



MINISTRY OF DEFENCE

INFORMATION NOTE

Subject: CHANGE TO OWNERSHIP OF PRIVATE SEWERS

Number: 05/11

DIO SEC Strategy & Policy Sponsor:
Ray Dickinson, DIO Sec Strat Pol4

Date of issue: 09 June 11

Contact if different from above Sponsor: DIO PMO Aquatrine, Bhav Patel
(01213113218) or Barry Farnham (01213113217).

Who Should Read this: MOD Contract Managers including PFIs, Maintenance
Management Organisations, DDs Estate Management

When it takes effect: Immediately

When it is due to expire: 10 Jul 12

Estate Management

Equality And Diversity Impact Assessment

This policy has been Equality and Diversity Impact Assessed in accordance with the Department's Equality and Diversity Impact Assessment Tool against:

Part 1 Assessment Only – no impact found

Document Aim: To explain forthcoming legislation which will implement the transfer of private sewers and lateral drains connected to the public sewerage system into the ownership of the statutory water and sewerage companies (WaSCs) and the actions that need to be taken.

This Information Note only covers to MOD sewer and drainage systems connected to a public sewer which are shared with/used by a third party. The impacts for MOD have been assessed as limited.

No action is required for sites which are covered by Project Aquatrine

Urgent action required is required for sites not covered by Project Aquatrine where the transfer of ownership of adoptable sewers and drains to a WaSCs may have a significant impact on defence activities

Issue

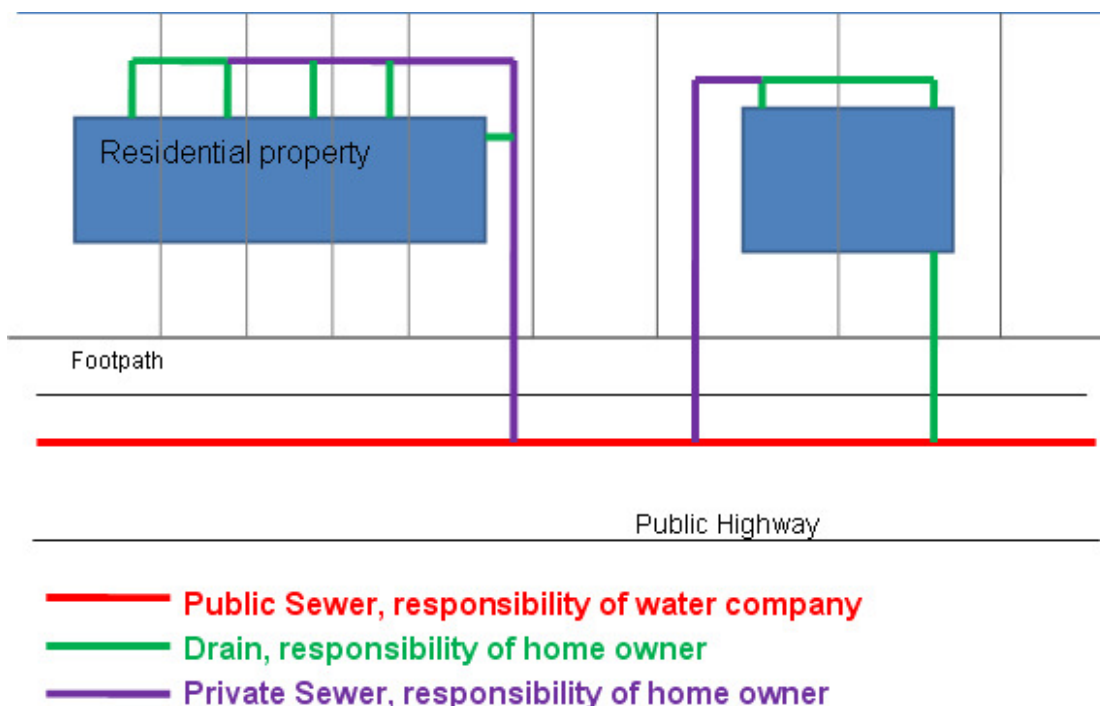
1. This note is to explain forthcoming legislation which will implement the transfer of private sewers and lateral drains connected to the public sewerage system into the ownership of the statutory water and sewerage companies (WaSCs) and the actions that need to be taken.

Background

2. DIO Sec and DIO Aquatrine PMO have been actively engaged with DECC on the development of the legislation in order to secure the best outcome for the MOD. Recent change to the developing legislation has prompted the need for an urgent review of the position on a limited amount of the defence estate.

3. Private sewers and lateral drains are currently the responsibility of their owners, who are generally the owners and occupiers of the properties they serve. The classification and current ownership of drains, private sewers and public sewers is shown in Fig 1. Owners are often unaware that they are in fact responsible for a private sewer or lateral drain or both serving their property, even when it continues beyond their property boundary. When problems occur, disputes often take place, especially where a sewer serves and is the collective responsibility of a number of properties. The confusion which arises from this disparate ownership, together with a lack of planned maintenance, means that society does not gain the benefit that integrated management of the sewerage system as a whole would bring.

Fig 1. Example of Existing Arrangements



4. As a result Government within England and Wales has decided that, subject to Parliamentary and National Assembly for Wales approval of the regulations needed to implement it, that transfer will take place on 1 Oct 2011. From that date, all gravity sewers and lateral drains that drain to the public sewerage system will be adopted by the WaSCs as part of the public sewerage system. A diagrammatic representation of its effect is shown at Fig 2. Transfer will require no action by owners of private sewers to make it happen; although they will be able to appeal against transfer should they wish to retain ownership. Such appeals must be lodged with the appropriate WaSCs by 1 Jul 2011.

5. In addition to adoption of private sewers, WaSCs will take ownership of all private pumping stations and associated rising mains by 1 Oct 2016. It should also be noted that adoptable surface water systems which are connected to an SU sewer are subject to transfer.

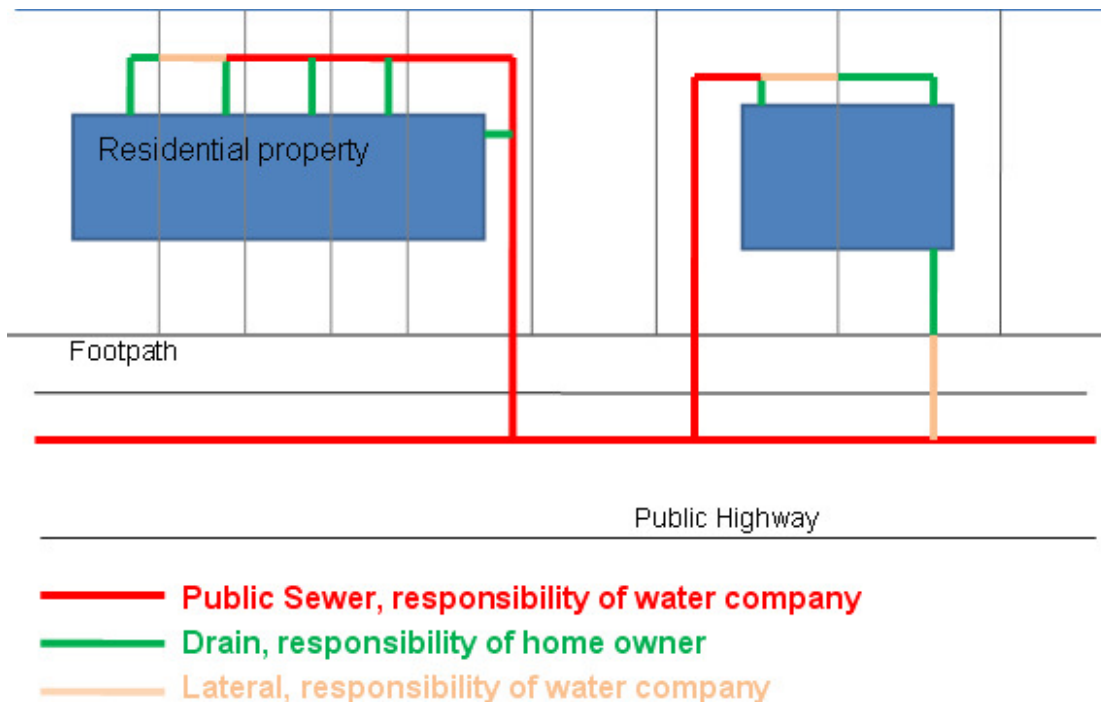
Key Criteria

6. The main conditions contained in DEFRA's¹ consultation guidance document for sewer adoption are as follows:

- a. The legislation applies solely to England and Wales.
- b. The sewers must be attached to the public sewer network.
- c. Sewers are gravity sewers.
- d. The legislation applies to sewers which are owned/used by more than one owner.

Final DEFRA guidance is due to be published in June 11. Additional information can be found at the statutory undertakers website "Water UK"²

Fig 2. Example of Future Arrangements



Impact on MOD Estate

7. Project Aquatrine PMO, responsible for 90% of MODs waste water network covered by the proposed legislation, has gathered information to scope the broad impact of Private Sewer Adoption on the MOD estate and the detailed impact on the estate within Aquatrine's scope. However, there will be some areas, principally under the responsibility of PFIs which fall outside the scope of the Aquatrine and which will need to be reviewed by the responsible MOD Contract Manager in conjunction with the Maintenance Management Organisation.

¹ <http://archive.defra.gov.uk/corporate/consult/private-sewers/100826-private-sewers-condoc.pdf>

² <http://www.water.org.uk/home/policy/private-sewers-transfer>

8. The legislation (currently passing through Parliament) sets out that all qualifying private sewers will be adopted on 1 Oct 11 unless owners opt out by 1 Jul 11.

9. The Aquatrine PMO review identified that :

- a. At all sites the portion of the sewer from the site boundary to the public sewer is adoptable where it crosses non MOD land because from that point joint ownership applies.
- b. Most small sites, including volunteer estate sites, are purely single owner and as such are not adoptable under the legislation.
- c. Purely housing sites (outside “the wire”) are jointly owned by a mixture of MOD, Anningtons, and private owners and as such are considered to be adoptable.
- d. Larger technical estates are for the most part purely MOD owned and as such are not adoptable.
- e. It is considered that Anningtons housing “inside the wire” can be adopted as there is a well defined separate area with multiple owners i.e. MOD and Anningtons.
- f. Some sites may have a mixture of self treat and SU connected sewers. Sewers not connected to the public sewer are not subject to transfer.

10. The Aquatrine PMO review has not identified any cases where MOD would wish to actively opt adoptable estate out of sewer adoption but note that almost all sewers within the wire (or other boundary) of MOD sites do not qualify for adoption due to sole ownership and consequently will remain the responsibility of MOD/Aquatrine.

Action required

11. Managers of MOD Contracts, including PFIs, covering maintenance of wastewater networks not falling within the scope of Aquatrine should make arrangements with the Maintenance Management Organisation and the Occupier to:

- a. Before the 27 Jun 11:-
 - i. Review sensitive areas of establishments to identify any sewers which qualify for adoption but there is case for opting out.
 - ii. Identify any exceptions to the Aquatrine findings, para 8a - 8f.
 - iii. Inform the Aquatrine PMO of cases for opting out sewers and any exceptions para 8a – 8f.
- b. Before Oct 11 identify all sewers that qualify for adoption
- c. Respond to WaSGs request for information on adoptable sewers
- d. For sites affected clearly define ownership and responsibility for maintenance of sewers on MOD land post Oct 11.

13. The Aquatrine PMO will collate on behalf of MOD details of all adoptable sewers and drains (both Aquatrine and non Aquatrine) that MOD does not wish to have adopted and will notify the relevant WaSG. No other party should contact WaSGs to opt out of adoption without first contacting the Aquatrine PMO.

12. The default position is that no qualifying sewers on MOD land will be opted out from adoption unless there is an overriding security reason. Further Information and advice on the application of the legislation is available from the Aquatrine PMO. Contact Bhav Patel (01213113218) or Barry Farnham (01213113217).