



## **Transfer of Private Sewers and Lateral Drains Position Statement – Update September 2010**

### **Background**

Private sewers and private 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 15<sup>th</sup> December 2008, which confirmed that the transfer will be implemented in England from 2011.

Whilst Welsh Water operates the sewerage network in some border communities within England it is the approach being taken by the Welsh Assembly Government that will apply to all Welsh Water sewerage customers.

On 31<sup>st</sup> March 2009 the Welsh Assembly Government launched their Strategic Policy Position Statement on Water. The statement set out the intention of the Assembly Government to work towards the development of Regulations in 2011 to enable the transfer of private sewers. Additional information on the detailed content of this position statement can be found on the Welsh Assembly Government website at the following address:

<http://wales.gov.uk/topics/environmentcountryside/epg/waterflooding/policystatement/;jsessionid=fFnTMGCV2xTcJsFzvydhRLqyTNNJkhsSYWZRxsNrjYtjH3hsnPJs!235090802?lang=en&ts=4>

## Welsh Assembly Government Consultation on the Draft Regulations (August 2010)

On 26<sup>th</sup> August 2010 Defra and the Welsh Assembly Government released a joint consultation on the draft Regulations that will support the transfer of existing private sewers and lateral drains to the Water and Sewerage Companies in England and Wales.

The consultation is aimed at refining the content of the Regulations and not in revisiting previous Government decisions over the need for a transfer or how this will be achieved.

The consultation poses 5 questions on specific areas of the draft Regulations, although any other technical comments on the content, or importantly gaps within the draft Regulations will be welcomed.

Further details on the consultation can be found on the Welsh Assembly Government website:

<http://wales.gov.uk/consultations/environmentandcountryside/privatesewertransfer/?lang=en&ts=4>

The consultation closes on 18<sup>th</sup> November 2010.

The draft Regulations have provided further clarification on the intended scope and timing of the transfer. In the following section we have set out what we believe the current position of the Welsh Assembly Government means for our customers.

### Supplementary Information

The additional information below is intended to give additional 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 following the latest consultation exercise.**

- 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 private 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 private lateral drains currently rests with the owners and occupiers of properties that drain through the pipe.

- b) The draft Regulations suggest that the transfer will apply to private foul, combined and surface water sewers and private lateral drains for domestic and non-domestic properties, which connect to existing public sewers.

- c) The consultation on the draft Regulations confirms that the proposed transfer will be automatic and overnight meaning that assets are expected to transfer to Welsh Water on 1<sup>st</sup> October 2011.
- d) All existing private sewers and private lateral drains, which drain by gravity before connecting to the existing public sewer network, are likely to be included in the transfer. We expect this to include those private sewers and lateral drains that lie upstream of private sewage pumping stations.
- e) The draft Regulations suggest that private sewage pumping stations (and the rising mains that carry pressurised flows to the nearest gravity sewer – see Figure 1, below) will not be included in the October 2011 transfer. We expect that these assets will form part of a later transfer phase.
- f) 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.
- 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 the transfer.
- i) The draft Regulations specifically exclude highway drains from being included in the transfer. Whilst land drains and open or culverted watercourses do not receive the same clarity they are not expected to be included in the current transfer proposals.
- j) 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.

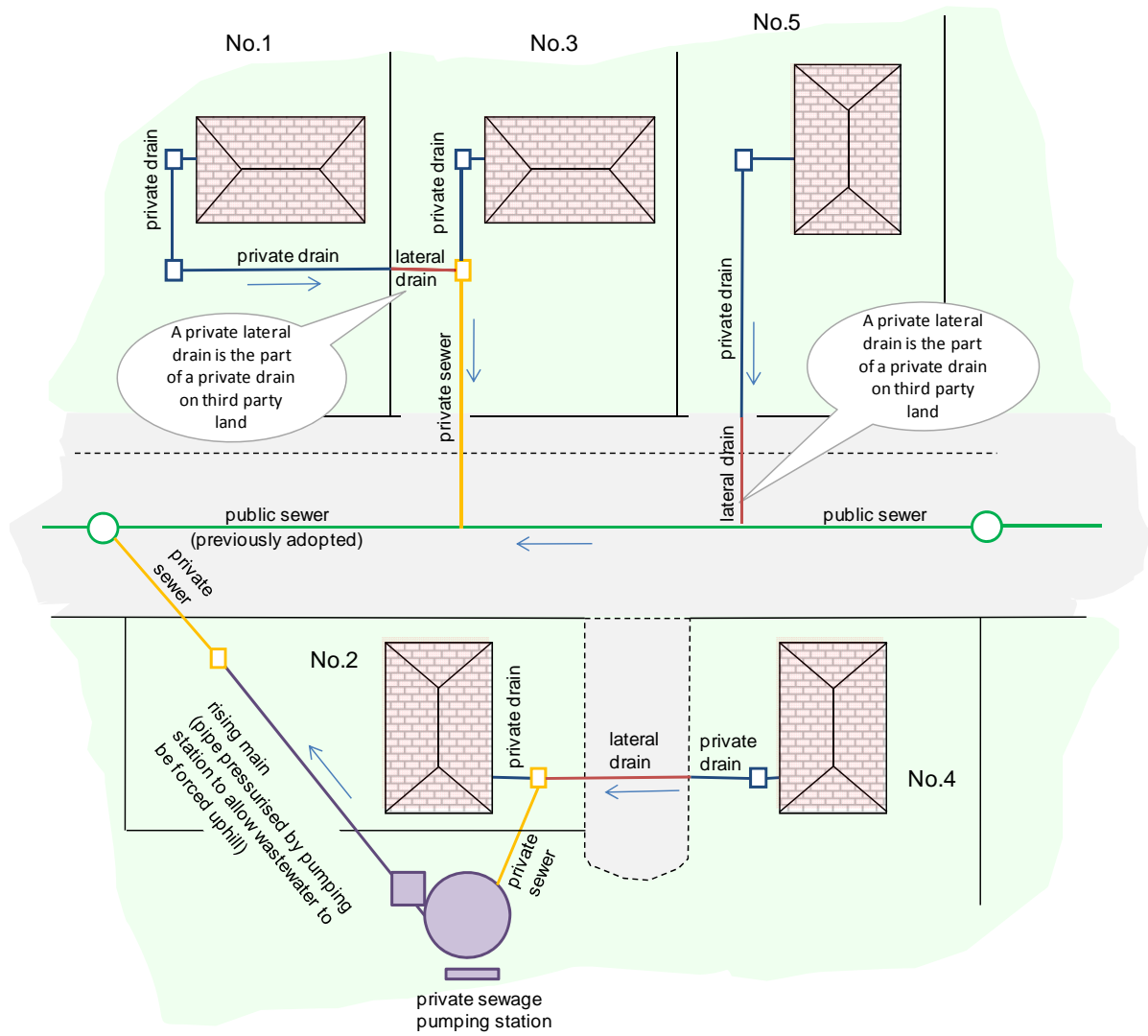
It is expected that the unadopted sewers and lateral drains on development sites, constructed before 1<sup>st</sup> April 2011, will transfer automatically to Welsh Water on 1<sup>st</sup> October 2011. It remains unclear whether developers will be required to meet their obligations and fund any necessary improvements to these drainage systems.

- k) We expect that the Environment Agency and local authorities will also hold some valuable records on historical problems and on the location of private sewers (and some private lateral drains) which may assist Welsh Water in the future management of these assets. We intend to work closely with these authorities towards sharing information in the lead up to the transfer.

- l) There will be an increase in customer bills for all sewerage customers following the transfer. Ofwat, the economic regulator for the water industry, have indicated their assessments of the range of the likely costs for us and the other Water and Sewerage Companies. More detail on this can be found in the Regulatory Impact Assessment that accompanies the latest consultation.
- m) There is likely to be an expectation that all historic problems with private sewers and lateral drains 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 bills.
- n) 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, showing relevant terms and the likely impact of the transfer**


Properties 1, 3 and 5 constructed after 1<sup>st</sup> October 1937. Properties drain by gravity into public sewer.



Properties 2 and 4 constructed after 1<sup>st</sup> October 1937 below road level and unable to drain by gravity into public sewer. Drainage travels by gravity into private sewage pumping station from where it is pumped upwards through purple pipe to a higher level.

← Direction of flow

**KEY**

- **Private drain – pipe serving a single property.** (Responsibility currently rests with property owners & occupiers.)  
Private drains (within the property boundary) will remain the responsibility of the property owners and occupiers after October 2011
- **Private lateral drain – pipe serving a single property and lying outside of the boundary of that property, which has not been adopted by Welsh Water.** (Responsibility currently rests with property owners & occupiers.)  
The ownership and maintenance responsibility for gravity private lateral drains is expected to transfer to Welsh Water in October 2011
- **Private sewer – pipe serving 2 or more properties, which has not been adopted by Welsh Water.** (Responsibility currently rests with property owners & occupiers.)  
The ownership and maintenance responsibility for gravity private sewers is expected to transfer to Welsh Water in October 2011
- **Public sewer – pipe serving 2 or more properties, which has been adopted through statute or agreement by Welsh Water and which they already own and maintain.** (Responsibility currently rests with Welsh Water.)
-  **Private sewage pumping station and pumped 'rising main', which has not been adopted by Welsh Water.** (Responsibility currently rests with property owners & occupiers.)  
Private sewage pumping stations are expected to remain the responsibility of the property owners and occupiers after October 2011