



Local practices to support Code for
Adoption Sewerage
Easements

A note on Code for Adoption Sewerage

Under Section 104 of the Water Industry Act and Sector Guidance Clause 2.6, we can define two local practices that deviate from Ofwat's Code for Adoption Design and Construction Guidance (DCG).

These specify the additional requirements that you'll need to meet before we adopt new sewerage assets.

You'll need to consider our local practices if:

- You require easements for surface water discharge to watercourses, bodies of water, sewers within third-party land, or sewers that may form part of another feature
- You require a pumping station adoption on your site

To comply with the local practice rules within the Code, we're always required to consult with customers like you (both directly and via our website) to outline our local practice proposals.

We consulted on this local practice during January 2020, and we did not receive any comments or challenges.

We have therefore published our final local practice unchanged

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Please read on to discover more about our local practices.

Local practice for third-party land easements and surface water sewer discharges

1. Introduction

In most cases, you don't need special legal involvement if you're asking us to adopt newly constructed sewerage assets. If you're building these within a new housing development or any other accessible area, such as a public highway, open space or driveway, you likely won't need to secure formal easements or discharge rights. Instead, we're happy to rely on the statutory powers of access that we're granted by the Water Industry Act 1991.

However, we don't have the same rights for the following areas:

1.1 Third-party land

If you're laying new sewers in an area of land:

- you don't own
- that may put the sewer at risk of damage from future development, or
- with access limitations

you may need a formal Deed of Easement.

1.2 Surface water sewer discharges

Under the Water Industry Act 1991, we don't have any legal right to discharge flows from public sewers onto or into another person's land. This also applies to surface water outfalls into watercourses and bodies of water.

Instead, we use legal deeds and documents to secure and protect these rights, helping to make sure we can manage and maintain the public sewerage network effectively in the future. Please bear in mind we always need to use our standards documents. If you've obtained third-party permissions for the initial construction of the adoptable sewers, we can't use or duplicate these.

We've outlined a summary of our requirements below and attached the full deeds as appendices.

2. Easements for new sewers laid in third-party land

If you lay a new sewer for us to adopt under Section 104 of the Water Industry Act 1991, you must sign the Code's Model Sewerage Adoption Agreement (MSAA) and comply with all its requirements.

If you're planning to lay the new sewer through land owned by a third party, you'll need to make sure this third party signs the MSAA as an additional landowner. This may result in additional legal costs, which you'll need to pay.

While we typically rely on our statutory powers for access and maintenance of public sewers, here are some examples of when you'll need a formal Deed of Easement:

- Sewer located in fenced rear gardens of new domestic properties
- Sewer located in farmland, likely/planned to be developed
- Sewer located in land with restricted access for maintenance vehicles

If a Deed of Easement is required, it outlines in detail the restrictive limitations on future works near or over the adoptable sewer, granting us greater access rights and abilities beyond those given by the Water Industry Act 1991. Restrictions include:

- Limited development or building in proximity to the adoptable sewer (typically 3m from the centreline of new pipeline)

- Restricted rights for the developer and/or future landowners to alter the ground levels within the Easement
- Free right of access for us, our operatives and our machinery to maintain/repair or relay the sewer
- Rights for us to fence off the Easement to undertake any necessary works
- Rights for us to temporarily tip soil on adjacent land and remove trees and shrubs within the Easement, with no duty to replace

Please note that there's no liability for the third-party landowner to construct the adoptable sewer or maintain it in the future.

The full Deed of Easement is attached as Appendix 1.

3. Surface water discharges to bodies of water (owned by others)

If you'd like us to adopt a new surface water sewer that will outfall/discharge to private land or into a private body of water, such as a pond, lagoon, lake or other watercourse, we'll need an appended deed from the landowner/riparian owner before vesting. You'll need to help secure this deed, otherwise we may not be able to vest your new sewer.

The owner of the body of water/private land must agree:

- To keep and maintain the body of water as well as prohibit its use for anything else
- To keep the channels and outfall structures free of debris and allow the free flow of water, not doing anything that may inhibit flows from the sewer
- To let us keep our outfall structures on their land
- To grant us rights to discharge water at varying amounts in perpetuity
- To give us free rights of access at all times so that our operatives and machinery can maintain/repair or relay the sewer

The full Deed of Easement is attached as Appendix 2.