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# Guidance on the mandatory adoption of sewers and lateral drains and on the Welsh Ministers' Standards for gravity foul sewers and lateral drains

Section 42 of the Flood and Water Management Act 2010



July 2012



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# 1. Introduction

The implementation of Section 42 of the Flood and Water Management Act 2010 (the 2010 Act) limits the existing right of a developer to connect to the public sewerage system and establishes new requirements for the construction and adoption of sewers and lateral drains that are proposed to connect to an existing public sewer.

The aim of this document is to provide guidance on:

- matters which are likely to arise from the implementation of the legislation.
- interpretation of the legislative requirements, including the Welsh Ministers' Standards for new gravity foul sewers and lateral drains.
- the forthcoming Sewer Adoption Agreement Regulations 2012.
- the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 with respect to the supplementary transfer of private sewers.
- processes which are not susceptible to regulation.

Section 42 of the 2010 Act amends the Water Industry Act 1991 (the 1991 Act) to include a new Section 106B. The powers of the Welsh Ministers under the 1991 Act relate to water and sewerage undertakers based "wholly or mainly" in Wales. In practice this applies principally to Dŵr Cymru Welsh Water and their operations area for sewerage, which extends into parts of England served by the undertaker. It does not include those parts of Wales served by Severn Trent Water.

This guidance is not a substitute for the legislation and does not have legal force. It should be read in conjunction with the 2010 Act, the Regulations and schemes made by the Welsh Ministers for the adoption of private sewers and lateral drains, and relevant parts of the Water Industry Act 1991.

## **2. Background**

### **Welsh Government Policy**

On 12 December 2011 the Welsh Government published a Written Statement on water which sets out the approach we intend to take for sewerage policy in the short term.

The statement reiterated our commitment to the development of sewerage and drainage systems which are well maintained, have sufficient capacity to manage demand and do not cause sewer flooding of people's homes or pollute our environment.

Following the transfer of private sewers and lateral drains to the sewerage undertakers on 1 October 2011, the statement referenced the consultation on mandatory adoption arrangements for new sewers and lateral drains that are proposed to connect to an existing public sewer and Standards for new gravity foul sewers and lateral drains:

*“Mandatory standards and adoption will ensure that all new gravity foul sewers connecting to the public sewerage network are constructed to adoptable standards and will become the responsibility of sewerage undertakers to ensure continuing high standards of maintenance.”*

Our policy aim is to ensure that, with the exception of sustainable drainage systems approved by the SuDS approving body under Schedule 3 of the Act, all new sewerage systems which connect to an existing public sewer, including pumping stations and other ancillary equipment, are adopted by sewerage undertakers, ensuring that there are no new private sewerage systems. All new foul sewers and lateral drains will be built to a standard that will reduce future maintenance costs.

### **Private Sewer Transfer 2011**

On 1 July 2011 the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 came into force. These Regulations triggered the overnight transfer of gravity private sewers and lateral drains to sewerage undertakers across Wales and England on 1 October 2011. The transfer removed the burden of maintenance from householders by spreading costs across all customers. It has provided greater clarity over ownership and will allow more effective management of the sewerage network. The transfer applied to private sewers and lateral drains connected to the public sewerage system before 1 July 2011.

### **What about private sewers and lateral drains connected on or after 1 July 2011?**

The commencement of Section 42 of the Flood and Water Management Act 2010 will trigger a supplementary transfer of the private sewers and lateral

drains connected to the public sewerage system on or after 1 July 2011. This will happen under Regulation 4 of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

## **How will we prevent the creation of a new stock of private sewerage systems connected to existing public sewers?**

To ensure that the problems in relation to the ownership of private sewers and lateral drains do not arise again in the future, Section 42 of the 2010 Act inserts Section 106B into the Water Industry Act 1991.

Section 106B gives powers to the Welsh Ministers to create a mandatory process for new sewerage systems and lateral drains which will become part of the public sewerage system. This Section limits the developers' (or any other owner/occupier) right to communicate with the public sewer network by requiring that a 1991 Act Section 104 agreement must be in place.

A Section 104 agreement is an agreement between the sewerage undertaker and a developer which prescribes that the proposed sewerage system or lateral drain will be built to a suitable standard in order to be adopted as part of the public sewerage system maintained by the relevant sewerage undertaker.

Using the powers under Section 106B, Welsh Ministers are able to publish Standards which will form the basis of the Section 104 agreements unless the parties to the agreement expressly agree to depart from those standards. This will help ensure that all sewers and lateral drains are adopted as part of the public sewerage system and are built to suitable standards.

The terms of a Section 104 agreement can, where agreement between the parties cannot be reached, be referred to the Water Services Regulation Authority (Ofwat) for determination.

## **The consultation**

On 31 October 2011, the Welsh Government published a consultation on mandatory adoption arrangements for new foul sewers and lateral drains and Standards for new gravity foul sewers and lateral drains (the implementation of Section 42 of the Flood and Water Management Act).

The consultation sought views on the draft of the Welsh Ministers' proposed Standards for gravity foul sewers and lateral drains, draft regulations which include provision for adoption if the Section 104 agreement which is in place has not been completed and timescales for implementation of Section 42.

During the consultation period, we organised two stakeholder workshops in January 2012 to allow an additional opportunity for stakeholders to find out more about the policy aim of this change, discuss the draft Standards and feedback around the contents of the consultation.

Around 40 stakeholders attended these workshops, including developers, sewerage undertakers, pipe manufacturers, local authorities and the Consumer Council for Water. Comments made at the workshops were considered along with the formal responses in the summary of responses. Positive feedback was received at these workshops and most stakeholders indicated that they would like to be kept informed throughout the process.

The summary of responses and Government response was published on 11 June 2012. The responses to the consultation have informed the final drafting of the Regulations and the Welsh Ministers' Standards.

A copy of the consultation and summary of responses and Government response can be found on the Welsh Government website at the following link:

<http://wales.gov.uk/consultations/environmentandcountryside/adoptionarrangements/?lang=en&status=closed>

## **What will happen next?**

The Welsh Ministers will publish their Standards in July 2012 to allow time for developers and sewerage undertakers operating wholly or mainly in Wales to become accustomed to them. In practice this will apply to Dŵr Cymru Welsh Water in those parts of Wales and England served by that undertaker and to any other sewerage undertaker operating wholly or mainly in Wales.

Section 42 of the Flood and Water Management Act 2010 will be commenced for sewerage undertakers operating wholly or mainly in Wales on 1 October 2012. Welsh Ministers will also make a supplementary scheme for the transfer of the remaining private sewers and lateral drains on 1 October 2012. This will ensure the transfer on 1 April 2013 of private sewers and lateral drains connected to the public sewerage system on or after 1 July 2011. More information on the supplementary transfer is available in section 9.

### **3. Requirements of Section 42 of the Flood and Water Management Act 2010**

Section 42 inserts Section 106B into the Water Industry Act 1991. This new Section makes the right to connect drainage from a premises to the public sewer contained in Section 106(1) of the Water Industry Act 1991 conditional. There are two conditions which must be met:

1. There must be an agreement between the developer and the sewerage undertaker under Section 104 of the Water Industry Act 1991 in respect of any sewer or lateral drain connecting to the existing public sewer prior to construction.
2. The agreement must contain provisions respecting:
  - a. the standard of construction.
  - b. adoption of the drain or sewer by the sewerage undertaker, which should happen automatically on the occurrence of specified events.

For the second condition, the construction standards should either accord with standards published by the Welsh Ministers or depart from those standards with the consent of those entering into the agreement.

Although the Welsh Ministers' Standards deal only with gravity foul sewers and lateral drains, surface water sewers, pumping stations and other ancillaries connecting to the public sewer, along with suitable construction standards, must be included in the Section 104 agreement.

These conditions apply to both foul and surface water sewers but will not apply to sustainable drainage systems which require approval under Schedule 3 (Sustainable Drainage) of the Flood and Water Management Act 2010 when that schedule is implemented.

## 4. Standards and guidance

### The Welsh Ministers' Standards

The Welsh Ministers' Standards comprise 19 standards which are numbered S1 to S19. The standards cover a range of matters, from layout and access through to hydraulic design. See Box 1 for more details.

S1	Scope	S11-12	Structural design and integrity
S2	Definitions		
S3	Separate systems	S13 – 16	Materials
S4 – 7	Layout and access	S17	Construction
S8	Reliability	S18	Testing
S9 – 10	Hydraulic design	S19	Pumping stations

#### Box 1 – Welsh Ministers' Standards

For each of these standards, Welsh Ministers' guidance is included below the standard, in paragraphs prefixed with a G.

In order to assist the understanding of how these Standards might be achieved, additional information, in the form of industry recommendations has also been provided. The industry recommendations are given below the boxes in each section and are referenced with the letter R. These recommendations are **not mandatory** but sewerage undertakers will normally consider that compliance with them will be treated as compliance with the requirements of the standards and guidance published by the Welsh Ministers.

The industry recommendations are not part of the standards but are intended to provide guidance for some of the more common building situations. However, there may well be alternative ways of achieving compliance with the requirements. **This means there is no obligation to adopt any particular solution contained in the industry recommendations if you prefer to meet the relevant requirement in some other way.**

***For example, in Section 6 on Hydraulic Design, there are two standards, S9 and S10:***

**S9.** The hydraulic design of sewers and lateral drains shall include an allowance for increased flows that might be reasonably foreseeable within the development over its design life.

**S10.** Flows that cannot be contained within the drain and sewer system as a result of failure of all or part of the drainage system shall be managed in flood conveyance routes in order to minimise the damage to people and property.

***These standards are further explained in the Welsh Ministers' Guidance, G.6.1.1 through to G.6.1.3:***

## **6.1 Gravity Foul Sewers and Lateral Drains**

G.6.1.1. Gravity foul sewers and lateral drains should be designed to convey the projected flows together with an allowance for:

- a) variations in foul flows resulting from increased occupancy or intensification of the development commensurate with the introduction of water saving measures,
- b) increased trade effluent flows resulting from reasonable changes in use or intensification of development of an any industrial or commercial development,
- c) levels of groundwater infiltration that might reasonably be expected over the life of the drain or sewer system,
- d) inflow of surface water that might reasonably be expected due to leakage or accidental connection.

G.6.1.2. In accordance with paragraph G.6.1.1 above, design flow rates for dwellings should be 4000 litres per dwelling per day.

Note: This is a design peak flow rate not a daily average water usage, and represents the peak flow rate from a number of appliances. Reducing daily water usage does not necessarily reduce the peak flow rate.

G.6.1.3. Foul drain and sewer systems should be watertight to minimise the ingress of groundwater and surface water.

***One means of demonstrating compliance with the Standard and Guidance from the Welsh Ministers' is then provided in the form of Industry Recommendations which are referenced with the letter R:***

R.1. The following design flows for industrial developments should be used where the actual details of flows are unknown:

- e) Domestic flow element - calculated in accordance with BS EN 752 or in the absence of appropriate information, 0.6 litres/second per hectare of developable land.
- f) Trade effluent flow should be based on a metered water supply to premises similar to that proposed, or should assume 0.5 litres/second per hectare for normal industry and 1 litre/second per hectare for wet industry. Where the proportion of wet industry is unknown, an average flow of 0.7 litres/second per hectare should be used.
- g) To obtain the total design flow the domestic design flow should be added to the trade effluent design flow.

## **Sewers for Adoption**

The WaterUK/WRc Sewers for Adoption publication provides a comprehensive design and construction guide for developers on all aspects of sewers. This is a non-statutory document containing standards for sewer ancillary equipment, such as pumping stations, and for surface water sewers. These may be used as the basis for standards included in a Section 104 agreement. Sewers for Adoption 7 will also reproduce the Welsh Ministers' Standards for gravity sewers and lateral drains as well as related industry guidance.

## 5. Transitional arrangements and exemptions

### Developments in progress

The Commencement Order for Section 42 includes transitional arrangements with respect to the application of Section 106B(4) concerning the standards included in any Section 104 agreement. The aim of this is to minimise any potential for additional administrative tasks where developments are in progress.

The implementation of Section 42 means that in practice sewers constructed after the 1 October 2012 will require a Water Industry Act 1991 Section 104 agreement to be in place<sup>1</sup>. In some cases, the agreements may need to be modified to include lateral drains and any sewers not already included.

However, for the new Section 106B(4) Welsh Ministers' Standards to have immediate effect in these circumstances, existing agreements and approvals would have to be replaced overnight. Otherwise a delay would be incurred in the development process while agreements and approvals were reviewed to reflect the new build standards. This would be impractical on grounds of the potential delay incurred and the resources already committed to the design and approval processes<sup>2</sup>.

The Order therefore includes a 12 month transitional period in which development with prior approval from the local authority or for which an appropriate notice has been submitted can commence as planned without the need to comply with the new requirement for standards if work has started by 1 October 2013.

Valid prior approval or an appropriate notice could include a building notice, an initial notice, an amendment notice, a public bodies notice or a full plans application. An application or a notice which is rejected by the local authority is not valid prior notice. If development has not commenced within the 12 month transitional period following the implementation of Section 42, the requirements regarding standards will then apply. In relation to a multiple application such as a housing development, commencement of the first dwelling would mean commencing of the whole development.

It is also impractical for Ministers' Standards to apply with immediate effect to development which is subject to an existing Section 104 agreement under Sewers for Adoption 6 standards. We propose that for the transitional period, the standards agreed will be deemed to meet the requirements of Section 106B(4).

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<sup>1</sup> After the commencement date, no person can enforce their right to communicate with the public sewerage system (under s.106) unless a s.104 agreement is in place

<sup>2</sup> This process has been designed to be consistent with other transitional handling where, for example, changes to Building Regulation occur.

In practice these transitional arrangements mean that proposals with Section 104 agreements or approved under Part H of the Building Regulations (which deals with drainage matters) can proceed and be completed as designed.

## **Examples of the application of the transitional arrangements**

**Note that:**

- **All unadopted sewers connected to the public sewerage system before 1 October 2012 will transfer to the sewerage undertaker under the terms of the supplementary transfer of private sewers.**
- **From that date, all new sewers which will connect to the public sewerage system must be subject to a Section 104 agreement.**
- **The transitional provisions relate to the standards which will apply within such agreements.**
- **Provided that work has started before 1 October 2013 there would be an indefinite period in which to complete the work and retain the right to connect.**

In order to take advantage of the transitional provisions, one of the following will have to be in place:-

- *A Building Notice*
- *An Initial Notice*
- *A Plans Certificate*
- *An Amended Notice*
- *A Public Body Notice*
- *Full Plans deposited with the Local Planning Authority for a Planning Consent*
- *A Planning Consent for the development*
- *Technical Approval under Sewers for Adoption 6<sup>th</sup> Edition*

You will also have to have made a start on the development as defined by the Building Regulations by 1 October 2013. If a start has not been made on the development by 1 October 2013 you will be required to use the Welsh Ministers' Standards issued under Section 42 of the 2010 Act.

## **For developments where construction was started before 1 October 2012 and a Section 104 Agreement is in progress or in place and drainage complies with or has approval under Building Regulations Part H**

There is no requirement to change any standards included in existing Section 104 agreements to comply with the implementation of Section 42 or the 2010

Act. Amendments to the agreement **may** be required to cover the greater scope of the sewerage system for adoption, such as lateral drains.

Any foul or surface water pumping stations on the development which discharge to the public sewerage system must be included in a Section 104 agreement. If they communicate with the public sewerage system on 1 October 2012 they will be subject to the supplementary transfer and will automatically vest no later than 1 October 2016.

Although surface water sewers that discharge directly to the aquatic environment (with or without a pumping station) fall outside of the scope of Section 42, they may be included in the Section 104 agreement.

### **For developments where construction starts before 1 October 2013 and there is an appropriate notice, certificate or approval in place**

There is no requirement to change any standards included in existing Section 104 agreements to comply with the implementation of Section 42 or the 2010 Act. Amendments **may** be required to cover the greater scope of the sewerage system for adoption, such as lateral drains.

If any foul or surface water pumping stations are on the development these cannot be vested until a Section 104 Agreement is in place.

Although surface water sewers that discharge directly to the aquatic environment (with or without a pumping station) fall outside of the scope of Section 42, they may be included in the Section 104 agreement.

### **For developments where construction starts after 1 October 2013**

If work has not started on a site by 1 October 2013, the Section 104 agreement will need to include a reference to the Welsh Ministers' standards or depart from these through agreement of the parties to the agreement.

### **Surface water drainage**

Section 106B of the Water Industry Act 1991 applies to all sewers and lateral drains which communicate with the public sewerage system, including surface water sewers.

Until Schedule 3 of the Act (sustainable drainage systems) is implemented, sewerage undertakers will continue to adopt surface water sewers. Surface water sewers which discharge directly to a water body may also be adopted. As for foul sewers, there must be a Section 104 agreement which incorporates standards and provisions for adoption.

## **6. Revised Water Industry Act 1991 Section 104 agreements**

The implementation of Section 42 brings about a major change in sewerage law and as a consequence, a developer no longer has the right to connect their development to the public sewerage system unless a Section 104 agreement is in place. This will mean that in order to avoid any delay to the development process, both the developer and the sewerage undertaker will need to act in a timely manner in applying for and granting the agreements.

### **Terms of agreements**

Welsh Ministers do not propose to issue additional guidance on Section 104 agreements, although this position will be kept under review. The details to be included in the conditions of adoption agreements, such as performance and Bonds, are mainly left to be agreed by the parties concerned. There are two constraints on the contents of the agreements to ensure adoption takes place and compliance with Welsh Ministers' standards.

Firstly, adoption agreements must contain a commitment from those building sewers to build them to agreed standards, where the Welsh Ministers' Standards are the default standard. National standards will be published by the Welsh Ministers and will be the default standard for all new gravity foul sewers and lateral drains connecting to the public sewerage network following the commencement of Section 42 of the Act. There will be an option for those building sewers to seek the agreement of sewerage undertakers to construct new gravity foul sewers to different standards, where appropriate. This measure is intended to encourage the development of innovative techniques in the construction of new sewers, which might otherwise be precluded by the Welsh Ministers' Standards.

Secondly, once the draft Sewage Adoption Amendment Regulations 2012 are in place, agreements must contain terms which bind the sewerage undertaker to adopt the new sewer or lateral drain, regardless of the other terms of the agreement. For example, if a new sewer or lateral drain serves a premises which has been sold or leased (for more than 7 years) and does not meet the agreed standards, and the developer fails to undertake suitable remedial action, it must still be adopted as a public sewer or lateral drain by the sewerage undertaker. The sewerage undertaker will take this obligation into account in the terms of the agreement.

It should be noted that, although the Water Industry Act 1991 includes some examples of the matters a Section 104 agreement might cover, it does not limit the terms which may be included in an agreement under the section.

## **Appeals against the terms of a Section 104 agreement**

In the event that the terms of a Section 104 agreement can not be agreed or are considered unreasonable, an appeal may be made to Ofwat.

### **Welsh Ministers' Guidance**

Section 104(9) of the Water Industry Act 1991 as inserted by Section 42, makes provision for undertakers to have regard to any guidance about agreements under this section issued by Welsh Ministers. We do not anticipate that any additional guidance will be required at the moment. However, we will keep the operation of this section and the need for guidance under review.

## **7. Bonds, fees and service levels**

Many of the responses to the consultation on the implementation of Section 42 expressed concern over the issues of performance bonds, inspection fees and service levels for Section 104 agreements.

### **Bonds**

A financial bond is a commonly used mechanism for guaranteeing the quality of construction and completion of assets such as sewers and roads, particularly when a developer has gone into liquidation. In the event that the standard of construction is inadequate, the developer will normally be given the opportunity to correct the problem. If this is not done, the sewerage undertaker may then use the bond to undertake the necessary work itself.

The level of a bond for a new sewer or lateral drain is a matter for the Section 104 agreement between the sewerage undertaker and the person proposing to connect to the sewerage system. In the event that a person who has entered or wants to enter an agreement under Section 104 objects to the terms offered, under Section 105(2) of the Water Industry Act 1991 they may appeal to Ofwat (the Authority) about any matter concerning the agreement (including whether it is concluded, its terms and its operation).

The Welsh Government encourages developers and sewerage undertakers to explore alternative means of ensuring that new sewers and lateral drains are properly constructed, including accredited contractor schemes.

### **Inspection fees**

Under the Water Industry Act 1991, sewerage undertakers may set scales of charges for their services. Unless these are included in a charges scheme as defined in Section 143 of the Water Industry Act 1991 they will be fixed by agreement and are not subject to review by Ofwat. If inspection fees are included in the Section 104 agreement they may be the subject of an appeal to Ofwat as for any of the terms proposed.

### **Service levels**

The time taken to complete Section 104 agreements may have a significant impact on developers' ability to commence construction. Ofwat are considering the case for service level agreements which would provide clear targets for sewerage undertakers' responses.

The mechanism for making an application for a Section 104 agreement and related appeals is outlined in the Water Industry Act 1991 (S104/105). However, under Section 105(2)(c) a person can appeal to Ofwat if the sewerage undertaker has failed to respond to an application for an agreement within two months or has responded the terms that are not acceptable to the requester. In order to prevent any delay in the process, early, pre-application

discussions are advised and adequate information should be provided with the application.

## **8. What happens if an existing Section 104 agreement cannot be completed?**

Under the requirements of section 106B, a Section 104 adoption agreement must be in place for a developer to assert the right to connect to the public sewerage system. In the event that the agreement cannot be concluded, for example due to the liquidation of a developer, it is possible that the sewer or lateral drains concerned might not be adopted.

In order to achieve our policy objective of no new private sewers connected to the public sewerage network, additional Regulations (The Sewer Adoption Agreement Regulations 2012) have been drafted to ensure adoption in the event that the Section 104 agreement can not be completed. The intention of these Regulations is that they will only come into effect for premises which have been sold or leased (more than 7 years) and in the event that the sewerage undertaker has reasonable grounds to believe that the Section 104 agreement will not be completed. They provide a safety net which should not be regarded as the normal mechanism for adoption. In practice, the Section 104 agreement must contain provisions for adoption which will take precedence unless the agreement demonstrably fails.

## **9. Supplementary transfer of private sewers**

The transfer of private sewers to the sewerage undertakers in October 2011 was implemented through the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. These Regulations also provide for the making of a supplementary transfer scheme under Regulation 4.

As a result, sewers and lateral drains which communicated with the public sewerage system after 1 July 2011 but before Section 42 is commenced remained private unless they were the subject of an agreement under Section 104 of the Water Industry Act 1991 for their adoption by sewerage undertakers as “public” assets.

The making of a supplementary transfer scheme following commencement of Section 42 on 1 October 2012 will ensure the adoption by sewerage undertakers of private sewers and lateral drains built in this interim period. This will ensure that there is no legacy of private sewers connected to the public sewerage system as a result of the main transfer taking place ahead of the new arrangements for adoption of newly connected private sewers and lateral drains.

The Regulations require Welsh Ministers to make the supplementary scheme on or as soon as reasonably practicable after the date of commencement of Section 42. In practice, sewers connected to the public system between 1 July 2011 and 1 October 2012 will transfer to the sewerage undertaker on 1 April 2013.

### **Communication of the supplementary transfer by the sewerage undertaker**

The sewerage undertaker is required to notify those who will be affected and to publish notice of its proposal. The supplementary transfer will happen six months after the commencement of Section 42.

Sewerage undertakers should have a record of new connections since the primary transfer because of the requirement for notification of intention to connect with a public sewer under Section 106 of the Water Industry Act 1991 and new applications for agreements to adopt new sewers and lateral drains under Section 104 of the Act. They should also have records of those properties that have been billed for the first time during the relevant period. These records will enable the sewerage undertakers to identify who should receive notice of the supplementary transfer scheme.

### **Objections to transfer- appeals to Ofwat**

Any queries regarding what is going to be transferred should be directed to the sewerage undertaker. The Consumer Council for Water (CCWater) will also be able to offer advice on the extent of the transfer. It should be noted

that private sewers are not included on the sewer records held by sewerage undertakers and they will not necessarily be able to advise on the precise characteristics or extent of systems to be transferred in individual cases. Appeals against the proposed transfer of a private sewer (including pumping stations) or lateral drain by the owner or other party affected by the transfer or the failure to transfer should have been directed to the Water Services Regulation Authority ("Ofwat") by the end of the appeal period. Ofwat have published guidance on appeals which can be found at:

[http://www.ofwat.gov.uk/consumerissues/rightsresponsibilities/sewers/gud\\_pr oc20110803psappeal.pdf](http://www.ofwat.gov.uk/consumerissues/rightsresponsibilities/sewers/gud_pr oc20110803psappeal.pdf)

The Water Industry Act 1991 section 105B contains provisions governing appeals against adoption schemes. An appeal against an undertaker's proposal to declare a sewer, lateral drain or pumping station must be made within **two months** of the service of the notice of the proposal on the owner, or two months after publication of the notice if later. An appeal against failure to propose to adopt must be made within **three months** of the date of the transfer scheme. Such an appeal may be made by both an owner of a private sewer or lateral drain; or any other person affected by the proposal or failure.

The grounds for appeal are that the relevant private sewer or lateral drain is not one where the sewerage undertaker has a duty to adopt, or that adoption would be seriously detrimental to the interest of the appellant. Similarly an appeal may be lodged on the grounds that the sewerage undertaker has a duty to adopt but has failed to propose to do so.

***Any appeal must be lodged with Ofwat, within the relevant time limit indicated above.***