

Sewerage issues - overview

Background

Surface water drainage involves many areas of law, including the following

- town and country planning
- flood defence and land drainage
- highways
- sewerage
- building regulations

These areas of law are administered by many bodies, including –

- DEFRA & DCLG
- Regional Planning Boards
- Environment Agency and Regional Committees
- Internal Drainage Boards
- Highway Authorities
- Sewerage Undertakers (Water Companies)
- Local Authorities

To which bodies, the Bill will add

- Lead Local Flood Authorities
- Sustainable Urban Drainage Approving Bodies (SABs)
- either the County Council or Unitary Authority for the area in question.

The Bill

Of direct relevance to surface water drainage, the Bill proposes provisions

- (a) for the approval, construction and adoption of sustainable urban drainage systems (SUDS), with SABs being responsible for approval and adoption;
- (b) the connection of approved SUDS to the public sewerage system without the approval of the sewerage water undertaker/water company (SU).

The Bill also provides for minimum construction standards for private sewers and lateral drains which are to be connected to the public sewerage system.

However, the Bill fails to

- (a) give SUs (water companies) any powers to control connections to the public sewerage system, thus continuing the problem of the surcharging of sewers;
- (b) in relation to construction standards, fails to deal with
 - the adoption by SUs of new private sewers and lateral drains;
 - the inter-relationship of the administration of the new standards with the administration of the Building Regulations.

And in relation to the transfer of private sewers and associated works to SUs (water companies) under the Water Act 2003, the Bill fails to address the problem of property and riparian rights related to the transfer of sewage disposal works, pumping stations and outfalls.

Conclusion

Although many of the provisions of the Bill are to be welcomed in principle, it fails to reconcile these provisions with many of the existing areas of law outlined under paragraphs 1-3 above.

Water UK would be happy to prepare draft amendments for the purpose of addressing some of these issues.

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Water UK represents all water and wastewater service suppliers at national and European level. The water industry has invested £85 billion since privatisation in 1989-90.