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OFFERING PRIVATE SEWERS FOR ADOPTION SECTION 102  
WATER INDUSTRY ACT 1991

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## Introduction

There are many kilometres of private sewer within United Utilities region that are not adopted.

Under Section 102 of the Water Industry Act 1991, owners of existing private sewers (including any pumping stations or other associated apparatus) can request the Sewerage Undertaker, (United Utilities) to adopt those private sewers. Lateral drains constructed since 28 May 2004, can also be offered for adoption under Section 102.

Only the legal owners of a private sewer may offer them for adoption and it is sometimes difficult to prove ownership. If the original builder has transferred ownership of the sewers to the householders then this should be relatively easy to establish. If the developer did not transfer them, they may still be in his ownership. A difficulty will arise if the original builder no longer exists.

If the sewer serves a group of homeowners, they could form a residents group and appoint a representative to act on their behalf to deal with the adoption application.

## Definitions

It is necessary to clarify the differences between a sewer, a drain and a lateral drain.

- **Sewers** are pipes carrying sewage from more than one property or premises.
- **Drains** are pipes that carry sewage from a single property or premises to the point of connection with a sewer or to a point of outfall such as a septic tank or watercourse.
- **Lateral Drains** are defined as the pipes from the adopted public sewer back to the boundary of the single property or premises.

## Reason for sewers not being adopted

There are many reasons why sewers have not been adopted, but the following are the most common:-

- **Accessibility**

Location is a major consideration affecting the adoption of sewers. Sewers that are difficult to access are costly to maintain and are a liability to the Sewerage Undertaker. There are particular problems with rights of access for sewers that are not located in public highway.

- **Design Inadequacy**

The pipe sizes and gradients may be inadequate to cater for the flow in them, or the materials used in their construction may be inappropriate for the purpose.

- **Constructional Problems**

The pipes may have been constructed to a poor standard initially or may have deteriorated significantly during their lifetime.

- **Builders Decision**

The builder of the sewer may have deliberately decided not to offer the sewers for adoption at the time of construction and ignored the adoption standards at the time in order to provide a cheaper but unadoptable system.

## **How to Progress the Adoption Procedure**

Having decided that you wish to proceed with offering your private sewer(s) for adoption, you should send in a general layout drawing with as much information as possible. This drawing should show the location of the sewers or pumping stations you wish to be adopted in relation to any roads, buildings, trees or other features to enable us to make an initial assessment about their suitability for adoption.

You should also include as much information as possible about the age of the sewers and their method of construction, together with details of any land easements or discharge consents (if any of the sewers discharge to a watercourse), to one of our Wastewater Adoption teams (see contacts Section)

You must also provide confirmation / evidence as to who is the legal owner(s) of the sewers before the adoption can be progressed.

## **Fees**

United Utilities fee for undertaking the assessment of the sewers for adoption will be charged at 2.5% of our estimate of the costs of constructing the sewers proposed for adoption, based upon United Utilities contract rates. There might also be a further legal charge for the preparation of any easements or land transfers required prior to adoption.

We will request payment of the fee once we have agreed that the system is adoptable in principle but before we carry out any inspections on site or appraisal of your CCTV survey. If these inspections subsequently reveal that there are extensive remedial works required which you choose not to carry out, the fee will not be refundable.

## **Procedure**

Section 102 of the Water Industry Act requires the Sewerage Undertaker, before reaching a decision on whether to adopt a private sewer, to regard all the circumstances of the case and in particular to the following points as specified in the Act:-

- Whether the sewer or works in question is or are adapted to, or required for, any general system of sewerage or sewage disposal which the Undertaker has provided, or proposes to provide, for the whole or any part of its area.
- Whether the sewer is constructed under a highway or under land reserved by a planning scheme for a street,
- The number of buildings which the sewer is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings.
- The method of construction and state of repair of the sewer or works.
- In the case whether an owner objects, whether the making of the proposed declaration would be seriously detrimental to him

- In the case of a lateral drain whether the lateral drain has been constructed in accordance with the Building Regulations.

If, having considered the requirements of the Act we consider that the initial assessment indicates that the sewers are suitable for adoption based on their location and general arrangement, you will be requested to provide, at your own expense, two full sets of a 'As Built' drainage layout drawings, showing the following information:-

- A survey of the site showing the layout of roads, buildings etc and the locations of all sewers, manholes and pumping stations to be offered for adoption.
- All 'as built' pipe sizes and gradients with manhole cover and invert levels related to Ordnance Datum.
- Locations of the existing adopted sewerage system showing where the private system connects.

Having carried an appraisal of the 'As built' information provided, you will be advised if we are prepared to progress the adoption of the sewers further and notify you of our fee for processing your application.

If you choose to progress your application, you will need to provide payment to cover the fee and also commission a C.C.T.V. survey of the sewers proposed for adoption by a reputable C.C.T.V. contractor of your own choosing. The sewers should be cleaned by pressure jetting before the survey, so the sewers are clean and free from debris and forward this CCTV survey and report to us for appraisal.

If the sewers or lateral drains were constructed after 31<sup>st</sup> March 1994, you should also provide a copy of the Health and Safety file in accordance with the Construction Design & Management Regulations 1994.

If there is a pumping station to be offered for adoption, you will need to provide detailed engineering drawings, together with details of the machinery specifications and copies of any maintenance manuals along with details of the maintenance history of the station.

Before United Utilities can adopt a pumping station, we need to own the land on which it stands. Therefore the ownership of the land will need to be transferred to United Utilities before adoption. Similarly If there are any access easements or discharge consents required, these must first be concluded in favour of United Utilities.

Having received the drawings, your payment and C.C.T.V. survey, the drawings and survey will be appraised and we will also visit the site to inspect the manhole chambers, pumping station etc. We will then provide you with a report on the remedial works that are considered necessary to enable the sewers and lateral drains to be adopted. We will take into consideration their age and the feasibility of carrying out any remedial works.

If United Utilities agrees to adopt the private sewers, the cost of the future maintenance and upkeep would fall on the company. If the sewers are likely to be a future maintenance problem due to their location, construction or state of repair, United Utilities would not normally consider adoption unless the owner of the sewer carried out whatever remedial works were necessary to bring the sewer up to a satisfactory condition.

If the sewer pipes are too small or laid too flat, they can seldom be repaired to a satisfactory standard. In these circumstances the only alternative would be to re-lay the sewer. However the cost of this may be prohibitive.

If, having received the report, you wish to proceed with the adoption, you will need to have the identified defects rectified and have the works re-inspected by us. You will be responsible for commissioning any further C.C.T.V. surveys to prove that any buried remedial works have been completed satisfactorily.

Once the works have been carried out to bring the sewers up to adoptable standard, United Utilities must serve two months notice on all owners of the sewer(s). If after two months no objections have been received, and providing that all easements, land transfers or other Legal have been concluded the owners will be issued with a vesting declaration stating that the sewer have been adopted as public.

United Utilities will then be responsible for their future maintenance.

### **Right to appeal**

If United Utilities refuse to adopt the private sewers you may appeal to Ofwat  
Anyone who objects to the proposal to adopt may also appeal to Ofwat

This request to appeal should be sent to

Office of Water Services  
Centre City Tower,  
7 Hill Street,  
Birmingham,  
B5 4UA.

### **CONTACT NUMBERS**

Section 102 Applications	01925-679-364
Obtaining Copies of the Public Sewer Record Drawings	0870-751-0101



## Application Form for Section 102 Sewer Adoption

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### A. APPLICANT DETAILS

Name *(company name if appropriate)*

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Contact Name *(if different to above)*

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Address

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Postcode \_\_\_\_\_

Contact Numbers:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

### B. All LEGAL OWNERS OF THE DRAINAGE SYSTEM BEING OFFERED FOR ADOPTION (IF THERE ARE MORE THAN ONE LEGAL OWNER PLEASE PROVIDE THE CONTACT DETAILS ON A SEPARATE SHEET)

Name *(company name if appropriate)*

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Address

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Postcode \_\_\_\_\_

Contact Numbers:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

### C. SITE DETAILS

Site Address

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Postcode \_\_\_\_\_

Are there any outfalls to River, Stream or other watercourse?

Yes

No

If so copies of appropriate consents to be provided

### D. PLAN DETAILS

Submitted Plans must include all the information contained on the Checklist

### E. CCTV SURVEY

- CCTV survey and report to be provided

### F. SECTION 104 AGREEMENT

- Is there a previous Section 104 Agreement Application for these sewers

Yes

No

If yes please provide date \_\_\_\_\_

## **G. PROOF OF OWNERSHIP**

- Land Registry document to be provided

## **H. OTHER DRAINAGE DETAILS TO BE PROVIDED SHOULD INCLUDE**

- The age of the sewers or other works being offered for adoption
- Method of construction
- E.A Land drainage consents for those cases where there is a surface water outfall to a watercourse
- Proposals for future developments draining to these sewers
- CDM Health and Safety Files if site was built after 31 March 1994
- Details of any proposed/existing sewer easements

## **J. PUMPING STATIONS**

### **Pumping Station details should include;**

- As built pumping station drawings
- Pumping Station Operating and Maintenance manuals
- If Emergency Overflow provided Discharge Consent required
- Pumping Station Land Transfer Plans to consist of :  
  
2 copies of a site plan (1:500, maximum size A3), showing the location of the pumping station including compound edged in red and any access required, and  
  
12 copies of correct Land Registry drawings (1:1250, maximum size A3), showing the area to be transferred edged in red.

## **SECTION 102 ADOPTION APPLICATION**

### **TERMS AND CONDITIONS**

Failure to have included any of the above information will result in the assessment being delayed.

I/We confirm that this application is complete and the information supplied as indicated above, is in accordance with the Developers Guide. I/We undertake to pay United Utilities fee of 2½% of United Utilities estimated value of the works.

Signature \_\_\_\_\_

Full Name (Block Capitals) \_\_\_\_\_ Date \_\_\_\_\_