

Making a Section 104 application

The process



This document explains the various stages of the process and provides information on how to apply to have new sewers adopted under Section 104 of the Water Industry Act 1991.

1. Pre-development enquiry

We recommend that when you begin to plan your development, you contact us to agree your site drainage strategy, points of connection to the wastewater network and discharge rates. Early discussion with our Pre-development Engineers can avoid delays in the sewer adoption process.

The team can also provide advice on requisitioning a new public sewer and how to divert a public sewer that might be in the way of your development.

All predevelopment enquiries should be made using the wastewater predevelopment enquiry form.

2. Existing Sewer records

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>.

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans.

3. The Section 104 application

The applicant must complete a 'S104 application form'. This should be completed in full and returned along with the requested supporting documents and appropriate application fee. We will respond within 48 hrs of receipt with a unique reference number which the applicant should quote on all future correspondence. We will confirm payment details and let you know if the application has enough information for us to begin our technical assessment, or we will let you know what information we require.

3.1 Design Appraisal

If your submission is complete, an Engineer will respond to you within 20 working days to advise if your proposals are technically satisfactory or which aspects do not comply with our requirements. We will carry out checks in accordance with our 'Adoptions Engineer Feedback Form'. A completed version of this feedback form will be issued to you following our first technical assessment. Please ensure that you return the feedback form with your comments and amended drawings with any further resubmission. If the completed form is not supplied your application will be classed as incomplete and can not be processed.

Please note that we can charge for additional time spent carrying out assessments of submissions which are incomplete or unsatisfactory.

If the design is substantially changed and requires a full reassessment, you will be charged the minimum application fee.

3.2 Fees/Surety

Once the submission is confirmed as technically acceptable, we will confirm to you the appropriate section 104 fee. This is calculated as 2.5% of the estimated construction cost of the agreed design based on United Utilities contract rates. This fee covers the processing, assessment and inspection of the works.

The Developer is required to provide surety (a list of our approved sureties can be provided on request) or a cash deposit which is calculated as 10% of the estimated construction cost. This value will be confirmed following design acceptance.

3.3 Section 104 sewer adoption legal agreement

The S104 adoption agreement, will be sent once the submission is confirmed technically satisfactory and you will also be advised of the supporting information, drawings etc. that must be included with the signed agreement. An example of the adoption agreement is available for viewing on our website.

A separate legal fee (for the preparation of the agreement) must be paid before the agreement is signed. Please note clauses in the S104 Agreement cannot be amended.

3.4 Starting work before the S104 Agreement is signed

Construction work should not begin until the S104 Agreement is signed. However, as we recognise this may cause delay to some developments and so in certain circumstances and with prior agreement from United Utilities, we may allow work to begin as long as;

- The S104 submission has been assessed as technically satisfactory, and all relevant supporting documentation (as detailed on the approval documentation) has been provided.
- The S104 fees have been paid. Payments can be made by cheque or BACS.
- The 'pre-start' form has been signed (this will be supplied on design acceptance).

Any works on sewers that are intended to be subject to an adoption agreement but do not have a technically agreed design are constructed entirely at the developers own risk.

United Utilities Inspectors will attend a 'pre-start' site meeting for any new development where a completed 'pre-start request has been made and fees have been paid.

Any contractor who wishes to connect to the public sewer must complete a 'Request for permission to work on the public sewer form (part 2)' and receive written approval from United Utilities before work can begin.

3.5 Inspecting the new sewers

During construction we will carry out inspections to check compliance with the S104 Agreement. If improper work, materials or variations are found we will notify the site contact and any defects should be remedied without delay.

Once the site is constructed and over 50% occupied, the developer should apply for the site to be put on 12 month maintenance. To do this we need an 'as built' plan, health and safety file and O and M Manuals (if there is a pumping station). If the surface water drains to privately maintained SuDS (sustainable drainage Systems) we will also need to a copy of the maintenance agreement and plan.

We will inspect all sewer lengths that are being offered for adoption. This could be either a CCTV survey and/or a Light Line survey depending on the pipe material.

We will not adopt any sewers where the survey reveals structural defects or pipe deformation outside the specification for the material used. In the case of structured wall plastic pipes this deformation limit is 5% of the cross sectional area.

If any structural defects or deformation is discovered, the developer will be asked to carry out remedial works and provide another CCTV or Light Line survey as evidence the remedial works have been carried out satisfactorily.

If work is not completed within an agreed timescale, we can use our own contractors to remedy the work and recharge the developer under the terms of the section 104 agreement.

3.6 Provisional Certificate & Maintenance Request

Once the sewers have been constructed and any outstanding remedial works are completed, you should complete a S104 maintenance request form and provide the As built drawings and health and safety file and any other outstanding requirements. We will arrange for our inspectors to carry out a maintenance inspection to confirm that the works are suitable to go on 12 months maintenance and we will issue the provisional certificate.

The Developer will remain responsible for the maintenance and repair of the works for a period of 12 months from the date of issue of the Provisional Certificate.

If emergency works to the sewer are required during the 12 month maintenance period United Utilities reserves the right to undertake the works required and re-charge the cost to the Developer.

3.7 Final Certificate and final adoption

We will inform you 3 months before your maintenance period is due to end, you should check the system and make sure that there are no maintenance issues. When the maintenance is due to end you should complete a final inspection request form. We will arrange for one of our inspectors to carry out the final inspection of the works and advise if any remedial works are required.

Once all remedial works have been completed to our satisfaction, our Engineer will issue the Final Certificate of completion.

The legal vesting/adoption of the sewers will take place shortly after the Final Certificate has been issued once any outstanding legal issues have been completed. This will conclude the developer's obligation under the legal agreement.

4. Sewer diversions

If we have permitted a developer to divert a public sewer, a legal agreement must be in place before any work can commence. If sewers assets are deemed critical there will be circumstances where we will have to carry out the diversionary works, this will be confirmed as early as possible in the sewer diversion application process.

Please see our 'Guide to sewer diversions' on the website for further information.

5. Sewer requisitions

If you cannot connect your development to an existing public sewer without crossing land in third party ownership, and you cannot agree an easement with that third party landowner, you can request that we 'requisition' a sewer using our powers under Sections 98-101 of the Water Industry Act 1991.

If the requisition is agreed, we will construct a public sewer to serve your site. You will be liable for the construction costs and be required to enter into a S98 Agreement with United Utilities to enable a sewer to be requisitioned.

Please see our 'Guide to sewer requisitions' on the website for further information.

6. Abandoning public sewers

Subject to the conditions found within Section 116 of the Water Industry Act 1991 we have the power to restrict or close the use of the public sewer. In order to facilitate new development we recognise that there is in occasion circumstances that arise which lead to a developer requesting the abandonment of a sewer. Before an existing public sewer can be closed, we need to check that there are no other legal users connected to the sewer and understand the impact that a closure of a sewer may have on the rest of the sewer network.

To request to close a public sewer you would need to make an application, please see our 'sewer abandonment guide' on our website for further information.

For further information



[unitedutilities.com/builders-developers](https://www.unitedutilities.com/builders-developers)
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About us

United Utilities is the North West's water company. We keep the taps flowing and toilets flushing for seven million customers every day. From Crewe to Carlisle, we work hard behind the scenes to help your life flow smoothly.