

# Guide to offering existing private sewers for adoption

## Section 102

This document provides information on how to offer existing private sewers for adoption by United Utilities under Section 102 of the Water Industry Act 1991.

### 1.0 General information

If the sewer being offered for adoption was built and connected to the public sewer on or before 1st July 2011, it may already have transferred ownership to United Utilities by virtue of the 2011 Private Sewers Transfer Legislation.

Only the legal owners of a private sewer (including pumping stations and other associated apparatus) can offer them for adoption and therefore, the applicant must be able to prove ownership.

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

#### 1.1 Reasons why a sewer may still be private

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 there are particular problems with rights of access for sewers that are not located in the 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.

### 2.0 The application process

#### 2.1 Your application

If you want to offer your private sewer(s) for adoption you should complete a **S102 application form**, which you will find in this pack.

Along with your application you will be asked to provide two full sets of 'As Built' 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, materials 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.

We will use this to make an initial assessment about the sewers suitability for adoption.

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

### For further information



[unitedutilities.com/builders-developers](http://unitedutilities.com/builders-developers)  
[SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk)



United Utilities Water, Developer Services,  
Grasmere House, Lingley Mere, Warrington WA5 3LP

## Legal requirements / discharge rights.

If your surface water sewers discharge to a watercourse, the first step is to ensure UU can obtain discharge rights through what is known as a Deed of Grant of Easement.

A Deed of Grant of Easement is a document that is registered with the Land Registry, which provides on-going rights of discharge. The land owner needs to sign up to this document. Within it, there are obligations on the landowner which contains what is referred to in legal terms as negative covenants – an example being that the outfall would be that it has to remain accessible, so the landowner cannot install fencing over it.

To support your application, if you can provide a plan showing the position of the outfall pipe and headwall (where the pipe discharges to the watercourse) and provide a name and contain details of the land owner, our legal department can verify this with land registry searches.

In this scenario, it is recommended that you ensure that the discharge rights can be obtained, before paying for any surveys/ remedial works etc.

## 2.2 Initial assessment

We will review your application against specific criteria specified in the Water Industry Act 1991 to understand if the sewers are suitable for adoption. An application fee of £1,753.02 is payable on submission of your application.

Once we have completed the review, we will let you know if we are prepared to progress the adoption of the sewers and will notify you of the applicable fee.

## 2.3 Detailed assessment and fees

Our fee for the assessment of the sewers for adoption will be charged at 2.5% of our estimate of the costs of constructing the sewers, 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. This fee is non-refundable.

If you want to continue with your application, you will need to provide payment to cover the fee and also commission a CCTV survey of the sewer(s) proposed for adoption by a reputable CCTV contractor of your own choosing. The sewer(s) should be cleaned by pressure jetting before the survey, so they are clean and free from debris. The survey and report should be forwarded to us for review.

If the sewers or lateral drains were constructed after 31st March 1994, you should also provide a copy of the Health and Safety file in accordance with the Construction Design and Management Regulations 2015.

## 2.3.1 Pumping stations

If a pumping station is being 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 easements or discharge consents required, these must also be concluded before the adoption can be completed.

## 2.4 Remedial works

Once we have reviewed the CCTV survey and Health and Safety file (if applicable) we will visit the site to inspect the apparatus.

We will provide you with a report on any remedial works that must be carried out before the adoption can be completed. We will take the age of the sewers and the feasibility of completing the works into account when producing our report.

If we agree to adopt the private sewers, we will become responsible for the cost of the future maintenance and upkeep. If the sewers are likely to be a future maintenance problem due to their location, construction or state of repair, we would not normally consider adoption unless the owner of the sewer carried out remedial works to bring them up to a satisfactory condition.

If the sewer pipes are too small or laid too flat, it is possible that the sewer may need to be re-laid.

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 CCTV 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 Agreements have been concluded, the owners will be issued with a vesting declaration stating that the sewers have been adopted as public.

United Utilities will then be responsible for their future maintenance.

## 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.