

Transfer of private sewers and lateral drains to water and sewerage companies in Wales

What are private sewers and lateral drains?

Private sewer

A private sewer is a pipe not owned and cared for by the water and sewerage companies that carries water from more than one property. They are currently maintained by the owners or occupiers of the properties connected to them.

Many property owners are unaware that they may have a sewer located on their property for which they are responsible.

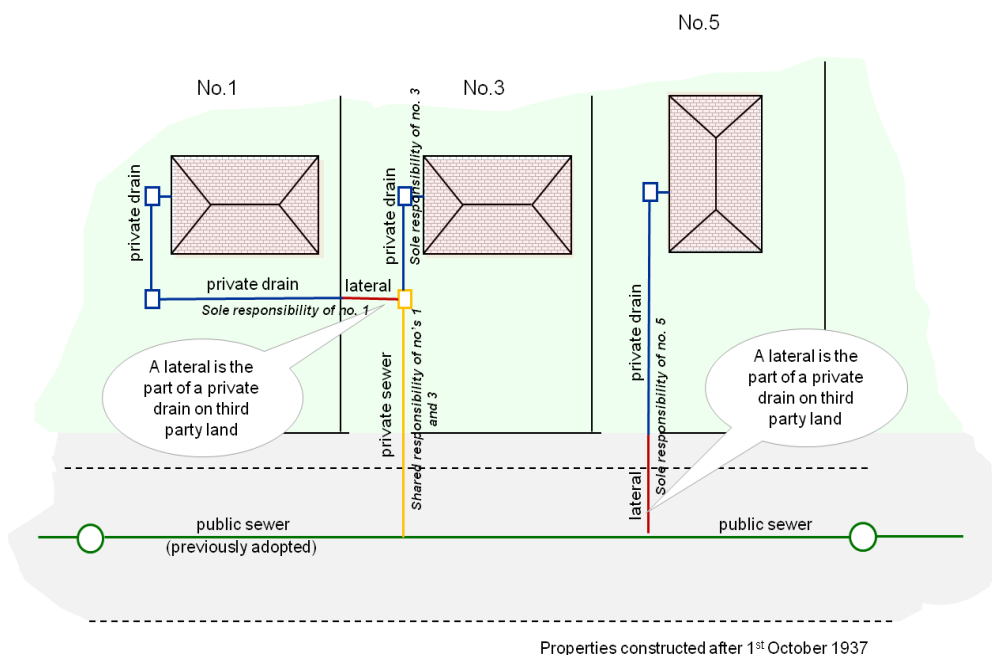
As a result, private sewer owners often have a poor understanding of their responsibility for maintenance and repair and no arrangement for co-operation between property owners who have shared responsibility.

The costs of repairing or maintaining a private sewer are often unexpected and sometimes prohibitively expensive.

Lateral drain

A drain is a pipe that carries water from a single property to a public sewer. Drains belong to the owner of the property they are connected to, even if they go under someone else's property. Nearly every property has a private drain, and the property owner is responsible for their maintenance and repair. Some properties have shared drains, such as a block of flats. Owners of these properties are jointly responsible for their drains.

A lateral drain is the part of a drain which lies outside the property boundary. Lateral drains connect either to a private sewer that drains to a public sewer, or directly to a public sewer. Laterals are the responsibility of individual property owners. Laterals may lie under private or public land, including highways.



Background

Our Strategic Policy Position Statement on Water published in 2009 sets out the Welsh Government's commitment to pursue the development of Regulations in 2011 to facilitate the transfer of private sewers and lateral drains in Wales. This followed the UK Government's announcement on 15 December 2008 that transfer would take place from 2011.

These Government commitments followed an extensive review of private sewer ownership which examined the problems their ownership presented.

Private sewers and lateral drains are currently the responsibility of their owners, who are generally the owners and occupiers of the properties they serve. It has been estimated that up to 50 per cent of properties in Wales and England are connected to a private sewer. There are no comprehensive records of where private sewers are located or what condition they are in.

Typically, unless a problem occurs, householders are often unaware that they are responsible for a private sewer or lateral drain or both serving their property, even when it continues beyond their property boundary. Where problems do occur, the costs associated with maintaining and repairing private sewers can be high and are sometimes spread over just a few households, resulting in considerable financial burdens for those responsible for them. Disputes can occur over contributions to repair, for example a sewer may serve and collectively be the responsibility of perhaps ten properties. A particular blockage may only affect the last four properties and the remaining six properties may decline to pay towards the costs of repair. It is also possible that the blockage has occurred in a property unaffected by the

blockage and the owner refuses to allow access to that property for repair. This disparate ownership, together with a lack of planned maintenance, means that society does not gain the benefit that integrated management of the sewerage system as a whole would bring.

The review of private sewers looked at a range of options to deal with the problems that ownership presented. After careful consideration, the Welsh Government concluded that transfer provided the most comprehensive solution to these problems and to removing unfair burdens of maintenance and repair from householders.

Decisions how the transfer will be implemented have been agreed following research, stakeholder engagement and a joint Government consultation on 'Private Sewers Transfer – Implementation Options' which was held between July and October 2007.

Throughout this process, respondents have consistently expressed a preference for an automatic overnight transfer of existing private sewers and lateral drains.

How has this decision been made?

The Welsh Government and the Department for Environment, Food and Rural Affairs (Defra) consulted on the proposed Regulations and Schemes for the transfer of private sewers and lateral drains to water and sewerage companies in England and Wales between 26 August and 18 November 2010. As part of the consultation exercise the Welsh Government and Defra held four consultation workshops, two in Wales and two in England, during October and November. The workshops were well attended and provided an opportunity for stakeholders to share practical experiences and comment on the draft Regulations. They also explored how stakeholders could work together to share information and communicate the implementation of the transfer.

Over one hundred responses to the consultation were received in England and Wales. The Welsh Government has worked with Defra to analyse the responses to the consultation and prepare a summary of responses.

The summary of responses and Government response was published on 31 March 2011. The responses to the consultation will inform the final drafting of the Regulations.

The Regulations were agreed by the National Assembly for Wales on 21 June 2011 and enforced on 1 July 2011.

When will the transfer happen?

The Regulations for the transfer came into force on 1 July 2011 with an overnight transfer of ownership and responsibility to the sewerage companies occurring 1 October 2011.

The only exceptions to the transfer are:

- a) Private sewage pumping stations and their rising mains. The WaSCs are required to adopt on a phased basis, with all pumping stations transferred to the ownership of the WaSCs by October 2016. Private sewage pumping stations require different skills and resources to manage and repair, and the water industry has asked for more time to transfer these assets.
- b) Private surface water sewers that drain directly to watercourses
- c) Privately owned sewage treatment works, septic tanks and cesspits; and
- d) Private drains within the property boundary.

Why will the transfer happen?

Both the UK and Welsh Government consider transfer provides the only comprehensive solution to a range of private sewer and lateral drain problems faced by householders. It will also significantly help address a lack of integrated management of the sewerage network as a whole, and provide greater efficiency of effort, environmental stewardship and expenditure. It is also proposed that all new sewers connecting to the public sewerage network are built to a specified standard and automatically adopted as part of the public network.

Who will pay for the transfer and how much will it cost?

The cost of the transfer will be met by an increase in the sewerage element of customer bills. It is currently estimated that the increase will be between £3 and £14 per annum. However, as water and sewerage companies are unaware of the exact extent and condition of private sewers until the transfer takes place, the exact cost of the transfer is unclear.

What benefits will the transfer bring?

The benefits that the transfer will bring are:

- a) Greater clarity over ownership
- b) More effective management of the sewerage network; and
- c) Removal of the burden of maintenance from householders by spreading the cost across all customers.

Do I need to inform my sewerage company if I have a private sewer or lateral drain?

No, you don't need to do anything in order for your pipes to transfer. Any pipes that meet the transfer criteria will transfer automatically.

How will the Welsh Government ensure that this situation is not repeated?

In February 2011 the Welsh Government published a new Strategic Policy Position Statement on Water which provided an update on the position reflecting key developments in water policy in Wales over the last two years and highlights areas that will be a priority in the future.

The revised statement included the following commitments:

- The Welsh Government wish to prevent the creation of further private sewers and will work with the UK Government to implement the provisions in the Flood and Water Management Act 2010 which will ensure adoption of all new sewers
- The Welsh Government will ensure new sewers are of an adoptable standard, and we will publish with the UK Government, minimum build standards
- The Welsh Government will work with Dŵr Cymru Welsh Water, local authorities and other stakeholders with an interest to determine levels of service delivered by transferred sewers and identify where action on private sewers is most needed

How will I receive further information about the transfer?

Dŵr Cymru Welsh Water will be directly contacting every household in the next few weeks with information on the transfer. Further details are available on their website at:

http://www.dwrcymru.com/eng/company_information/business_operations/private_sewers/index.asp

Legislation and Regulations

Powers to implement the private sewer and lateral drain transfer were taken in amendments to section 105 of the Water Industry Act 1991 introduced by the Water Act 2003.

Transfer has been enforced by the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The Regulations require the sewerage companies to notify all of their customers of their intention to take over responsibility for all private sewers and lateral drains in their areas, as specified in the scheme made by Welsh Ministers.

The notices will be statutory notifications under section 102 of the Water Industry Act 1991 of the proposal to take ownership of the sewers specified in the notice.