

Your guide to first time sewerage (Section 101A of the Water Industry Act)

What is Section 101A of the Water Industry Act?

Legislation under Section 101A of the Water Industry Act 1991 came into force on 1st April 1996. The legislation states that it shall be the conditional duty of a sewerage undertaker to provide a public sewer for existing properties if;

- The property produces domestic sewerage
- The property includes buildings
- There is no existing connections directly or indirectly to the public sewer
- That the existing drainage is giving or is likely to give rise to adverse effects to the environment or amenity

However, the water company shall also take into consideration the practicability of providing the public sewer in comparison with other options.

The duty does not arise if there is only one building involved. The definition of building excludes sheds, glasshouses or other outbuildings not intended for human habitation.

This duty does not change existing regulations under Section 98 of the Water Industry Act 1991 which says that any owner, occupier or local authority can demand the installation of a public sewer as long as they meet the cost of it. Section 98 continues to apply where no environment or amenity problems are involved and in the case of new development.

Do I qualify for a detailed assessment?

The duty applies only to buildings not connected to mains drainage, for example private systems running to septic tanks or cesspools or directly to a watercourse.

Most importantly, an environmental and/or amenity problem must exist or be likely to arise. This covers problems such as the pollution of a ditch, stream or river, smell, nuisance or public health problems, as long as the provision of a public sewer is considered to be a practicable and cost-effective solution.

The premises in question must have buildings on them. Isolated single properties are not included.

What buildings qualify?

Domestic dwellings designed or occupied as living accommodation, but not sheds, garages, stables or other outbuildings.

For Industrial/commercial buildings (Shops, Factories, Public Houses, Hotels etc.) we would only be responsible for assessing the domestic effluent (wastewater from flushing toilets, kitchens and washing etc.).

What should I consider before asking for a public sewer?

Firstly, we suggest you look at the problems that you have with the current drainage system. Consider whether it is possible to solve your drainage problem by repairing structural damage or replacing the existing system. Alternatively, improved maintenance of the system, e.g., regular emptying or desludging the contents of the unit, could be a solution.

Carry out a review of how surface water/rainwater is disposed removed from the property. Septic tank systems and Sewage Treatment Plants cannot accept any rainwater, either from downpipes or surface drains. This is because the septic tank should be sized to deal with the volume of effluent produced by a specific population. This sizing ensures that the sewage remains in the septic tank long enough for full settlement to

occur. If rainwater enters the tank, then the flow rate through the septic tank increases and adequate settlement does not occur. The resulting effluent would then contain so many suspended solids that it would very quickly compromise the soakaway

In the case of sewage treatment plants, if rainwater enters the system then the sewage does not stay in the plant long enough for digestion to take place and the sewage leaves the plant untreated.

Do I have to pay for the detailed assessment?

No, South West Water pays for the assessment work, with the costs being recovered through the general water and sewerage charges payable by all our customers.

What should I do if I think my property is eligible?

If you want your property to be assessed to determine if we have a duty for the provision of a public sewer under S101a, please fill in South West Water's First Time Sewerage Application form and return it to us.

Any supporting material that is available, including letters, documents, notices from the Environmental health Authority or Environment Agency, newspaper reports etc. should also be submitted.

It is not necessary for you to submit any technical information, detailed appraisals or professionally prepared studies and designs of the options but, if any of these are available, it would be helpful if you could include these with the application.

How will you consider my application?

At South West Water we will assess all applications for provision of a public sewer under Section 101A, in line with the official guidance;

GUIDANCE ON THE PROVISION OF A PUBLIC SEWER UNDER SECTION 101A OF THE WATER INDUSTRY ACT 1991 issued by the Department of the Environment, Food and Rural Affairs (DEFRA).

As part of the assessment the guidelines require us to look at a wider area than just the applicant properties to determine if a duty exists for a particular locality. On receipt of an application we will look at the applicant properties and those in the vicinity and advise the applicant of the wider area properties we will be considering.

We will visit each of the properties identified in the wider area to look at their current drainage arrangements and gain information of the type of systems and maintenance regimes. We cannot force anyone to let us in and if we are not allowed to look at a properties drainage we will do our best to make our determination on the information we can gather without entering the property.

A desk top exercise will be undertaken to gather relevant information, this will include liaising with the local Environmental Health Officer and the Environment Agency.

When assessing whether a duty applies, we will consider whether the problem with the sewerage system could be rectified cost-effectively by repair or proper maintenance of the existing systems. When this information has been gathered we will then consider the options, costs and benefits in accordance with the guidelines to determine if we have a duty to provide a public sewer.

We will be responsible for providing a public sewer if our assessment:

- Confirms the existing drainage is giving or is likely to give rise to adverse effects to the environment or amenity
- and
- Identifies that a public sewer is the most cost effective and practical way to provide satisfactory drainage.

When and how will I know what South West Water's Decision is?

Typically we aim to have concluded our assessment within 12 months of receipt of the application. We will then write to the person or body acting as the application co-ordinator with our Decision. If it is refused the reason(s) for refusal will be set out in full.

How long does it take to provide a new sewer?

If we agree to provide a new sewer, South West Water aim to provide it within 5 years of the decision. This will depend on circumstances such as time needed for land purchase, obtaining planning permission and so on, as will the priority of the project within our overall capital programme.

What can I do if I disagree with South West Water's assessment?

Any owner or occupier of any premises seeking provision of a public sewer (irrespective of who made the approach in the first instance) who disputes either the decision or the time within which the public sewer will be provided, may refer the decision to the Environment Agency. The Agency will handle referrals in accordance with their procedures and policies.

The decision given by the agency in response to a referral is final. However the agency may also make recommendations or give guidance on the most appropriate way of overcoming the dispute.

Who pays for constructing the public sewer if it goes ahead?

We pay for the work, with the cost being spread across all our customers through our annual sewerage charges.

What costs are the owner / occupier liable?

- A one-off fixed infrastructure charge that we make to new customers connecting to the public sewerage network and inspection of the physical connection to the new public sewer
 - www.southwestwater.co.uk/developercharges
- The cost of laying a house drain from the building to the point where it connects to the lateral pipe from the main sewer
 - *You can use a private drainage contractor to carry out this work*
- The cost of laying the private lateral pipe, which is normally in the street from the public sewer to the boundary of your property
 - *You can use a private drainage contractor to carry out this work*
- The cost of abandoning and making safe the existing drainage system when superseded by a connection to the public sewer
 - *You can use a private drainage contractor to carry out this work*
- Annual sewerage charges
 - www.southwestwater.co.uk/bills/tariffs-and-charges/

Which properties can benefit from the provision of a new public sewer?

It is not necessary for all the properties in a location to have an environmental or amenity problem with their existing drainage. If it were decided that a public sewer should be laid, and it is accessible to other properties, it would be open to householders to connect to the new sewer when it is constructed, even if we do not have a duty under S101A to provide a public sewer.

Are householders obliged to connect to the public sewer when it is laid?

South West Water has no powers to force people to connect, but it is in the interests of each householder to connect to the public sewer. The potential environmental or amenity benefits will not be achieved if properties are not connected.

If a householder decides not to connect and their existing non-main drainage system is contributing, or likely to contribute, to an environmental or amenity problem, the Environment Agency or the local authority may take action to remedy the problem, which may include connecting to the sewer.