

S101a Guidance Notes

Severn Trent Water

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Customer Guidance for First Time Public Sewerage Applications for existing properties under S101a of the Water Industry Act 1991

This guidance defines our duty under Section 101A and aims to answer, in simple terms, some of the questions, which you may have. If anything in this document conflicts with legislation or government issued guidance documents will always apply.

What is S101a?

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 an Appraisal?

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.

The duty does not apply if there is an existing public sewer available within 30m of the property boundary. Newly transferred private sewers may be within this distance, but may not be shown on our sewer records yet.

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 considered 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.

Do I have to pay for the Appraisal?

No, Severn Trent 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 appraised to determine if we have a duty for the provision of a public sewer under S101a, please fill in Severn Trent 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 Severn Trent Water we will assess all applications for provision of a public sewer under Section 101a, in line with the official guidance;

For Applications in England – 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).

For Applications in areas covered by the Welsh Assembly - Statutory Guidance on sewerage undertakers' duty to connect properties to the public sewerage system under the Water Industry Act 1991 Section 101A. Issued by the Welsh Government.

As part of the appraisal 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 Severn Trent's Decision is?

Typically we aim to have concluded our appraisal 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 Severn Trent aim to provide it within 5yrs 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 Severn Trent'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?

Severn Trent realises that the costs of bringing the connection between the public sewer to the boundary of the property can involve significant expense to customers and we therefore offer the following connection offer, which is only available if agreed to while we are on site constructing the works, to anyone who is able to connect to the new sewer.

To be eligible for the 'Connection Offer' customers sign-up to an agreement which states that they will be connecting to the public sewer within six months of it being provided. Should they agree to this we will provide the following free of charge :

The cost of the lateral drain from the curtilage of the property to the new sewer or up to 15 metres, whichever is the shorter. The lateral will be vested as public upon completion.

Waive the one-off Infrastructure Charge.

Waive the first six months of the ongoing sewerage charge for the first six months after the public sewer had been made available.

We will also offer customers a price for laying the length of private drainage required to connect their existing system to the newly provided lateral whilst we are laying the main sewerage system. This service will not include decommissioning any redundant private drainage facilities (septic tanks, cesspits etc.).

Note: Our current connection offer outlined above will be reviewed each year.

Customers will be responsible for arranging and paying for the separation of their surface water from their foul water (if required), any decommissioning of existing private drainage facilities (septic tanks, cesspits etc) and laying the length of private drain from their drainage to the connection point with the lateral.

It will be much more expensive to connect to the sewer if an agreement to connect the lateral is not entered into when the sewer is being constructed.

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?

Severn Trent have 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.

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