

Transfer of Private Sewers and Lateral Drains Position Statement – Update June 2010

Private sewers and lateral drains are currently the responsibility of the owners and occupiers of the properties that they serve.

Following extensive consultation, and working closely with the Department for Environment, Food and Rural Affairs (Defra), the Welsh Assembly Government issued a decision “in principle” in February 2007 that ownership of those sewers and lateral drains, which connect properties to existing public sewers, should be transferred to the sewerage companies in England and Wales.

Between July and October 2007 Defra and the Welsh Assembly Government undertook a consultation on the options for implementing this transfer. The consultation was followed by a Defra announcement on 15th December 2008, which confirmed that the transfer will be implemented in England from 2011.

The Welsh Assembly Government’s Strategic Policy Position Statement on Water (March 2009)

On 31st March 2009 the Welsh Assembly Government launched their Strategic Policy Position Statement on Water. The statement set out the approach that the Assembly Government intended to take in our area to manage water resources and the transfer of private sewers and lateral drains.

The proposals in the statement relating to private sewers and lateral drains can be summarised as follows:

1. In an attempt to stop the construction of new private sewers the Welsh Assembly Government will continue to work with key stakeholders to ensure that all new household sewers are built to a standard suitable for adoption by the Water and Sewerage Companies;
2. Local authorities, the Environment Agency and the Welsh Assembly Government will proactively share their knowledge of the most severe private sewer problems to enable Welsh Water to prioritise these issues and allow work to commence on the worst affected cases as soon as possible after transfer;
3. The Welsh Assembly Government will pursue the development of regulations in 2011, which will facilitate the transfer of private sewers.

Current Ministerial View

In April 2010 Jane Davidson, Minister for Environment, Sustainability and Housing, agreed to:

- Work with the Department for Food, Environment and Rural Affairs (Defra) to develop joint Regulations which will facilitate an overnight automatic transfer of private sewers and lateral drains to public sewer networks in October 2011 in England and Wales, and;
- Issue a joint Consultation with Defra later this year on the proposals for Regulations to facilitate the transfer of private sewers and lateral drains to water and sewerage companies in England and Wales. The consultation will include a joint Government Response with Defra to the 'Consultation on Private Sewers Transfer – Implementation Options 2007'.

Supplementary Information

The additional information below is intended to give some guidance on particular aspects of the transfer, based on current documentation published by the Welsh Assembly Government.

It is stressed that the actual details are to be determined by the Welsh Assembly Government.

- a) A private sewer is the section of wastewater pipework that serves two or more properties but is not the current responsibility of the Water and Sewerage Company. A lateral drain is the section of wastewater pipework serving a single property (or several properties within a single curtilage) which lies beneath third party land, such as a road or neighbours garden – see Figure 1, below.

Responsibility for the maintenance and repair of private sewers and lateral drains currently rests with the owners and occupiers of properties that drain through the pipe.

- b) We understand that the transfer will apply to private foul, combined and surface water sewers and lateral drains for domestic and non-domestic properties, which connect to existing public sewers.
- c) We understand that the transfer will be automatic and overnight meaning that assets will transfer to Welsh Water at a specific time and date.
- d) All existing private sewers and lateral drains, which drain by entirely by gravity before connecting to the existing public sewer network, are likely to be included in the first phase of any transfer.
- e) The lengths of private drain that serve a single property and fall within the boundary of that property are not included in any current proposals for transfer.

- f) Existing private sewage pumping stations, rising mains (see Figure 1, below) and the gravity sewers and lateral drains that discharge into them are likely to be included in the transfer but may form part of a later phase.
- g) Existing private sewage treatment plants (which are not connected to the existing public sewerage system) and the drainage systems that connect with them are not included in any current proposals for transfer.
- h) Existing Local Authority sewers and lateral drains, (which meet the criteria above) serving areas of former council properties, are expected to be included in current proposals for transfer.
- i) Highway drains, land drains and open or culverted watercourses are not expected to be included in any current proposals for transfer.
- j) The future ownership of private surface water sewers that drain to watercourses, tidal reaches or other land drainage systems has not been decided.
- k) Where new sewers are installed by developers as part of property developments, these are private initially, but they are generally adopted as public sewers once they are complete, provided that they conform to certain standards.

There are currently a large number of recently built developments in our area where the developers have not completed the sewerage systems to the agreed standards, and they remain private.

It has not been decided whether the sewers on these sites will transfer automatically to Welsh Water, or whether the developers will be required to meet their obligations and bring the sewers to an appropriate standard before any adoption takes place.

- l) It is intended, under the preparations for transfer (Bullet 2, above), that the worst case private sewers would be identified through liaison between Welsh Water, Local Authorities, the Environment Agency and the Assembly Government and prioritised for future investment.
- m) We expect that Local Authorities will hold valuable information on historic and ongoing private sewer problems in their area and that these records will be used to identify many of these problem sites for this prioritisation work.
- n) Similarly, we consider that the Environment Agency will hold useful information, where private sewers contribute to known pollution problems, which may assist in the identification of problem sites for this prioritisation work.
- o) We expect that Local Authorities will also hold some valuable records on the location of private sewers (and some lateral drains) which may assist Welsh Water in the future management of these assets. We intend to work closely with these authorities over the coming months.

- p) There will be an increase in customer bills for all sewerage customers following the transfer. OFWAT have indicated their assessments of the range of the likely costs for us and the other Water and Sewerage Companies.
- q) There is likely to be an expectation that all historic problems with private sewers will be dealt with immediately after any transfer takes place. It is important for all involved to recognise that, just as with the existing public sewers, all improvement works have to be planned and prioritised, and carried out at a rate that customers are able to afford as part of their sewerage bill.
- r) It is important that property owners continue to maintain existing private systems until they are transferred and that, until an overnight transfer of all assets takes place, Local Authorities and the Environment Agency use their powers of enforcement to protect public health and the environment.

Figure 1 – Example drainage layout and relevant terms

