

Guidance on our adoption of lateral drains and sewers

This document outlines some useful information about Regulations that were brought in back in 2011 to transfer the ownership of any private sewers, lateral drains and pumping stations to regulated sewerage companies in England and Wales.

The Regulations came into effect on 1 October 2011 and specified that:

- any private sewers and lateral drains connected to the public sewerage system as of 1 July 2011 would transfer to the local regulated water and sewerage company for that area
- any private sewers and lateral drains constructed and connected after 1 July 2011 would only be adopted in accordance with a Section 104 sewer adoption agreement.

The background:

Private sewers and lateral drains are the pipes that carry wastewater (and sometimes surface water) from a property to the public sewer. They're usually located in back gardens, under a street or under the footpath.

Before 2011, the responsibility for maintaining and repairing private sewers and lateral drains was shared between the property owner(s) and the water and sewerage companies, depending on the location of the pipes and how they were laid. This often caused confusion, disputes, and delays, especially when the pipes went across multiple properties or boundaries.

In order to address this issue, the government introduced the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, which came into force on 1 October 2011. These regulations transferred the ownership and responsibility for existing private sewers and lateral drains which qualified for transfer to sewerage companies.

Which private sewers and lateral drains did the regulations apply to?

There are some complex rules that govern exactly which private sewers and lateral drains were adopted and which weren't. To complicate matters, not every private sewer and lateral drain can be seen on current drainage maps.

Generally speaking though, sewerage companies became responsible for maintaining and repairing every existing private sewer and lateral drain that was connected to the public sewer as of 1 July 2011. This meant that property owners no longer had any legal or financial responsibility when it came to any problems with the pipes once they left the property boundary.

Which drains weren't covered by the regulations?

The regulations didn't apply to private sewers and lateral drains that weren't connected to the public sewer, like the ones that go to septic tanks or cesspits. They also didn't apply to any that were constructed or laid after 1 July 2011. That means any private sewers and lateral drains laid now or in the future are the responsibility of the property owners or developers, unless there's been a Section 104 agreement drawn up for them to be formally adopted by a sewerage company. If there's a Section 104 agreement in place, then once the sewers and lateral drains are adopted, they will be added onto our maps and can be viewed online.

New build developments

A developer must pay to enter into an adoption agreement with the local water and sewerage company (as laid out in the Water Industry Act 1991) in order to have the sewers and lateral drains of any new build development adopted. The adoption fee is paid to the water and sewerage company and covers the costs of the supervision and inspection processes associated with any sewers and/or lateral drains put forward for adoption.

The adoption of sewers and lateral drains for new build developments is entirely voluntary. The developer can also choose which of the development's sewers and/or lateral drains they want the sewerage company to adopt. This is then set out in the Section 104 agreement along with the terms and conditions for the water and sewerage company to take over the ownership and responsibility for the specified sewers. Because the developer doesn't have to ask for specific sewers or drains to be adopted, the Section 104 agreement must be reviewed in each case.

Once they're constructed, the sewers and/or lateral drains must be inspected and signed off as being to the required standards. Once that's happened, the sewers and/or lateral drains named in the agreement are formally adopted and will be made visible on our maps.

In summary

If you're not sure about who's responsible for a particular lateral drain or sewer, you should apply the guidance of the 2011 Regulations:

- Lateral drains and private sewers that were already constructed and connected to the public sewer before 1 July 2011 became the property and responsibility of the local water and sewerage company.
- Lateral drains and sewers constructed after 1 July 2011 will only be adopted by the water and sewerage company if there's a Section 104 agreement that says they will. If it's been adopted you'll be able to see it on our maps. If it's not been adopted yet, you'll only be able to establish which sewers and lateral drains the developer is putting forward for adoption by looking at the detail in the specific agreement.

The adoption of sewers and lateral drains for new build developments is voluntary, and the developer may choose to keep the lateral drains and sewers on their site private.

If you need more help or you're not sure about what applied to a specific drain or sewer, give us a call on 0345 606 6087 option 2 (8am to 5pm, Monday to Friday) or email us at drainage@anglianwater.co.uk and we can take a closer look for you.