

## Your guide to first time sewerage

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### Section 101A of the Water Industry Act 1991

This document has been prepared to help you understand the latest regulations relating to sewerage undertakings and assist your application

#### Do you qualify?

Since 1 April 1996, a new duty has been placed on sewerage undertakers such as South West Water. In addition to meeting the existing requirements of the Act, we now have an extra statutory obligation to provide a public sewer if:

- An existing sewerage system which is not connected to the public sewer (directly or indirectly) is creating problems or is likely to create problems affecting the environment or amenity;

And if:

- Provision of a public sewer is the most appropriate solution.

When judging whether a duty applies, we will consider whether the problem with the sewerage system could be rectified cost-effectively by repair or proper maintenance.

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

At South West Water we will assess all applications for provision of a public sewer under Section 101A, in line with the official Guidance Notes issued by the Department of the Environment, Food and Rural Affairs (DEFRA).

#### Making an application

If you want your property to be considered for the provision of a public sewer under the duty, fill in the South West Water First Time Sewerage application form and return it to the Developer Services Team.

We will acknowledge receipt of your application within 10 working days and assess it using the criteria set out in the DEFRA Guidance Notes.

If your application does not meet the requirements of the initial assessment you will be notified in writing of its rejection, usually within one month.

If we decide that a more detailed assessment is required before a decision can be made, we will write to advise you. When we have come to a decision on your application, we will write again and let you know the outcome. This can take up to 12 months due to seasonal considerations.

If we conclude that your application fails to meet the statutory conditions, we will write and explain the reasons on which refusal is based. Should you not agree with our decision, you can appeal to the Environment Agency, whose decision in these matters is final.

## Your questions answered

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 environmental or amenity problems are involved and in the case of new development.

### How do the new arrangements work?

Anyone can approach South West Water and ask for a public sewer to be provided if there are, or are likely to be future, environmental or amenity problems created by an existing drainage system. The provisions do not require South West Water automatically to provide a public sewer without question. However, we will give every application a thorough technical and economical appraisal, working to the DEFRA Guidance Notes. We will examine all practical options for overcoming the environmental or amenity problem, including repair, proper maintenance and reconstruction of the existing system other than the provision of a new private sewer. Provision of a public sewer will only be adopted if it is found to be the preferred cost effective option.

South West Water will be considering with local authorities and the Environment Agency which localities are likely to fall within the duty. If cases have already been considered under the duty, they will only be reconsidered if a material change in the environmental or amenity problems has occurred.

### What information should be submitted to South West Water?

An application should include a brief description of the sewerage system, stating why a public sewer is required. You should also enclose any supporting materials, if available, such as letters, documents and other relevant papers (see Part A of the application form). All available evidence of environmental or amenity problems should be supplied.

### Who is eligible?

Anyone with an interest in the premises, such as the owner or occupier, or anybody acting on behalf of the householder (e.g. a local authority) is eligible to ask South West Water to provide a public sewer.

### Does the location of the premises have any bearing?

The premises do not have to be in a rural area but the duty does not apply if there is only one building.

### Does the new duty apply in all cases?

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

### Which buildings would qualify?

All domestic dwellings excluding sheds and other outbuildings qualify.

### 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 they do not have a problem with their system.

### What else should be considered before asking for a public sewer?

Practicable options other than providing a public sewer will be examined by South West Water. Often existing drainage systems can be rectified by repair or proper maintenance, for example the repair of structural damage or failure, or rebuilding a similar unit, or timely emptying and de-sludging the unit. If we judge that problems can be rectified cost-effectively by such measures, it would not be relevant to provide a public sewer. The cost of any repair or rebuilding would be borne by the owner.

### What happens if there are existing sewers?

The duty does not apply if there is an existing public sewer available, irrespective of whether that sewer is satisfactory or unsatisfactory. If a sewer is unsatisfactory, it is a matter for South West Water to resolve. However, the duty may arise if there is an old private sewer, not owned by South West Water which is so basic that it is incapable of providing an effective drainage service, while creating environmental or amenity problems.

### What happens when South West Water is approached to provide a sewer?

We will acknowledge your application and let you know when we expect to give you a reply.

### How will South West Water assess cases?

We will examine a range of possible options. These include the provision of a new public sewer, rectifying existing systems and so on, in accordance with DEFRA official guidance. In each case we will assess the expected environmental or amenity benefits and the cost of implementing the solution.

We will opt for provision of a new public sewer if it is considered to be a preferred option in the light of the best available evidence. This means further information may be requested from any appropriate source including householders.

### How will South West Water let me know the results of an assessment?

In writing, if your application is not accepted, the reason(s) will be fully explained.

### How long does it take to provide a new sewer?

This will depend on circumstances such as time needed for land purchase, obtaining planning permission and so on, as will the priority of your situation compared to others.

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

Disputes either about a refusal to provide a public sewer or the time within which it is to be provided can be referred to the Environment Agency. They will handle referrals in accordance with their procedures and policies.

### Who can refer a dispute to the Environment Agency?

Any owner or occupier of any premises seeking provision of a public sewer under these regulations.

### What form of ruling would the Environment Agency take?

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.

### Is there anything further I can do if the Environment Agency rules that the provision of a public sewer is not appropriate?

There is provision under Section 98 of the Water Industry Act 1991 to requisition a sewer from the sewerage undertaker. If you do this, you will be expected to make payment towards the cost of the sewer.

### Is there a charge for making an approach to South West Water or referring a decision to the Environment Agency?

No, but you are responsible for any costs you might incur in gathering evidence to support your case.

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

South West Water will pay for the work, with the cost being spread across all our customers through our annual sewerage charges.

### For what costs are the owner / occupier liable for?

- A one-off fixed infrastructure charge that we make to new customers
- The cost of laying a house drain from the building to the point where it connects to the lateral pipe from the main sewer
- The cost of laying the private lateral pipe, which is normally in the street from the public sewer to the boundary of your property
- Annual sewerage charges
- The cost of abandoning and making safe the existing drainage system when superseded by a connection to the public sewer.

### What steps should I take to connect to the public sewer?

After consulting us you should make your own arrangements to engage a drainage contractor, or the services of the contractor who is laying the public sewer for us. In this case, you would be liable to meet the costs for this work.

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

It is in the interest 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 his or her 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.

Private drainage should be in an adequate state of repair before connection to the public sewer and must not include any surface water i.e. from roofs or yards. You should also be aware that a local authority could require connection to a public sewer if it is available within 30 metres of the premises.

### Who do I contact if I have any further questions?

For more information or assistance, please contact our Services Helpline:

Services Helpline: 0344 346 2020\*  
8am - 6pm Monday to Friday. Emergencies only at any other time.

Minicom users: 0800 169 9965  
Email: [DeveloperServices@southwestwater.co.uk](mailto:DeveloperServices@southwestwater.co.uk)