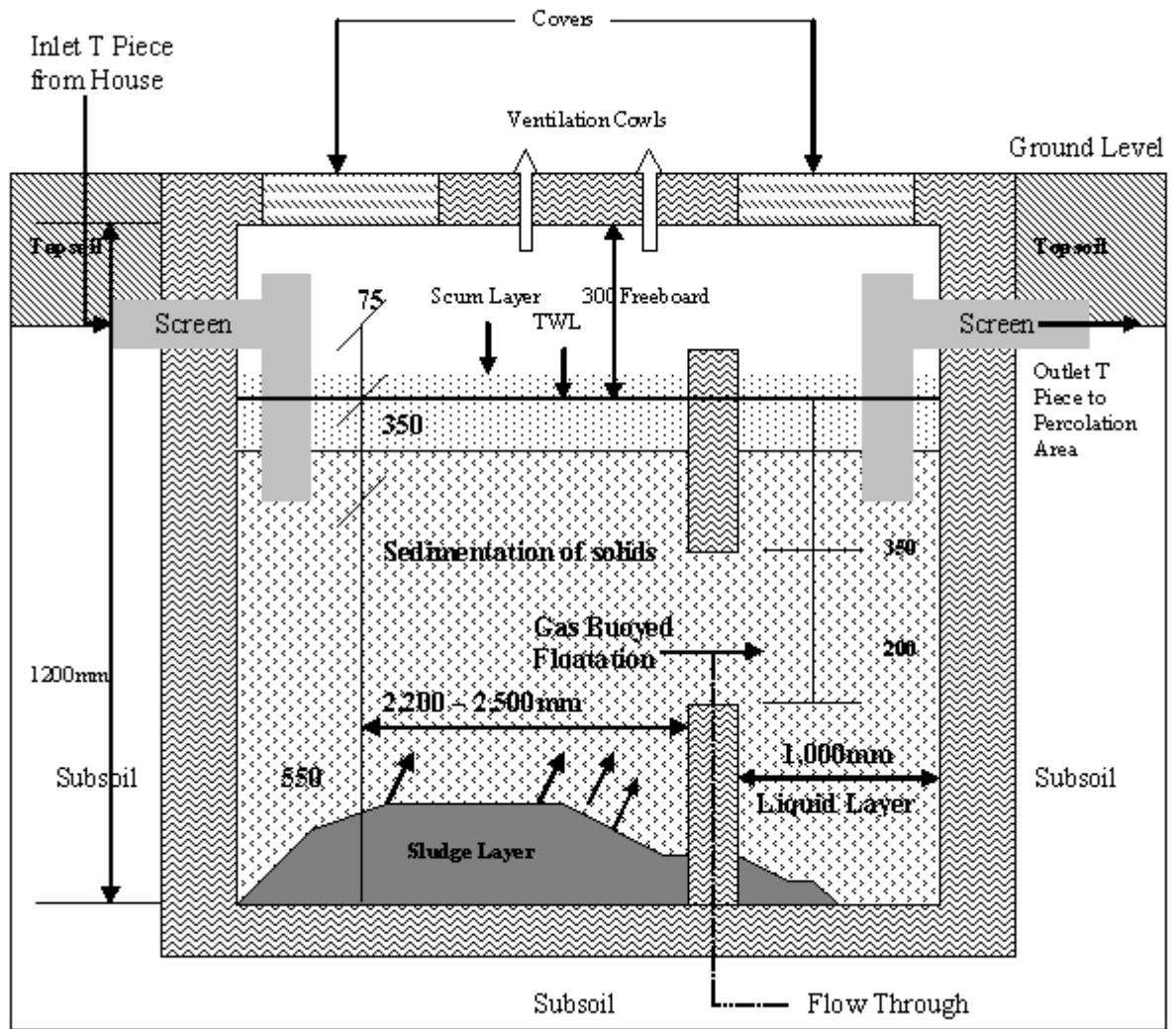


Diagram 1 Longitudinal section of a typical septic tank (all dimensions in mm)

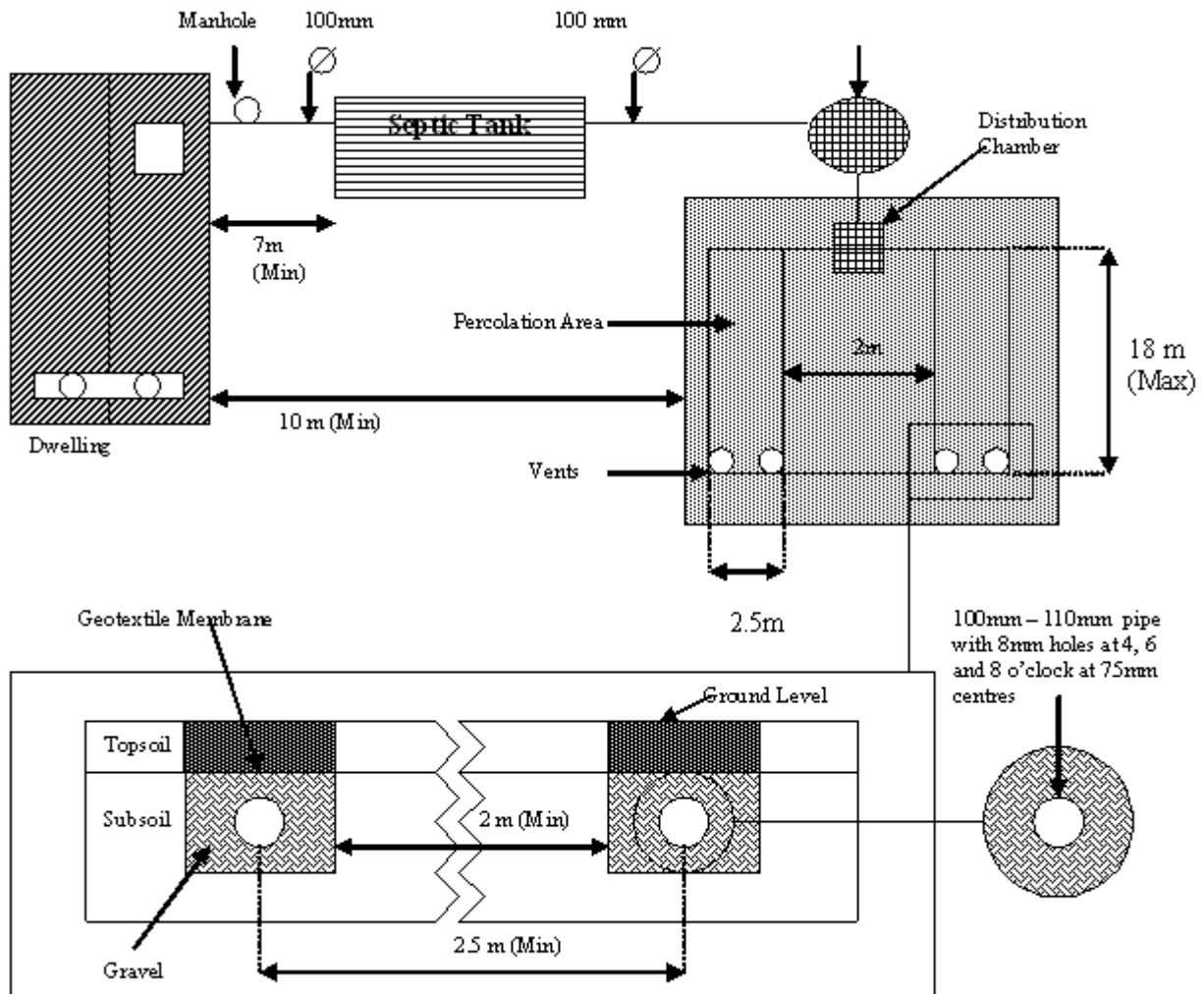


Diagram 2 Plan and section of layout of septic tank system

Packaged Wastewater Treatment Plants

Packaged wastewater systems use media and mechanical parts to enhance the treatment of domestic wastewater. These systems may be suitable in areas where a septic tank is not acceptable. Many systems are available on the market and include the following generic treatment processes:

- Activated sludge systems
- Biological/Submerged aerated filters

- Rotating biological contactors
- Sequencing batch reactor systems
- Peat filter media systems
- Plastic, textile and other media systems
- Membrane bioreactor systems.

Packaged sewage treatment works comprise several components, some of which are mechanical and/or electrical. These systems require regular monitoring and maintenance. Generally such systems produce a higher-quality effluent in terms of organics and micro-organisms as compared with septic tank systems. Mechanical systems are often more sensitive to grease loading so the use of a grease trap is recommended. Their sludge storage capacity should be checked with the manufacturer at the time of purchase to establish the necessary frequency of de-sludging. It is recommended that the tank should have the capacity to store at least one year of sludge production and be de-sludged once per year. All sewage treatment works should be provided with an alarm to indicate operation failure.

Where such products are used they should conform to the relevant Part of the EN 12566 series of standards.

Percolation Test Procedure

To determine the length and area of infiltration trench required to disperse the effluent, a percolation test should be carried out. Soil porosity can vary across a site and the percolation test should be carried out at the intended location of the proposed soakaway. This test should be avoided in extreme weather conditions, such as drought, frost or heavy rain.

The percolation test should be carried out as follows:

- Excavate at least two holes 300 mm square to a depth at least 300 mm below the proposed invert level (bottom of pipe) of the infiltration pipe, spacing them along the proposed line of the subsurface irrigation system.*

** While digging the hole, note and record changes in soil characteristics at measured depths and the position of the water table if reached.*

- Saturate the local soil by filling each hole with water to a depth of at least 300mm and allow this to seep away completely.
- If the water drains rapidly (within 10 minutes) the hole should be refilled up to a maximum of 10 times. If the water continues to drain away rapidly the ground is unsuitable.
- If the water has not soaked away within 6 hours the area is not suitable.
- Determine the percolation rate by refilling each hole with water to a depth of at least 300 mm and observe the time in seconds for the water to seep away from 75% full to 25% full (i.e. a depth of 150 mm).
- Divide this time in seconds by 150. This gives the average time in seconds required for the water to drop 1mm.
- Repeat the test at least three times in each hole in the location of the proposed trenches.
- The percolation value (V_p) is obtained by summing all the values, a minimum of 6 (i.e. at least 3 tests in each hole), and dividing by the number of values used.

- The results from the percolation test should be tabulated as set out in the table on the next page. It is advisable to retain this information for the future property owner.

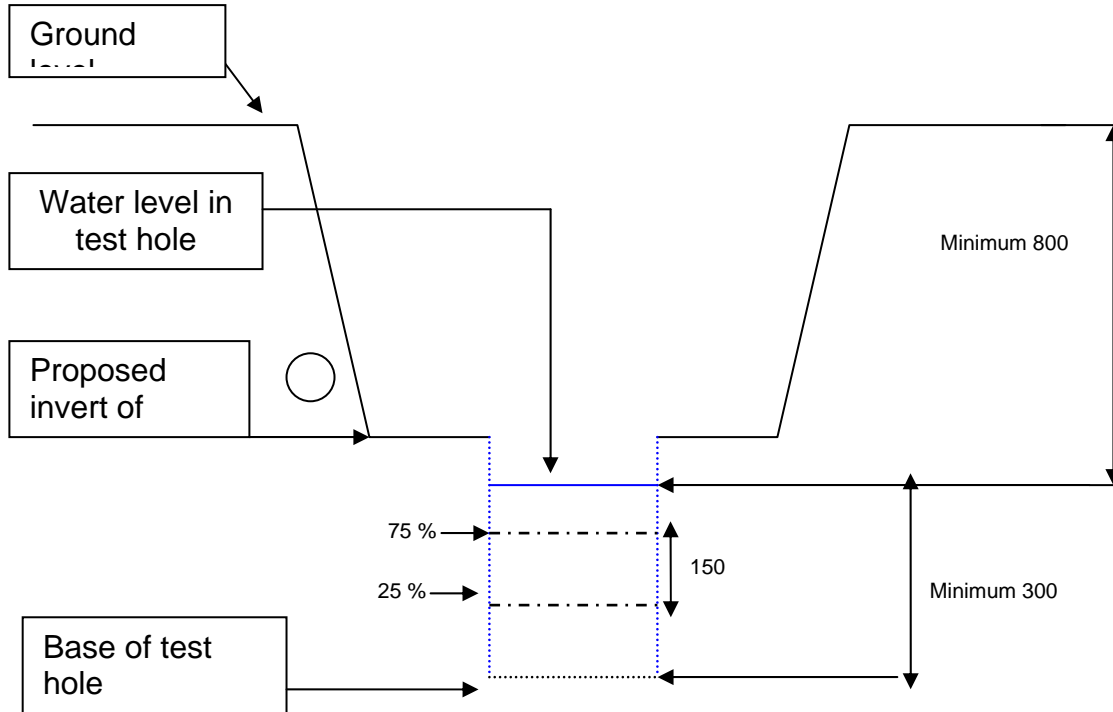


Diagram 3 Cross-section layout of a percolation test hole

Table 2 Worked example showing percolation test results and calculation of Vp

Hole No	Test date	Test No	Start time	Finish time	Elapsed time			Vp (s/mm)
					Hours/minutes (h/mins)	Minutes (mins)	Seconds (s)	Seconds divided by 150mm
1		1	09:30	10:30	1 h	60	3600	24
		2	11:00	11:45	45 min	45	2700	18
		3	12:00	13:12	1 h 12 min	72	4320	28.8
Average Vp for Hole 1								23.6
2		1	09:50	11:00	1 h 10 min	70	4200	28
		2	11:30	13:10	1 h 40 min	100	6000	40
		3	14:00	15:30	1 h 30 min	90	5400	36
Average Vp for Hole 2								34.7
3		1						
		2						
		3						
Average Vp for Hole 3								

Where Vp results vary widely (50% above or below the average figure), make further tests on a minimum of three different locations in the area of the proposed sub-surface irrigation system.

A septic tank and sub-surface irrigation system should only be used when percolation tests indicate Vp values between 15 and 100. The minimum value of 15 ensures that untreated effluent cannot percolate too rapidly into the ground, potentially resulting in the pollution of groundwater. Where Vp is above the limit of 100 effective treatment is unlikely to take place in a drainage field as there will be inefficient soakage in this location, which may lead to wastewater ponding on the surface.

For Vp values between 5 and 14, NIEA may permit the installation of a package sewage treatment works followed by a sub-surface irrigation system.

If the Vp is less than 5, or greater than 100, NIEA should be consulted to identify options for disposal.

Calculating Trench Area and Trench Length

The layout of the trench network will depend upon the soil porosity and the availability of land. The floor area of the drainage field required should be calculated as follows:

$$A = p \times V_p \times 0.25 \text{ for septic tanks}$$

A = required drainage field floor area in square metres (m²).

p = number of people served by the tank (for domestic applications this should be the maximum number of people that could live in the dwelling, but a minimum of 4).

V_p = percolation value.

For effluent from a sewage treatment works, the area should be reduced by 20% as follows:

$$A = p \times V_p \times 0.20 \text{ for package wastewater treatment plants}$$

The floor area "A" should be converted to a linear trench based on the width of the trench.

Drainage trench widths should be between 0.3m to 0.9m. The following table gives examples of conversions from floor area to linear length of trench, depending on the trench widths.

Table 3 Examples of conversions from floor area to linear length of trench

Drainage field floor area (A) m ²	Linear trench length (in metres)		
	0.3m width trench	0.6m width trench	0.9m width trench
20	66	33	22
30	100	50	33
40	133	67	44
50	167	83	56
60	200	100	66
70	233	117	78
80	266	134	88
90	300	150	100

Design and Installation Of Sub-Surface Irrigation Systems

Any sub-surface irrigation system must be installed in accordance with BS 6297:2007.

The following are examples of factors which should be considered when assessing the depth of the percolation trenches:

- Frost cover
- Protection from disturbance
- Depth of the outlet pipe from the tank
- Permeability of the subsoil
- Depth to the water table
- Depth to bedrock.

The design of sub-surface irrigation system should be based on rows of shallow linear infiltration trenches, joined to form interconnecting loops. Other drainage field designs are available and could be appropriate for specific sites, considering local environmental and physical parameters. Alternative designs may be acceptable and should be justified by a detailed technical assessment.

The perforated pipes should be laid in trenches with a uniform gradient no steeper than 1:200. Pipes should be laid at a depth greater than 0.2 m below the surface.

Excavation of trenches or beds should be carried out very carefully in order to avoid disturbing or compacting the surrounding soil. If necessary, the sides and base of the excavation should be raked. Machinery should not traverse the area after the work has been completed. Excavation should not be carried out when the ground is wet. Trenches and beds should be covered and back-filled as soon as possible.

Trench sides should be separated by undisturbed areas of ground which are greater than 1m wide. All drainage fields should have a margin of 1 m of undisturbed soil from the outer trench; this is considered to be part of the disposal area. On sloping sites, the infiltration pipes should be installed parallel to the contours of the ground.

The base of the trench should have a minimum of 1.2 m of unsaturated soil present above the determined seasonally highest groundwater level or the ground rock. Where these dimensions cannot be accommodated, alternative arrangements will be required.

Where inflow of surface or ground water could reduce the effectiveness of the drainage field, land drains should be installed to divert water away so as not to prejudice the capacity of the sewage disposal sub-surface irrigation system. Rainwater or surface water drainage should also not be installed in or around the drainage field, as this could prejudice the capacity of the system. The surface water drainage systems should discharge at a sufficient distance from the sub-surface irrigation system to ensure the surface water soakaway will not compromise the sub-surface irrigation system for the sewage effluent. Sub-

surface irrigation systems should not be constructed within 10 m of land drains so as not to cause contamination. They should also be installed at least 20m from a water main (please note that a water supply to a single house does not constitute a water main).

All pipes used should meet the requirements of their relevant British Standard. A distribution pipe with a nominal diameter equal to or greater than the outlet of the unit should be installed/located between the tank and the distribution chamber. For the distribution pipes following the distribution chamber the minimum internal diameter should be 100 mm for gravity systems and 32 mm for pumped systems. Socket jointed perforated or slotted pipes should be used as infiltration pipes.*

The infiltration pipes used should have downward facing holes or slots and a smooth internal inner surface. The perforations should be dimensioned and spaced to ensure that granular fill cannot enter the infiltration pipe and that effluent can flow easily through the perforation without clogging. Slots in the pipes used should have a minimum equivalent open area of 1000 mm² per linear metre. See the earlier diagram 'Plan and section of layout of septic tank system'.

The sides and base of the trench should be free from any large object. The base of the trench should be level. On a site with a gradient greater than 5% (1:20) the infiltration trench should be installed parallel to the site contours. Trenches should not be excavated deeper than necessary and no deeper than 1m below ground level.

**Plain ended field drainpipes should not be used as they are not robust, and their design is inappropriate for effluent dispersal, as they are designed to allow infiltration*

The trench width should be between 0.3 m and 0.9 m and the maximum length of a single trench should be 30 m. For gravity flow systems from a small number of houses, the maximum length of a single trench should be no more than 30 m. This is due to the increased risk of poor distribution with longer trenches. For pumped or intermittently dosed systems, longer lengths of infiltration pipes may be used.

The minimum spacing between excavated faces of parallel trenches should be greater than 1m. The trench should not be located on bare rock and should not drain into open fissures. There should be at least 1.2m of unsaturated subsoil below the invert of the infiltration trench.

Pipes should be laid centrally in the trench at a gradient of 0.5% (not steeper than 1:200) in the direction of flow. Before installation, the apertures in the infiltration pipes should be inspected to check they are of the correct size and shape, and free of debris. The apertures must be installed facing downwards.

The trench should be filled with granular fill material which should extend over the entire surface of the trench base. There should be 250 mm of granular fill material below the infiltration pipes; the granular fill material should be carefully spread around the infiltration pipes, with 150 mm of granular fill above the pipes. This layer should be covered with geotextile membrane, so that the granular fill material of the distribution layer is separated from the soil used to backfill the trench. If the geotextile membrane requires joining, it should be overlapped by at least 0.20m. The complete geotextile membrane covering should be wider than the trench to overlap the sidewall.

Parallel trenches should be interconnected at the ends of the infiltration trenches using non-perforated or perforated pipes. The connection between these elements should be level and stable and may include ventilation. An independent ventilation pipe on the drainage system will be required in certain circumstances,

for example, long or complex drainage layouts. Local authority building control can provide advice.

Soil, free from large objects such as stones, should be used as backfill. This soil should be laid in successive layers over the geotextile membrane, taking care not to displace the pipes and chambers. An allowance should be made to accommodate soil settlement when backfilling.

Granular fill materials used should be clean shingle, or broken stone graded 16mm to 32mm nominal size. Gravel sized 20mm to 50mm is also acceptable. The infiltration pipes should generally be laid in 500 mm of stones.

Infiltration pipes used should be covered with a suitable geotextile conforming to BS EN ISO 10319 to prevent contamination of the granular fill material, e.g. by fine particles of soil.

Effluent pumping systems may be used to transport effluent to remote drainage fields to raise effluent from deep systems, and/or for pressure infiltration systems. Where used for septic tank effluent, pumps should be installed in a separate pumping station and consideration should be given to an installed standby pump. Effluent pump stations should be suitably sized to avoid anaerobic conditions and large pumping volumes. Wastewater pumps with a minimum free passage of 10mm should be used.

Distribution and sample chambers should be watertight, smooth on the inside and fitted with a removable cover to facilitate maintenance and inspection. Excavation should allow for a 0.1m thick sand layer below the distribution chamber and pipes for the chamber to be correctly levelled. Sample chambers should allow representative flowing samples to be taken. Safe access should be provided and covers should be suitable.

The chambers and its connections should be watertight and accommodate soil settlement. The chamber should be placed directly on the granular fill material so that it is level and stable. Access points are required at distribution chambers. Access or inspection points should be installed at the principal junctions and at the furthest extent of the infiltration pipes. The covers should be visible and installed to prevent the entry of water. All covers should be accessible for maintenance and inspection of the system. The access and inspection points should provide an indication of the extent of the infiltration pipes. Chambers should be kept clear of obstruction and checked for correct distribution.

Health and safety

Excavating, laying and maintaining drains are hazardous operations. Safety codes should be followed including procedures for working in confined spaces. Safe working procedures and permits to work may be required in some situations. The Health and Safety Executive should be consulted where necessary.

PART 4 MAINTENANCE

Satisfactory long-term performance of the drainage field depends on correct operation and maintenance of the upstream system. The septic tank or sewage treatment works should be regularly desludged, maintained and operated according to the manufacturer's instructions.

The septic tank or sewage treatment works should be inspected regularly (at least annually). The drainage field should be inspected on a monthly basis to check that it is not waterlogged and that effluent is not backing up into the upstream system. Particular care should be taken to avoid compaction or disturbance of the area over and around the drainage field. Maintenance information should be recorded and retained by the building owner and occupier.

Monitoring & Compliance

In order to offer effective monitoring and enforcement of compliance with consent conditions, a robust and proportionate monitoring program is required. Elements of an effective monitoring and compliance protocol include:

- The consent holder maintaining any Septic tank/soakaway/package wastewater treatment plant as a condition of the consent.
- A maintenance and service log of any package wastewater treatment plant being kept and offered to officers of the Department for inspection on request.
- A record of de-sludging of any system being kept and offered to officers of the Department for inspection on request.
- A program of compliance inspection visits by NIEA implemented to a selected number of new and existing single domestic discharges each year.

Selection of sites for compliance monitoring will include both new installations and existing systems.

- Inspections of newly installed systems will ensure installation and operation in accordance with application details and consent conditions. The inspection shall include visual inspection of all elements of septic tank or sewage treatment system elements.
- Inspections of a number of existing systems will help monitor operation in accordance with the consent conditions. The inspection shall include visual inspection of all elements of septic tank or sewage treatment

system elements and a request to view documentation of de-sludging and maintenance.

Due to current resources it is unlikely that a significant number of sites could be visited each year. The best environmental option is to prioritise compliance visits to catchments that have historical pollution issues or where domestic sewage effluent is considered an issue within a Local Management Area Action Plan under the Water Framework Directive River Basin Management Plans.

ANNEX 1

WATER (NORTHERN IRELAND) ORDER 1999 – APPLICATION FEES FOR SINGLE DOMESTIC DISCHARGE, CONSENTS

SUMMMARY OF PROPOSED NEW FEES STRUCTURE v CURRENT FEES

CATEGORY	CURRENT £	NEW PROPOSED £
Single domestic dwelling – discharge to a waterway ¹	112	250
Single domestic dwelling – discharge to underground stratum ¹	112	100
Review of existing consent (premises/site, housing development and domestic)	112	250
Sewage discharge from non-domestic premises with a daily discharge volume not exceeding one cubic metre	112	250
Transfer of existing domestic consent	30	50

Notes

¹Where the consents process allows and the application involves more than one dwelling served by a septic tank then the cost will be multiplied by the number of dwellings up to a maximum of £900.

Appendix 2

DOE Section 75 Equality of Opportunity Screening Analysis Form

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Section 1

Introduction

This form is intended to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas **(and a copy sent to the Business Planning and Equality Team)** and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

Background

The Legal Background
<p>Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:</p> <ul style="list-style-type: none">• between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;• between men and women generally;• between persons with a disability and persons without; and• between persons with dependants and persons without. <p>The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.</p>
<p>In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.</p>

Advice on Completion of the Screening Form

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Business Planning and Equality Team in room 413B Clarence Court (ext 40203/40813) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

Policies included for EQIA

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Business Planning and Equality Team for inclusion in the EQIA programme.

Policies excluded for EQIA

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Business Planning and Equality Team who will ensure that copies of all screening out forms are placed on the Department's website.

Section 2 – Policy to be Screened

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to **internal** policies (relating to people who work for the organisation) as well as **external** policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and well defined. You must take into account any available data or evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening. The Business Planning and Equality Team or Central Statistics & Research Branch (Michael Bennett ext 40916) are available to provide advice on data requirements.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

Title	Proposed revision of Application Fees under the Water (Northern Ireland) Order 1999.
Aims	To implement revised application fees for single domestic dwellings, to align fees with the cost to the Department in discharging its duty under the Order.

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

Private householders who do not have a wastewater connection to the public sewer and have not been issued with a discharge consent for a septic tank/private treatment system.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

(a) DOE, Northern Ireland Environment Agency (NIEA) as the environmental regulator.

(b) NIEA

2.4 What linkages are there to other NI Departments/Public Authorities/NDPBs in relation to this policy/legislation?

To ensure full cost recovery against resource outputs, NIEA works closely with DOE Finance Unit and ultimately DFP Finance.

2.5 What data are available to facilitate the screening of this policy/legislation?

None

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No

See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics and Research Branch (Michael Bennett, ext 40916) or the Business Planning and Equality Team (Laura McAleese, ext 40203).

Section 3 – Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with the Business Planning and Equality Team, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

3.1 Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		x
Political opinion		x
Racial group		x
Age		x
Marital status		x
Sexual orientation		x
Gender		x
Disability		x
Dependants		x

Please give details

The proposed fees revisions will impact on future applicants for single domestic dwelling consents. There is no evidence of higher or lower participation or uptake by any of the Section 75 groups.

3.2 Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		x
Political opinion		x
Racial group		x
Age		x
Marital status		x
Sexual orientation		x
Gender		x
Disability		x
Dependants		x

Please give details

The proposed fees revisions will impact on future applicants for single domestic dwelling consents. There is no evidence that any of the section 75 groups have different needs, experience, issues and priorities in relation to this proposal.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		x
Political opinion		x
Racial group		x
Age		x
Marital status		x
Sexual orientation		x
Gender		x
Disability		x
Dependants		x

Please give details of any consultations carried out, and any problems identified.

No problem areas or issues have been identified at this stage.
However, any Section 75 issues raised as a result of this consultation

exercise will be taken into consideration.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

~~Yes~~ No

Please give details

This is not relevant – the proposed new charging rates apply equally to those who have a potential environmental impact which NIEA has a duty to regulate.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

There is no evidence that the proposed charging rates will have a differential impact on any section 75 group.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

The proposed new charging rates are aligned to NIEA costs in carrying out its regulatory function. There isn't a way of adapting its implementation to promote better equality of opportunity or good relations.

3.7 In relation to Departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

N/A

Section 4

EQIA Recommendation

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

- 4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			X
Effect on people's daily lives.			X
Effect on economic, social and human rights.			X
Strategic significance			X
Financial significance			X

Please give details

The proposed new charging rates are expected to have a low impact on the categories listed.

- 4.2 **In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

No, full EQIA not necessary.

The result of the screening analysis considers that a full EQIA is not necessary, as there are no significant implications for equality of

opportunity or community relations as a result of this proposal.

4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.

N/A

4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?

Please give details

N/A

Section 5

Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment/~~requires a full equality impact assessment.~~

Signed: Gerard O'Neill

Agency/Division: Water Management Unit, Northern Ireland Environment Agency

Date: 14 March 2011

PLEASE FORWARD A COPY OF THE COMPLETED FORM TO:

**DOE BUSINESS PLANNING AND EQUALITY TEAM
ROOM 413B
CLARENCE COURT
10-18 ADELAIDE STREET
BELFAST
BT2 8GB**

QUERIES TO: LAURA McALEESE, EXT 40203
laura.mcaleese@doeni.gov.uk

Section 6

For Completion by the Business Planning and Equality Team

Date

Screening result recorded: _____

Placed on website: _____

Screening out completed: _____

Screening to be reconsidered: _____

Give reasons:

Agency/Division notified date: _____

Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
Gender	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

Appendix 3

Freedom of Information Act 2000 Confidentiality of Consultation Responses

We may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. We can only refuse to disclose information in exceptional circumstances. Before you submit your response please read the paragraphs below on confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department of the Environment in this case. This right of access to information includes information provided in response to a consultation. We cannot automatically consider as confidential information supplied to us in response to a consultation. However, we do have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of its functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and
- its acceptance of confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office at the following address:

Information Commissioner's Office
51, Adelaide Street,
Belfast BT2 8FE

T: 028 9026 9380
F: 028 9026 9388
E: ni@ico.gsi.gov.uk