

Item: 4

The Following was originally circulated by email to the Committee in August 2016

Adoption of Private Sewers and Pumping Stations

To: Overview and Scrutiny Committee

By: Corporate Scrutiny and Overview Officer

Summary: This report provides information on the adoption of private sewers and pumping stations by sewerage companies.

1. Background

- 1.1 The committee received a presentation from Southern Water at its meeting of 26th January 2016 where the adoption of private sewers was raised. This issue was further discussed at the meeting of 24th May 2016 in respect of the committee's annual report.
- 1.2 The **Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011** (the regulations) set out a timetable for the transfer of private sewers, lateral drains and pumping stations into the ownership of sewerage undertakers beginning on 1st October 2011 and finishing on **1st October 2016**.

2. Transfer programme

- 2.1 Privately owned **sewers** (shared or used by more than one property) and **lateral drains** (serving a single property) which drained to existing public sewers on or immediately before 1st July 2011 automatically became the responsibility of sewerage undertakers on 1st October 2011.
- 2.2 Private **pumping stations** connecting to pipework transferring under the above arrangements are expected to transfer progressively between 1st October 2011 and 1st October 2016, with any outstanding pumping stations transferring on 1st October 2016 under the terms of the notice of proposals to adopt (see paragraph 2.6) given by the sewerage undertaker.
- 2.3 Gravity lateral drains and sewers upstream of private pumping stations which are eligible for transfer will be adopted automatically on **1st October 2011**. If surcharges occur in such pipework as a result of inadequate maintenance by the owners of a private pumping station yet to be transferred, the sewerage undertaker will be expected to fulfil

their statutory duty to cleanse and empty the sewers to ensure they continue to drain the premises they serve.

2.4 **Surface water sewers** (including combined systems) which connect to a public sewer on 1st July 2011 will transfer automatically to the relevant sewerage undertaker.

2.5 Sewerage undertakers were required to **serve notice** (by post and publication in local newspapers) to owners of lateral drains and sewers on or soon after the 1st July 2011 to inform them of the proposal to transfer assets to its ownership. For pumping stations, sewerage undertakers are required to give **individual service of notice** once a date for transfer of the pumping station is decided. Southern Water published the combined notices (attached as appendix 1) on 29th July 2011.

3. Restrictions on transfers

3.1 Several drainage systems in private ownership are **exempted** from the transfer programme and will not be adopted by sewerage undertakers, including:

- i. Private drains and sewers not connected to a public sewer.
- ii. Private sewers draining directly to a public treatment works.
- iii. Surface water sewers which drain to a river or outlet other than the public sewer.
- iv. Ponds, swales and wetlands to which surface water sewers drain.
- v. Surface water sewers which discharge directly to a soakaway or watercourse.
- vi. Pumping stations with a rising main which serve one property from within that property's curtilage.
- vii. Pipes owned by a Railway Undertaker, regardless of location.
- viii. Pipes situated on or under Crown Land where the managers of the land (for example, the Ministry of Defence) have notified the sewerage undertaker prior to 1st July 2011 that they will not be transferred.
- ix. Drains owned by a highway authority.
- x. Private sewage treatment works - although these may be transferred through an agreement under section 102 of the Water Industry Act 1991.

3.2 In instances where the owners of private pumping stations have entered into maintenance contracts to ensure asset operability, sewerage undertakers will not be obliged to honour any agreements entered into once ownership transfers.

4. Appeals

- 4.1 Appeals against the transfer of drains and sewers to the sewerage undertaker could be lodged to Ofwat within **two months** of the notice being served.
- 4.2 Appeals against the failure of a sewerage undertaker to adopt a sewer, lateral drain or pumping station must be made to Ofwat within **three months** of the date of the transfer scheme.

5. Current status in Ashford

- 5.1 As noted in paragraph 2.6, sewers and lateral drains transferred to Southern Water's ownership on 1st October 2011. Of six **pumping stations** owned by the Borough Council, two have presently been accepted for transfer to Southern Water and two have been rejected for transfer on the basis that they are exempt from the regulations.
- 5.2 The remaining two sites are still awaiting confirmation from Southern Water as to the status of a transfer; however as per the notice of proposal issued by Southern Water, these sites will transfer out of the Borough Council's ownership on **1st October 2016** if they have not been adopted prior to this date.
- 5.3 Any failure on the part of Southern Water to adopt pumping stations in the Borough Council's ownership will not be known until after the transfer deadline of 1st October. Therefore, it may be prudent not to scrutinise the transfer process until the October committee meeting (after the transfer scheme should have been completed) in order that, where necessary, recommendations can be made to pursue an appeal to Ofwat regarding any failure to adopt.

The committee is asked:

- **If they require any further information or clarification on the content of this report.**