

Gladman Developments Limited

UTILITY LAW SOLUTIONS

Land off Pear Tree Lane, Euxton

Foul Drainage Analysis

April 2019

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Proposed Development of Land off Pear Tree Lane, Euxton
Foul Drainage Analysis

A. Executive Summary

Utility Law Solutions (ULS) specialises in water and sewerage law and how it relates to the housebuilding industry. Gladman Developments Ltd has appointed ULS to review foul drainage matters relevant to its proposed development of land off Pear Tree Lane, Euxton and provide this analysis.

This report outlines how the proposed development can be effectually drained and sets out the legal framework that governs foul drainage matters applicable to new development generally. Evaluating foul drainage requirements for new development involves:

- Identifying a point of connection on the public sewerage network to which foul water can be discharged.
- Establishing the technical requirements for conveying foul water to the identified point of connection.
- Liaison with the relevant sewerage undertaker to determine the impact of discharging foul water to its sewerage network.

A drainage system designed in accordance with industry standards and relevant statutory procedures will be constructed on this site to serve a proposed development of up to 180 residential dwellings. The developments waste water will be discharged to the public sewerage network owned and operated by United Utilities (the Sewerage Undertaker).

The Sewerage Undertaker has assessed development proposals for this site and the associated impact of discharging its foul water to the public sewerage network. It has been established that the public sewerage system has available capacity to meet the needs of this development.

This report clearly demonstrates that the proposed development can be drained by discharging its foul water to the public sewerage system. Matters relating to foul drainage are comprehensively addressed in other primary legislation, meaning there is no impact that would make the development unacceptable in planning terms. Adopting the tests at paragraph 55 of the National Planning Policy Framework (NPPF), any planning condition related to foul drainage would be unnecessary, irrelevant to planning and unreasonable.

B. Drainage Strategy for the Development

- B.1 A foul drainage system will be constructed to serve this development and connected to the public foul sewerage network. Sewers and ancillaries will be built in accordance with the national industry guidance entitled "Sewers for Adoption" and will ultimately be adopted by the Sewerage Undertaker through an agreement pursuant to section 104 of the Water Industry Act 1991. This will ensure the long-term maintenance of the drainage system and is standard practice for new development.
- B.2 Euxton is served by a public sewerage network that conveys foul water to a sewage treatment works situated to the south east of the village. Records received from the Sewerage Undertaker identify two separate public combined sewers located to the west of this site in School Lane.
- B.3 Liaison with the Sewerage Undertaker has established that development flows can be discharged to the public sewers in School Lane. The onsite foul sewerage system built to drain the proposed development can be connected to these sewers via an offsite sewer constructed in public highway. The technical details pertaining to connection, will be agreed with the Sewerage Undertaker following detailed design of the development.
- B.4 A developer can connect to the public sewerage network at a point of its choosing by serving a notice on the Sewerage Undertaker pursuant to section 106 of the Water Industry Act 1991. This notice cannot be refused by the Sewerage Undertaker, but it can compel a developer to connect at an alternative location using its powers under section 112 of the Water Industry Act 1991. The Sewerage Undertaker can therefore dictate the point of connection on the public sewerage network to ensure there is no detriment to its existing performance. Section 112 also allows sewerage undertakers to instruct a developer to construct drainage systems in a specified manner to ensure any impact on the public sewerage network is minimised either on a permanent or temporary basis.
- B.5 Ground levels across this site generally fall naturally from east to west and the public sewers in School Lane, are around six metres deep. It should therefore be technically feasible to drain the entire development under gravity, despite ground levels in the south of the site being notably lower than at the proposed point of connection. Sewers constructed to drain the southern area of the development may however need to be deeper and/or laid at a shallower gradient than is typical. It is possible that the developer of the site would agree with the Sewerage Undertaker to construct an onsite sewage pumping station to avoid the need to construct very deep sewers. If this were the case, the northern and central areas of the development, could be drained under

gravity, with only foul water from the southern area being pumped, or all development flows could be pumped (although this is less likely). A suitable position for a pumping station could be allocated anywhere in the south west of the site to suit the final development layout. The developer of the site will liaise with the Sewerage Undertaker as part of an application for a sewer adoption agreement to finalise the drainage strategy for the development and agree the methods of conveyance.

- B.6 Details of development proposals for this site were submitted to the Sewerage Undertaker for evaluation. Following consideration of the drainage strategy outlined in this report, the Sewerage Undertaker confirmed that capacity is available in the public sewerage network for this developments foul water at an unrestricted flow rate. The Sewerage Undertakers findings are included at Appendix 1.
- B.7 The site boundary is shown edged red on the plan at Appendix 3 and the proposed point of connection on the public sewerage network is indicated at Appendix 2. These can be referenced against the Development Framework Plan that forms part of the planning application.
- B.8 Presuming this outline planning application is approved at committee, the following minimum timescales are envisaged for construction of the developments drainage system and subsequent discharge of foul water to the public sewerage network:
- The site will be marketed for sale to a developer by mid to late 2019.
 - Subsequent sale of the site anticipated by early 2020.
 - The developer that purchases the site will complete detailed designs to facilitate submission of a reserved matters planning application by mid-2020.
 - Determination of a reserved matters planning application may take approximately 3-6 months, i.e. Full planning permission granted by late 2020.
 - The developments foul drainage system will be constructed as part of initial on-site groundworks commencing in early 2021, allowing a few months for enabling works etc.
 - Foul water from the development will not be discharged to the public sewer network until initial occupations commence in late 2021.
 - Development will continue over approximately a 4 to 5 year period with sales/occupations at around 40 dwellings per annum.
 - Site completion and full foul water flows estimated in 2026.

C. Sewerage Undertaker Funding

- C.1 Ofwat (regulator of the water and sewerage industry) has issued statutory rules that set out how sewerage undertakers must charge for activities associated with the connection of new developments to public sewerage networks. Each sewerage undertaker has published charging arrangements that implement these rules and apply to all new development. The relevant document for United Utilities is included at Appendix 6.
- C.2 As well as detailing charges for site specific activities, the charging arrangements specify how network reinforcement required to accommodate new development is funded. The Sewerage Undertaker collects an infrastructure charge for every new dwelling connected to its sewerage network to fund network reinforcement in its operating area. The Sewerage Undertaker receives infrastructure charge payments for connections that do not necessitate network reinforcement as well as for those that do. This ensures that the cost of providing additional capacity in the public sewerage network to accommodate housing growth is spread equally across all new development.
- C.3 In recent years, sewerage undertakers have often requested planning conditions that effectively forced developers to fund network reinforcement through sewer requisitions (section 98 of the Water Industry Act 1991). Network reinforcement charges can no longer be included in public sewer requisitions as the charging rules issued by Ofwat specifically preclude this. All new developments contribute towards network reinforcement through infrastructure charges, allowing sewerage undertakers to fully comply with statutory duties prescribed by Section 94 of the Water Industry Act 1991.
- C.4 As sewerage undertakers now have a properly defined funding stream for improving public sewer networks to accommodate new development, it would be unreasonable to impose planning conditions relating to foul drainage where it can be demonstrated that development timescales allow any necessary action to be taken. Sewerage undertakers have a statutory duty to improve networks and must do so within a reasonable timeframe to ensure much needed new housing is not delayed.
- C.5 Any improvements necessary to the operation of sewage treatment facilities, including works required to accommodate new development, are funded through the general sewerage charge levied on all premises within a sewerage undertakers operating area.
- C.6 All costs relating to onsite foul drainage networks, the construction of new sewers and ancillaries as well as connection to the public sewer network are

borne in full by developers. Charges associated with these activities are detailed in the Sewerage Undertakers published charging arrangements.

- C.7 The charging arrangements for new development allow sewerage undertakers to take a more holistic approach to improving the capacity of public sewerage networks. Rather than catering for the needs of individual developments on a piecemeal basis, sewerage undertakers can now consider all potential development in a particular area and devise solutions to accommodate the cumulative impact. It may also allow sewerage undertakers to better address existing capacity constraints alongside network reinforcement that caters for growth. Previously this was rarely the case where funding was provided by a specific development as it was not permitted to charge developers to address existing issues.
- C.8 Construction of the onsite sewerage system for this development and its connection to the public sewer network will be funded by the developer. Its design will be vetted by the Sewerage Undertaker following payment of the appropriate fees set out in the charging arrangements.
- C.9 Infrastructure Charges for the 180 dwellings proposed will be paid to the Sewerage Undertaker at a rate of £423.00 per property (fixed until 31st March 2019 and then reviewed annually). This will provide the Sewerage Undertaker with £76,140.00 towards the general costs of improving the public sewerage network where it is necessary to accommodate the foul water flows from new development.
- C.10 The addition of 180 new customer households will provide additional annual income to the Sewerage Undertaker. The current average sewerage charge in the Sewerage Undertaker's area is £227.00 per property, providing £40,860.00 (rising in line with future price increases) annually on completion of the development.

D. Water Industry Legislative Framework, Duties and the Planning Regime

- D.1 ULS has consistently maintained that planning conditions relating to foul drainage are unnecessary for new residential development and the planning appeal decisions detailed in Appendix 5 and summarised below support this view. The actual impact on the environment of a proposed development must always be evaluated with due regard to the statutory provisions set out in the Water Industry Act 1991 (WIA1991).
- D.2 A summary of the relevant sections of the WIA1991 is set out at Appendix 4 together with the full wording of those sections.
- D.3 A detailed analysis of the interaction between the water industry statutory framework and the planning regime is set out at Appendix 5.
- D.4 When evaluating foul drainage during a planning application, the correct approach in law should be as follows:
- To have regard to a developer's absolute right to connect to the public sewerage system, while taking into account the general duty that section 94 of the WIA1991 imposes on sewerage undertakers.
 - To consider whether there is any impact on the environment that would justify refusing permission and if so whether this could be mitigated by a planning condition.
 - To determine whether any planning condition would meet the policy tests detailed in the NPPF and Planning Practice Guidance (PPG).
- D.5 Conditions relating to sewerage and sewage treatment must be justified against the tests set out in the NPPF and the PPG. In particular, given the rights and duties in the WIA1991, careful consideration is required as to the timescales involved in implementing a permission for residential development. It is reasonable to expect the Sewerage Undertaker to provide the necessary infrastructure to avoid adverse effects, and it is funded to do so through charges it collects specifically for this purpose.
- D.6 The principles set out in this report that demonstrate planning conditions relating to foul drainage are unnecessary have been considered at a number of planning appeals. The reference numbers for these appeal decisions are listed in Appendix 5 along with extracts relevant to foul drainage. It was determined by the Planning Inspectors presiding over these cases that the imposition of a planning condition relating to foul drainage was either unnecessary or unreasonable. The reasons given by the Planning Inspectors for this decision were similar in each case and can be summarised as follows:

- Sewerage undertakers have a statutory duty prescribed by the Water Industry Act 1991 to provide sewer connections. There is no need for planning conditions to duplicate powers available under other legislation.
- Sewerage Undertakers have a statutory duty prescribed by the Water Industry Act 1991 to improve its existing systems if necessary. A condition relating to foul drainage is unnecessary as it is the subject of other legislation.
- In general, conditions relating to foul water drainage are unnecessary, given the requirements of legislative provisions separate to the land use planning regime.
- A condition relating to the completion of off-site network reinforcement would be unreasonable where development timescales provide the sewerage undertaker adequate time to implement any necessary improvement measures to the public sewerage network.

Case law has set a precedent relating to the consistency of decision making by planning authorities or inspectors, confirming that whilst a decision maker can depart from a previous decision which considered the same or similar facts, they must fully justify the reasons for doing so. (Fox Vs SoS [2012] EWCA Civ 1198).

D.7 As set out in Section B and Appendix 1, the Sewerage Undertaker has evaluated the drainage strategy for this development and confirmed that the public sewerage system has available capacity to accommodate the associated foul water flows. It would be unreasonable to impose a planning condition relating to foul drainage for the following reasons:

- No network reinforcement is required to meet the needs of this development. A condition requiring restriction of the commencement and/or occupation of the development is therefore unnecessary.
- All matters relating to the design and construction of sewerage systems for new development as well as connection to existing networks are covered by the provisions of primary legislation (WIA1991). A planning condition requiring submission to the planning authority of details relating to such matters would be an unnecessary duplication and therefore unreasonable.

E. Summary

- E.1 It is clear from the above analysis of both legal and technical aspects relating to foul drainage, that this development can be effectually drained without causing detriment to the public sewerage network.
- E.2 Section B of this report demonstrates how this development can be drained, with an onsite sewerage system constructed and connected to the public sewerage network. It has been established that the public sewerage system has available capacity to accommodate the associated foul water flows.
- E.3 Section C of this report explains how the Sewerage Undertaker is funded to make any necessary alterations to its sewer network to accommodate development. Much of the detail in this section is for information only in this case, as network reinforcement is not required in this case.
- E.4 Section D of this report highlights the separate legislative regimes that operate within the planning system and the water industry and demonstrate that a foul drainage planning condition is not required. Matters pertaining to foul drainage and sewage treatment for this development are fully addressed by water industry legislation.
- E.5 The developer has a right to connect to the public sewerage network at a point of its choosing and the Sewerage Undertaker has a duty to carry out any works necessary to accommodate associated foul water flows (s106 and s94 of the WIA1991).
- E.6 If the Sewerage Undertaker requires construction of foul drainage works for this development to be carried out in an alternative manner or connection at a different location to that proposed by the developer, it can compel the developer (through s112 of the WIA1991) to undertake additional works to achieve this.
- E.7 Planning appeal decisions have confirmed that conditions relating to foul drainage are unnecessary and/or unreasonable. Case law has set precedent relating to the consistency of decision making by planning authorities or inspectors, confirming that whilst a decision maker can depart from a previous decision which considered the same or similar facts, they must fully justify the reasons for doing so. (Fox Vs SoS [2012] EWCA Civ 1198).
- E.8 The grant of outline planning permission for this development will give the Sewerage Undertaker sufficient certainty that it will go ahead. This will allow it to update its records and ensure that its systems can meet the demands of all existing and proposed developments in this area.

E.9 In summary, this report clearly demonstrates how the proposed development can be effectually drained and that it will not cause any detriment to the public sewerage system. Matters relating to foul drainage have been properly assessed and are comprehensively addressed in other primary legislation, meaning there is no impact which would make the development unacceptable in planning terms in the absence of a condition. Adopting the tests at NPPF paragraph 55, any condition related to foul drainage is unnecessary, irrelevant to planning and unreasonable.

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Utility Law Solutions – Company Overview

ULS is owned and operated by Philip Day and Alex Day and was incorporated in 2007. Since its inception, ULS has provided advice and assistance to developers, landowners and other bodies operating in the house building sector on issues relating to foul drainage, sewage treatment and associated infrastructure matters.

Prior to the formation of ULS Philip Day and Alex Day were both employed in the Water & Sewerage Industry by Severn Trent Water, being one of the largest sewerage undertakers in the UK. Philip and Alex therefore have first-hand knowledge of the operation of sewerage undertakers and how they interact with developers and others in the house building industry.

Before leaving Severn Trent Water to set up Utility Law Solutions, Philip was their Principal Legal Advisor for Asset Management matters. In this role Philip's responsibilities were wide ranging and included the provision of legal advice and support to the business in relation to all asset management issues arising out of the company activities in sewage treatment, water supply and networks (water main and sewerage systems). During his time with Severn Trent Water, Philip was inter alia directly responsible for all legal aspects relating to:-

- Advice on the effects of the Water Industry Act 1991 and related legislation
- Obligations of sewerage undertakers in relation to the section 94 duty
- Formulation of policies and procedures in relation to the connection of infrastructure to new developments including resolution of development related problems/disputes
- Sustainable Drainage Systems (SuDS) - Member of the National SuDS Working Group providing legal support which culminated in the Interim Code of Practice for Sustainable Drainage Systems
- Sewers for Adoption – Provision of legal support for Sewers for Adoption 5 and 6, including creating a new national agreement
- Development through Water UK involvement, of water company positions in relation to Private Sewers legislation, New Roads and Street Works and Traffic Management Acts, Environmental Liability Directive, Section 101A (rural sewers) applications and processes and Environmental Information Regulations

Alex was employed by Severn Trent Water in its Developer Services and New Connections department with duties including assessing and communicating the impact of new developments on existing sewerage networks and evaluating sewer designs proposed by developers in accordance with industry standards. Alex worked in close collaboration with the Asset Protection and the Legal departments in Severn Trent providing an important link for his own team to ensure that all activities relating to new development complied with both statutory provisions and protected the technical requirements of the company. Alex also spent 4 years prior to joining ULS working as a consultant to developers providing advice on matters including the impact of proposed developments on sewerage networks and acting as an agent in communicating with sewerage undertakers.

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Appendix 1

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From: Wastewater Developer Services
[\[mailto:WastewaterDeveloperServices@uuplc.co.uk\]](mailto:WastewaterDeveloperServices@uuplc.co.uk)
Sent: 27 February 2019 10:35
To: alex.day@utilitylawsolutions.co.uk
Cc: Wastewater Developer Services <WastewaterDeveloperServices@uuplc.co.uk>
Subject: Pre Development Enquiry for *Pear Tree Farm off School Lane Euxton - Our ref - 4200024460
Importance: High

Dear Sir

We have carried out an assessment of your application which is based on the information provided; this pre development advice will be valid for 12 months

Foul

Foul will be allowed to drain to the public combined/ foul sewer network. In line with your suggested discharge point, our preferred point of discharge would be to manhole 7200 on the 375mm combined sewer on School Lane at an unrestricted rate. Please be aware that you will have to prove the viability of the connection before work commences on site.

Given the topographical constraints I would recommend that your client plans for the installation of a pumping station to service the site rather than rely on a gravity system that offers slack gradients. Clearly if a gravity system is viable when detailed design commences that we would have no objection providing minimum gradients are met

Surface Water

Surface water from this site should drain to either soak away or directly to watercourse. Discharge rates and consents must be discussed and agreed with all interested parties.

Connection Application

Although we may discuss and agree discharge points & rates in principle, please be aware that you will have to apply for a formal sewer connection. This is so that we can assess the method of construction, Health & Safety requirements and to ultimately inspect the connection when it is made. Details of the application process and the form itself can be obtained from our website by following the link below

<http://www.unitedutilities.com/connecting-public-sewer.aspx>

Sewer Adoption Agreement

You may wish to offer the proposed new sewers for adoption. United Utilities assess adoption application based on Sewers adoption 6th Edition and for any pumping stations our company addenda document. Please refer to link below to obtain further guidance and application pack:

<http://www.unitedutilities.com/sewer-adoption.aspx>

Please be aware that on site drainage must be designed in accordance with Building Regulations, National Planning Policy, and local flood authority guidelines, we would recommend that you speak and make suitable agreements with the relevant statutory bodies.

Please note, if you intend to put forward your wastewater assets for adoption by United Utilities, the proposed detail design will be subject to a technical appraisal by an Adoption Engineer as we need to be sure that the proposals meets the requirements of Sewers for adoption and United Utilities Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, further to this enquiry should you wish to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Regards

Graham Perry

Development Engineer
Developer Services and Planning
Business Operations
United Utilities

T: 01925 679405 (internal 79405)

E: graham.perry@uuplc.co.uk

[unitedutilities.com](http://www.unitedutilities.com)

From: Alex Day <alex.day@utilitylawsolutions.co.uk>
Sent: 13 February 2019 17:03
To: 'Wastewater Developer Services'
<WastewaterDeveloperServices@uuplc.co.uk>
Cc: philip.day@utilitylawsolutions.co.uk
Subject: Proposed development at Pear Tree Lane, Euxton

Good Afternoon,

Re: Gladman Developments- Proposed development of up to 180 residential dwellings at land off Pear Tree Lane, Euxton

Please find attached a completed wastewater pre-development enquiry form (Euxton – UU Form) in relation to the above development. Also attached are relevant plans and information to assist in your assessment of the potential impact on public foul sewers of the foul water flows that will discharge from the site. It is intended that the proposed development will be the subject of an outline planning application before the end of April 2018.

Site information

1. A location plan for the development site is attached. The grid reference is x - 355864, y – 419304. Postcode PR7 6JL
2. The site is a greenfield site and does not currently have any connectivity with the public sewerage network.
3. The site is considered to have a development potential of up to 180 residential dwellings.
4. The public sewer records received show two 375mm public foul/combined sewers in School Lane to the east. Either would be a suitable outfall for development foul flows, (sewer map extract attached).
5. A topographical survey of the site and surrounding area is attached. This indicates that although the site is fairly flat in places and with ground levels in the south east corner 1.5 metres lower than the access from School Lane, draining the development under gravity should be technically feasible. Manhole 7200 on one of the 375mm sewers is 5.83 metres deep and the other sewer is even deeper. A gravity solution would likely lead to some development sewers being deeper than would usually be desirable, but this may still be preferable to pumping flows from development in the south east corner. The preferred solution can be agreed with United Utilities as part of the section 104 agreement following detailed development design. Additional connections in the vicinity of

MH7300/7400 for development in the north of the site if required to optimise onsite drainage design.

6. Gladman will secure outline planning permission for this development, then sell the site to a developer who will secure reserved matters approval before commencing development.

I would be grateful if you could confirm the ability of the existing public sewerage network to accommodate the new foul flows from this proposed development, clearly specify the preferred connection point(s), confirm level details and locations and let me have any additional comments at your earliest convenience.

I look forward to hearing from you in due course.

Regards
Alex Day
Director
Utility Law Solutions Ltd.

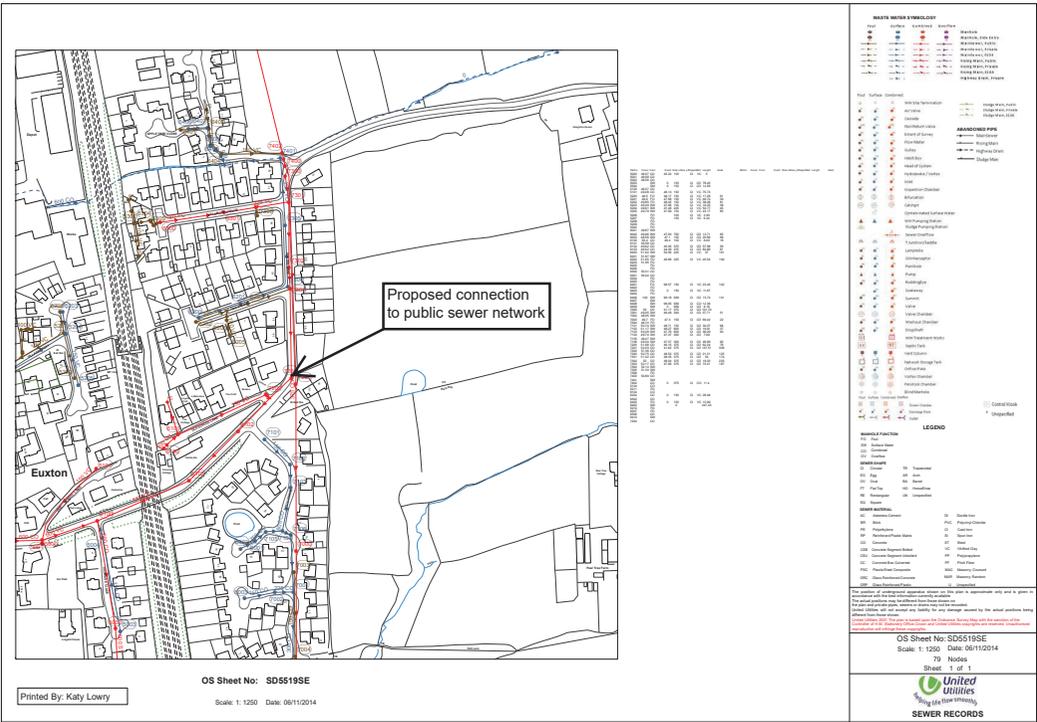
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Appendix 2

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Appendix 3

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2019-019 EUXTON, PEAR TREE LANE

LOCATION PLAN

Scale(s) 1:5000@A3

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Appendix 4

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Water Industry Legislation

Summary

The Water Industry Act 1991 (WIA1991) provides a full legislative framework, incorporating provisions that ensure new developments can be effectually drained with onsite sewers being connected to the public sewerage network and subsequently adopted. The WIA1991 also contains safeguards to ensure that foul water flows resulting from new development do not cause detriment to the existing public sewerage network. A duty is imposed on sewerage undertakers by the WIA1991 to improve/upgrade public sewer networks to ensure the needs of new development can be met. Where it is perceived that new flows may cause detriment to public sewer networks, in addition to its duty to improve/upgrade, a sewerage undertaker also has the ability to compel a developer to connect at a point of adequacy on its system or otherwise alter the proposed drainage arrangements.

It should also be noted that the WIA1991 provides for the water industry regulator to arbitrate on disputes between developers and sewerage undertakers on sewer connections and the provision of sewerage infrastructure in the event that such a dispute cannot be resolved between the parties. Involving the planning system in such matters is both unnecessary and has the potential to cause conflicts between the two legislative regimes.

The relevant sections of the WIA1991 which confirm the above statements are set out in full below but for convenience can be summarised as follows:

Section 104 – Sewer Adoption Agreements

Section 104 of the WIA1991 provides for developers to enter into a section 104 sewer adoption agreement in conjunction with exercising rights to connect to the public sewerage network under section 106(1) WIA1991.

Section 106 – Right to Communicate with Public Sewers.

Developers enjoy a statutory right to connect new sewers to existing public sewers under section 106 (1) of the WIA1991 and sewerage undertakers do not have the ability to refuse a connection on the grounds of capacity in the local sewerage network and/or sewage treatment works.

Section 107 entitles the sewerage undertaker to give notice within 14 days of receipt of a notice under section 106(3) that it intends to make the communication itself. In that event the developer has to pay the reasonable cost of the work.

The Supreme Court in its judgment against a sewerage undertaker upheld this long-standing absolute right of connection to available public sewers (Barratt Homes Limited (Respondents) v Dwr Cymru Cyfyngedig (Welsh Water) (Appellants) – paragraphs 23-26, 41, 55).

The following extract from the judgment highlights some of the issues that were considered (with the key parts underlined):

41. The real problem that is demonstrated by the facts of this case arises out of the “absolute right” conferred by section 106 of the 1991 Act on the owner or occupier of premises to connect those premises to a public sewer without any requirement to give more than 21 days notice. While this might create no problem in the case of an individual dwelling house, it is manifestly unsatisfactory in relation to a development that may, as in the present case, add 25% or more to the load on the public sewer. The public sewer may well not have surplus capacity capable of accommodating the increased load without the risk of flooding unless the undertaker has received sufficient advance notice of the increase and has been able to take the necessary measures to increase its capacity.

57. As OFWAT has pointed out, although the 1991 Act affords no such right, there is a case for deferring the right to connect to a public sewer in order to give a sewerage undertaker a reasonable opportunity to make sure that the public sewer will be able to accommodate the increased loading that the connection will bring. The only way of achieving such a deferral would appear to be through the planning process. Some difficult issues of principle arise however:

□ Is it reasonable to expect the sewerage undertaker to upgrade a public sewerage system to accommodate linkage with a proposed development regardless of the expenditure that this will involve?

□ How long is it reasonable to allow a sewerage undertaker to upgrade the public sewerage system?

□ Is it reasonable to allow the sewerage undertaker to delay planned upgrading of a public sewer in the hope or expectation that this will put pressure on the developer himself to fund the upgrading?

A 21 day notice is only exercisable when the sewer that is required to connect flows from a new development has actually been constructed (as confirmed by Ofwat in a formal Determination). The development timescales set out in Section C above demonstrate that in reality sewerage undertakers always have significant periods of notice before new flows need to be accommodated in the public system.

Section 94 – A Sewerage Undertaker’s General Duty to Provide a Sewerage and Sewage Disposal System

Under section 94 (1) of the WIA1991, sewerage undertakers have a duty to provide, improve, extend and make provision for the emptying of their sewerage systems by effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers that comprise the public sewerage system. The provisions of this section relate not only to long term capital works to improve the sewerage

system generally, but also place a duty on the sewerage undertaker to react to changes in the level of discharges into its networks.

Section 94(1) places a duty on sewerage undertakers to plan and implement any works necessary to ensure their network of sewers (and sewage treatment facilities) continues to operate satisfactorily once they have received notification that a developer intends to exercise the right to connect under section 106(1). In reality, a sewerage undertaker has sufficient certainty (and time as a result of the advance notice they receive) that a development will be proceeding on the grant of planning permission (outline or full) and should consider any necessary actions to comply with its section 94 duty at that stage. Conversely, until a sewerage undertaker has certainty that sufficient development will take place in a particular area, it is unlikely that any investment in sewerage or sewage treatment will be allocated. It is therefore illogical to refuse to grant planning permission for developments on the grounds that no improvement works are planned for a particular area.

Section 112 – An Alternative to Works under the Section 94 Duty

Whilst all developers and landowners have an absolute right to connect to the public sewer nearest to their premises, in some circumstances it may be the case that the sewerage undertaker requires drainage systems to be constructed in a manner which better protects the existing public sewerage and/or sewage treatment systems. It may for example be beneficial for a sewerage undertaker to require that a developer connects at an alternative location which constitutes a point of adequacy or provide onsite attenuation to ensure that new flows are only discharged at a specific rate or during certain times until any deficiencies in its systems have been resolved. Given the rights and duties under section 106 and 94 of the WIA1991, it would not however be appropriate to expect a developer to pay for any additional works. Section 112 of the WIA1991 provides a mechanism for sewerage undertakers to compel a developer to carry out alternative works (s112 (1)), but with the difference of cost being met by the sewerage undertaker (s112 (6)).

Clearly if compelling alternative works would be more cost effective for a sewerage undertaker than implementing sewer or sewage treatment improvement works under its section 94 duty or would allow extra time to carry out such works, this option is both viable and useful to ensure that a development can be effectually drained.

Section 104 - Agreements to adopt sewer, drain or sewage disposal works, at future date

- (1) Subject to subsection (7) and section 146(3) below, a sewerage undertaker may agree with—
 - (a) any person constructing or proposing to construct -
 - (i) any sewer;
 - (ii) any drain which is intended to communicate with a public sewer vested in that undertaker; or
 - (iii) any sewage disposal works; or
 - (b) any person at whose expense the undertaker is, by virtue of an agreement under section 160 below, to carry out work in connection with the construction of such a drain or sewer,

that, if the sewer, drain or sewage disposal works is or are constructed in accordance with the terms of the agreement, the undertaker will, upon completion of the work, at some specified date or on the happening of some future event, declare the sewer or such part of the drain as constitutes the lateral drain or the works (as the case may be) to be vested in that undertaker.

- (2) A person mentioned in paragraph (a) or (b) of subsection (1) above may make an application to a sewerage undertaker requesting the undertaker to make an agreement under this section.

Section 106 – Right to Communicate with Public Sewers

(1) Subject to the provisions of this section -

- (a) the owner or occupier of any premises, or
- (b) the owner of any private sewer which drains premises,

shall be entitled to have his drains or sewer communicate with the public sewer of any sewerage undertaker and thereby to discharge foul water and surface water from those premises or that private sewer.

(1A) In this section, and in sections 107 to 109, 111, 113 to 116, 118, 119, 124, 127, 139 and 146 below -

- (a) references (however expressed) to a public sewer include a public lateral drain which satisfies sewer standards; and
- (b) for the purposes of paragraph (a) above
 - (i) a “public lateral drain” is a lateral drain which either belongs to the sewerage undertaker or is vested in the sewerage undertaker by virtue of a declaration made under section 102 above or under an agreement made under section 104 above; and
 - (ii) “sewer standards” means such standards of construction and repair as the undertaker would require if the public lateral drain or part of it were to become a public sewer.

(2) Subject to the provisions of Chapter III of this Part, nothing in subsection (1) above shall entitle any person -

- (a) to discharge directly or indirectly into any public sewer -
 - (i) any liquid from a factory, other than domestic sewage or surface or storm water, or any liquid from a manufacturing process; or
 - (ii) any liquid or other matter the discharge of which into public sewers is prohibited by or under any enactment; or
- (b) where separate public sewers are provided for foul water and for surface water, to discharge directly or indirectly -
 - (i) foul water into a sewer provided for surface water; or
 - (ii) except with the approval of the undertaker, surface water into a sewer provided for foul water; or
- (c) to have his drains or sewer made to communicate directly with a storm-water overflow sewer.

(3) A person desirous of availing himself of his entitlement under this section shall give notice of his proposals to the sewerage undertaker in question.

(4) At any time within twenty-one days after a sewerage undertaker receives a notice under subsection (3) above, the undertaker may by notice to the person who gave the notice refuse to permit the communication to be made, if it appears to the undertaker that the mode of construction or condition of the drain or sewer –

- (a) does not satisfy the standards reasonably required by the undertaker; or
- (b) is such that the making of the communication would be prejudicial to the undertaker’s sewerage system.

(5) For the purpose of examining the mode of construction and condition of a drain or sewer to which a notice under subsection (3) above relates a sewerage undertaker may, if necessary, require it to be laid open for inspection.

(5A) Where the sewer or drain satisfies the standards reasonably required by it, a sewerage undertaker may, as a condition of permitting the communication to be made, require that the sewer or that part of the drain forming the lateral drain be vested in it by virtue of a declaration under section 102 above.

(6) Any question arising under subsections (3) to (5A) above between a sewerage undertaker and a person proposing to make a communication as to -

- (a) the reasonableness of the undertaker’s refusal to permit a communication to be made; or
- (b) as to the reasonableness of any requirement under subsection (5) [or (5A) above, may, on the application of that person, be determined by the Authority under section 30A above (and, accordingly, section 105 above shall not apply to any requirement under subsection (5A) above).

(7)

(8) Where a person proposes under this section to make a communication between a drain or sewer and such a public sewer in Greater London as is used for the general reception of sewage from other public sewers and is not substantially used for the reception of sewage from private sewers and drains -

- (a) the grounds on which a sewerage undertaker may refuse to permit the communication shall be such grounds as the undertaker thinks fit; and
- (b) no application to the Authority may be made under subsection (6) above in respect of any refusal under this subsection.

(9) In this section “factory” has the same meaning as in the Factories Act 1961.

Section 94 - General Duty to Provide Sewerage System

(1) It shall be the duty of every sewerage undertaker -

- (a) to provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers and any lateral drains which belong to or vest in the undertaker as to ensure that that area is and continues to be effectually drained; and
- (b) to make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.

(2) It shall be the duty of a sewerage undertaker in performing its duty under subsection (1) above to have regard -

- (a) to its existing and likely future obligations to allow for the discharge of trade effluent into its public sewers; and
- (b) to the need to provide for the disposal of trade effluent which is so discharged.

(3) The duty of a sewerage undertaker under subsection (1) above shall be enforceable under section 18 above -

- (a) by the Secretary of State; or
- (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, by the Authority.

(4) The obligations imposed on a sewerage undertaker by the following Chapters of this Part, and the remedies available in respect of contraventions of those obligations, shall be in addition to any duty imposed or remedy available by virtue of any provision of this section or section 95 below and shall not be in any way qualified by any such provision.

(5) In this section "trade effluent" has the same meaning as in Chapter III of this Part; and, accordingly, section 139 below shall have effect for the purposes of this section as it has effect for the purposes of Chapter 3 of this Part.

Section 112 – Requirement that Proposed Drain or Sewer be Constructed so as to Form Part of General System.

(1) Where -

- (a) a person proposes to construct a drain or sewer; and
- (b) a sewerage undertaker considers that the proposed drain or sewer is, or is likely to be, needed to form part of a general sewerage system which that undertaker provides or proposes to provide, the undertaker may require that person to construct the drain or sewer in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall or otherwise, from the manner in which that person proposes, or could otherwise be required by the undertaker, to construct it.

(2) If any person on whom requirements are imposed under this section by a sewerage undertaker is aggrieved by the requirements, he may within twenty-eight days appeal to the Authority.

(3) On an appeal under subsection (2) above with respect to any requirements, the Authority may either disallow the requirements or allow them with or without modification.

(4) It shall be the duty of a person on whom requirements are imposed by a sewerage undertaker under this section to comply with those requirements.

(5) The duty of any person by virtue of subsection (4) above to comply with the requirements of a sewerage undertaker shall be owed to the undertaker; and any breach of that duty which causes the undertaker to sustain loss or damage shall be actionable at the suit of the undertaker.

(6) A sewerage undertaker which exercises the powers conferred on it by this section shall -

- (a) repay to the person constructing the drain or sewer the extra expenses reasonably incurred by that person in complying with the undertaker's requirements; and
- (b) until the drain or sewer becomes a public sewer, from time to time repay to that person so much of any expenses reasonably incurred by him in repairing or maintaining the drain or sewer as may be attributable to the undertaker's requirements having been imposed and complied with.

(7) Nothing in this section shall apply in relation to so much of any drain or sewer as is proposed to be constructed by any railway undertakers or dock undertakers in or on land which -

- (a) belongs to them; and
- (b) is held or used by them for the purposes of their undertaking.

Appendix 5

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Water Industry Legislation and the Planning Regime – ULS Analysis

The Planning Tests

The following statements are pertinent and should be applied by planning authorities when considering proposed development in conjunction with the six tests set out in the National Planning Policy Framework (NPPF) and expanded on in the Planning Practice Guidance (PPG):-

1. The actual impact on the environment of foul and wastewater drainage from a proposed development must always be evaluated with due regard to statutory provisions set out in the Water Industry Act 1991 and the duties of sewerage undertakers contained therein.
2. In considering any foul and wastewater drainage matters, the planning authority must take into consideration the fact that the developer has an absolute right to connect to the public sewerage system under section 106 of the Water Industry Act 1991 (the WIA1991), whether or not this would give rise to adverse effects e.g. increased flooding or environmental harm due to a restricted capacity in the sewerage and sewage treatment system.
3. Planning authorities must also consider the following matters:
 - a) Section 94 of the WIA1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its area and effectually deal with the contents of its sewers;
 - b) a sewerage undertaker is provided with the means of funding the cost of fulfilling the above duty within the WIA1991 through sewerage charges and infrastructure charges; and
 - c) the WIA1991 and the charging arrangements included at Appendix 6 clearly sets out that the costs of meeting the above duty are required to be borne by the sewerage undertaker, not the developer.
4. ULS does not believe that planning conditions relating to foul drainage are necessary for new residential development. In order for any such condition to be justified in terms of the guidance in the NPPF and PPG, the condition would also have to be shown to be necessary and reasonable. In theory a negative “Grampian” style condition could as a matter of law be imposed to restrain the occupation of development until satisfactory arrangements are made to deal with the sewage and wastewater generated. However, in practice it is clear that such a condition would fail when set against the tests in para. 55 of the NPPF and explained in the PPG on the basis that there is normally sufficient time for

the sewerage undertaker to fulfil its statutory duties as set out below or there is manifestly negligible impact on the sewerage and sewage treatment system.

5. When considered properly in the light of the structure and intentions of the WIA1991, current deficiencies in sewerage and sewage treatment provision would not in themselves justify refusal of permission or a Grampian condition. A planning authority must take into account the reasonable timescale when foul water flows from a development would start to discharge into the public sewerage and sewage treatment system, the undertaker’s duties and whether such deficiencies would reasonably be expected to be addressed by the time the development imposes an additional burden on the system.
6. A condition which has the effect of compelling the developer to undertake attenuation works on site or elsewhere to alleviate the impact of foul water flows from the development on the sewerage and sewage treatment system would also be unreasonable. This is because section 112 of the WIA1991 provides a means for the sewerage undertaker to require such works as part of the private sewerage system serving the development, but on condition that the additional cost is borne by the undertaker, not the developer.
7. Finally, it is important to consider the differences between the provision of sewerage and sewage treatment and other infrastructure such as roads, schools, GP surgeries etc. It is clear that a development may need to be phased to ensure that such infrastructure is available with the necessary contributions made by developers to the cost of its provision. This is not the case with sewerage and sewage treatment provision as there is a statutory duty and statutory mechanism for financing it. Conversely no person has a statutory duty to provide roads, schools, GP surgeries etc. to serve developments and there is no means of covering its cost by charging users.

Given this analysis, planning authorities should not be refusing planning permission or imposing foul drainage conditions on developers as a matter of course, without addressing the above.

It is possible to interpret some passages in the PPG as if they were suggesting that foul drainage conditions should be imposed routinely. This is misleading as conditions relating to sewerage and sewage treatment must be considered and justified against the tests in para. 55 of the NPPF and explained in the PPG. In particular, given the provisions laid down by Parliament in the WIA1991, careful consideration will be required as to whether such a condition is necessary and whether it is reasonable. Having regard to the nature of the plan-led system and the time-scales involved in implementing a permission for residential development, it is entirely reasonable to expect a sewerage undertaker to make provision for the necessary sewerage and sewage treatment infrastructure so as to avoid the adverse

effects that may or may not be caused by new development and to fund this through the normal means of charges.

The necessity or otherwise of foul drainage planning conditions has been tested in planning appeals in which ULS has been involved. Decisions from five of these cases are outlined below:

Appeal Decision APP/F1610/A/14/2228762

The Planning Inspector made the following comment at paragraph 56:-

The foul sewage and the water supply systems involve infrastructure elements that are inadequate. The consultation response from Thames Water suggests that conditions should be imposed to require an assessment of the additional capacity that might be required and to indicate suitable connection points. However, there is a statutory duty to provide such connections under the requirements of the Water Industry Act 1991. Hence, there would be no need for planning conditions to duplicate powers available under other legislation, as the submitted notes confirm.

Appeal Decision APP/F2605/W/15/3137812

The Planning Inspector included the following comments at paragraphs 26 and 31:-

26. Many thought that the infrastructure in Watton would be unable to cope. Anglian Water has a duty to deal with foul sewage, through improvements to the system if necessary; the broad principle is that the situation should be no worse than before the development was constructed, not that development should resolve any existing problems.

31. A condition on foul sewerage (18) is unnecessary because it is the subject of other legislation.

Appeal Decision APP/D3125/W/15/3136376)

The Planning Inspector made the following comments at paragraphs 72 and 99:-

72. Turning to sewerage, it is not disputed that at present there is insufficient capacity in the existing foul network to take the predicted flows from the proposed development. However, Thames Water's Developer Services commissioned report¹¹ concludes that there is an indicative option available to address this lack of capacity. My attention was drawn to email correspondence from what appeared to be a different department of Thames Water¹²,

¹¹ Sewer Impact Study X4503 -1010 SMG 1876 Proposed Connection at New Yatt Road North Leigh Foul System January 2016

¹² See Inquiry Document 22

99. On the basis of evidence presented to me, I am not persuaded that conditions relating to fire hydrant provision and foul water drainage are necessary, given the requirements of legislative provisions outwith the land use planning regime.

Appeal Decision APP/ APP/D3125/W/15/3005737

The Secretary of State and Planning Inspector made the following comments at paragraphs 20 and 231:-

20. The Secretary of State has given consideration to the Inspector's analysis at IR214-231, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector and set out at Annex A to this letter, including the limitation to 260 dwellings, comply with the policy test set out at paragraph 55 of the Framework.

231. The Council did suggest a condition relating to the submission of a drainage strategy for on and off-site works. A condition relating to surface water drainage has already been proffered for imposition. The matter at issues here is foul water drainage. This would be dealt with directly with Thames Water under other legislation outside of the planning remit. It does not seem necessary or reasonable to require the appellant company to seek approval for a scheme of foul water connection essentially from the same regulatory body twice.

Appeal Decision APP/Y2810/A/14/2228921

The Planning Inspector received an analysis from ULS based on the same principles detailed in this report and also representations from a sewerage undertaker requesting that a foul drainage planning condition was imposed. The Inspector stated that a condition relating to the completion of off-site public sewer improvement works would be unreasonable as it would be at least 2 years before any houses would be occupied and discharging foul water flows to the public sewerage network. The Inspector determined that these timescales gave the sewerage undertaker adequate time to implement any necessary improvement measures to the public sewerage network pursuant to the statutory framework that applies to the water and sewerage industry. The Inspector's full comments are set out below.

77. Anglian Water sought a condition requiring on- and off-site mains foul sewage infrastructure works prior to occupation. This would prevent any new connection overloading the sewer. However, the appellant has argued that this would be unreasonable, citing case law that: *a sewerage undertaker has no right to ... refuse a developer the right to connect with a public sewer ...*⁸. I acknowledge that if only 21 days' notice was given (being all that is required under the Water Industries Act 1991) then there would be the potential for a serious problem. However, as Anglian Water replied to statutory consultation in July 2014, and as it is likely to be at least 2 more years before any houses would be occupied, it would have adequate time to take the necessary measures. The proposed condition would therefore be unreasonable.

⁸ *Barratt Homes Limited v Dwr Cymru* [2010] Env. L. R. 14, 253, paragraph 59

Although this appeal decision has now been quashed, it was not on a matter relating to the foul drainage condition.

These decisions are clearly a material consideration in a planning authority's determination of planning applications, due to the potential requirement for the Sewerage Undertaker to provide additional sewerage and/or sewage treatment capacity to accommodate foul water flows from developments. Case law has set a precedent relating to the consistency of decision making by planning authorities or inspectors, confirming that whilst a decision maker can depart from a previous decision which considered the same or similar facts, they must fully justify the reasons for doing so. (*Fox Vs SoS* [2012] EWCA Civ 1198).

Adopting the tests at NPPF para. 55 and following the approach taken these appeals, conditions relating to foul drainage would be unnecessary and/or unreasonable. A sewerage undertaker (and occasionally the Environment Agency) will often suggest that detriment may be caused to the public sewerage system by the foul water flows from a development unless a condition is imposed. It is understandable that this would be of concern to a planning authority and this is no doubt the reason that planning authorities have tended to routinely apply planning conditions put forward by sewerage undertakers. However, in reality, the "risk" is not created by the development itself and would only occur if a sewerage undertaker failed to undertake its statutory obligations as detailed in this report to fund and carry out improvements to the sewer and/or sewage treatment systems if any are required, in a timely manner. The fact that a sewerage undertaker requests development to be delayed until it is prepared to make the necessary investment (for which it is already funded), means that a private company is in effect seeking to dictate when homes which are required to meet housing need, can be delivered. This is not a practice that should be perpetuated within the planning system.

The imposition of unnecessary/unreasonable foul drainage conditions on planning permissions requiring prior approval of drainage schemes or hydraulic modelling, can add considerable expense and delay to the implementation of permissions and the delivery of new homes.

The Sewerage Undertaker's Duties

Sewerage (the piped network) or waste water treatment capacity for a development should be provided by the incumbent sewerage undertaker on the basis that reasonable notice of a proposed development has been provided by a developer or landowner. Indeed, a sewerage undertaker has a statutory duty to do so. Where the impact on the sewerage system is negligible no additional capacity will be required and no action by the sewerage undertaker would be necessary. As such, foul drainage does not generally represent a constraint in planning terms to development. There is a separate statutory regime in place which adequately addresses foul drainage matters. Should a development be granted outline planning permission, the Sewerage Undertaker has sufficient time and has the knowledge and expertise to fully assess the potential impact on its sewerage network and implement any necessary improvement works that may be required to accommodate new foul water flows.

If following evaluation the Sewerage Undertaker considers that improvement works are required to its sewerage network or sewage treatment works, it is funded to ensure that such improvements are made in order to comply with its statutory duty to "provide, improve and extend" its network. It would therefore be unreasonable to delay the start or progress of a development once planning permission has been granted.

With regard to sewage treatment, each Waste Water Treatment Works (WWTW) in a sewerage undertakers operating area has a consent to discharge treated effluent to a body of water (typically a watercourse/river). Such consents are issued by the Environment Agency (EA) and incorporate a number of parameters in relation to both biological load (quality of effluent discharge) and dry weather flow (quantity of discharge). A WWTW is required by the EA to operate within these consent parameters.

The quality and quantity of effluent discharged from a WWTW is measured by the sewerage undertaker responsible against its consent parameters, typically on a monthly basis giving 12 reports per year to the EA confirming whether or not the WWTW is operating within its consent. Clearly as a particular works approaches the limits of its consent parameters, a sewerage undertaker must give regard to the likely level of growth in the catchment area of the WWTW and look at what investment may be required, either by installing new plant or altering the operation of existing plant, to ensure any new flows can be accommodated without exceeding the limits

imposed by the EA. Any sewerage undertaker which does not take such action for works approaching capacity is failing in its statutory duty under section 94 as outlined above. How the quality and quantity of discharge from a WWTW is measured varies from specific monitoring devices within a works to estimates based on the size of the population for the contributing catchment area.

Should a particular WWTW fail to meet its consent parameters on two or more occasions within a twelve month period, discussions will be held between the EA and the sewerage undertaker as to what improvements can be made to bring discharges back within the set limits. During such discussions, the consent parameters may be tightened or amended to suit the facts of the case and to ensure water quality in the receiving body is protected. In reality, because of the gradual nature of growth in any particular area, even where a works is deemed to have failed against its consent parameters, this is only likely to be by a very small amount and provided appropriate action is taken by the sewerage undertaker, an agreement can be made with the EA as to how the WWTW can be managed to ensure it operates within its consent (whether or not this is amended).

Where a WWTW is close to or has failed to meet its consent parameters, it is often possible to implement temporary measures (in operational procedures or provision of additional storage/treatment apparatus) to mitigate against the immediate small exceedance in quality or quantity while funding is allocated and feasibility studies carried out to allow a long-term solution to be implemented to ensure that future additional growth can be catered for.

It is a matter for any sewerage undertaker to manage its consents with the EA and ensure that its WWTW's stay within their consent parameters. This is an ongoing process and it is unreasonable to suggest that a specific development, particularly one which is modestly sized in comparison to overall catchment population, will have a significant and unmanageable influence on a WWTW and its ability to operate within limits set by the EA. This is not a matter which can be influenced by a developer and as such to prevent or delay a development from proceeding because a sewerage undertaker may be forced to take action and fund improvement works to comply with its statutory duties is unreasonable.

Summary

Unless sewerage undertakers have certainty that sufficient development will take place in a particular area, it is unlikely that any investment in sewerage or sewage treatment will be allocated. In the event that the Sewerage Undertaker considers that it has hydraulic or capacity issues with its sewerage and sewage treatment systems for this and other development in the area, it would be unreasonable and illogical to refuse planning permission on the grounds that no sewerage or sewage treatment improvement works are planned for the network to which this development will

discharge foul water flows. Only granting planning permission for developments without foul drainage planning conditions will ensure that the Sewerage Undertaker fully considers the current drainage network and systems in line with its statutory duties. This will provide a benefit not only to new development, but also potentially the existing settlement.

Because of the rights and duties outlined above, where a sewerage undertaker perceives there to be a potential inadequacy in its sewerage or sewage treatment systems to accommodate new foul water flows, it will often make representations to planning authorities recommending that planning conditions relating to foul drainage are imposed.

The point of principle is that as a matter of law, the WIA1991 expressly places a duty on sewerage undertakers to provide, improve, extend and maintain a system of sewers and sewage treatment facilities so as to ensure that their area is and continues to be effectually drained. Sewerage undertakers are fully funded to carry out any necessary improvement works through the statutory based charges they levy. The WIA1991 then gives domestic owners and occupiers an absolute right to connect into the public system (subject only to their private drains being of proper construction and condition). To apply planning policy so as to relieve the undertakers of that duty and negate the rights of owners and occupiers conflicts with primary legislation which already protects both new developments and existing property owners. This is unreasonable where matters relating to foul drainage can be suitably addressed through the appropriate statutory regime which governs the water and sewerage industry.

In our experience, planning authorities often impose a planning condition in relation to foul drainage on the advice of sewerage undertakers without proper consideration of not only how this impacts on effective and economic development, but also whether it conflicts with statutory rights and duties imposed by water and sewerage industry primary legislation.

When considering the drainage related aspects of a planning application, the correct approach in law should be as follows:

- To have regard to the absolute right to connect to the public sewerage system, while taking into account the general duty that section 94 of the WIA1991 imposes on sewerage undertakers.
- To consider whether there is any impact on the environment that would justify refusing permission and if so whether this could be mitigated by a planning condition.
- To determine whether any planning condition would meet the policy tests detailed in the NPPF and PPG.

It is clear that any planning condition relating to foul drainage is unnecessary and unreasonable as it would duplicate matters which are already satisfactorily dealt with under a separate statutory regime. Unless there is clear evidence that to fail to impose a condition would have a detrimental effect which cannot be avoided through appropriate action by a sewerage undertaker in a reasonable timeframe, connections to the local public sewerage system should be dealt with via the legislative framework contained in the WIA1991 rather than planning legislation. Imposing a condition without proof that detriment would be caused which cannot be mitigated against through action by the sewerage undertaker in pursuance of its statutory duties is unreasonable and would fail some or all of the 6 tests in the NPPF. The corresponding advice in the PPG explains in more detail these six tests. The detail included in paragraph 55 of the NPPF and explained in the PPG verifies that most foul drainage planning conditions fail the following tests:

- Necessity – There is no definite planning reason for such drainage conditions to make for acceptability in planning terms. All relevant matters are suitably addressed by water and sewerage industry legislation.
- Relevance to planning – Again all foul drainage matters are already addressed by separate primary legislation
- Enforceability – The upgrade of a sewerage undertaker's sewerage network or sewage treatment works is a matter over which the applicant has no control.
- Reasonability – A foul drainage condition could place an unjustifiable and disproportionate burden on the applicant, by delaying the development due to a lack of action by a sewerage undertaker (by failing to comply with its statutory duties).

Conditions relating to sewerage and sewage treatment must be considered and justified against the tests set out in the NPPF and the PPG. In particular, given the rights and duties in the Water Industry Act 1991, careful consideration is required as to the time-scales involved in implementing a permission for residential development. It is reasonable to expect the sewerage undertaker to make provision for the necessary infrastructure so as to avoid adverse effects, and to fund this through the normal means of charges. A foul drainage condition for developments would therefore fail the test of reasonableness laid out in the NPPF, given the timescales for the ultimate discharge of foul water flows from the development to the public sewerage and sewage treatment system.

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Appendix 6

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New connections and developer services

Charges Scheme
2018/2019



United Utilities Water Limited has published four charges schemes for 2018/2019 charging year. They include the charges to be paid for services provided by us in the course of carrying out our function as a water and sewerage undertaker. Below are details of all the schemes published by us.

This scheme is -

New connections and developer services charges scheme

This charges scheme sets out the charging policies and the charges for the year commencing 1 April 2018, for water supply and sewerage connections and developer services

The others are

Wholesale water charges scheme

This charges scheme sets out the charging policies and the charges for the year commencing 1 April 2018 for wholesale water services

Wholesale sewerage charges scheme

This charges scheme sets out the charging policies and the charges for the year commencing 1 April 2018 for wholesale sewerage services

Household charges scheme

This charges scheme sets out the charging policies and the charges for the year commencing 1 April 2018, chargeable to household customers

All of the charges schemes shown above are available to download from our website: unitedutilities.com

New connections and developer services charges scheme 2018/2019

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United Utilities Water Limited – regional map



New connections and developer services charges scheme 2018/2019

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New connections and developer services charges scheme 2018/2019

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1 SCOPE OF THIS CHARGES SCHEME

This charges scheme is made by United Utilities Water Limited under the provisions of the Water Industry Act 1991 (as amended).

It sets out the charges made by us for the services relating to new connections to the water and sewerage network or other work required on the water and sewerage network as a result of a development, in the course of carrying out our functions as a water and sewerage undertaker under our Instrument of Appointment (as updated).

This charges scheme sets out our charges, terms and conditions for all customers including developers and self-lay providers, applicable to the charging year 2018/2019.

It comes into effect on 1 April 2018 and shall remain in force until revoked, amended or modified by us.

This charges scheme as well as other leaflets are published on our website at:

unitedutilities.com/builders-developers

2 GLOSSARY OF TERMS

A number of terms are used throughout this scheme; they normally have the following meanings:

The Act – the Water Industry Act 1991 (as amended).

Agreement – a legally enforceable contract between us and you. It covers the water or sewerage services that we agree to provide to you, and the commercial terms on which those services are provided.

Asset Payment - a payment made to the developer, SLP or new appointee in respect of that part of a new main used to supply water for domestic purposes.

Bond – a financial guarantee underwritten by a bank or Insurance company approved by us.

Building water – water used in the construction of premises, including testing of water fittings.

Business Day – 08:00 to 17:00 Monday to Thursday, 08:00 to 16:30 Friday, excluding Bank Holidays.

The Company – United Utilities Water Limited – registered number 2366678.

Common billing agreement – an agreement between us and any person(s) or company who has agreed to pay charges for our services for two or more household or non-household premises.

Common supply pipe – a water supply pipe that serves two or more premises.

Communication Pipe - any part of a service pipe which a water undertaker could be, or have been, required to lay under section 46 of the Water Industry Act 1991.

Connection – a connection to a network regulated by the Act and other relevant legislation through which you receive the benefit of one of our services.

Contestable work - work or services that either the relevant undertaker or persons other than the relevant undertaker may do or provide.

Critical asset – an asset is deemed critical if an interruption of service could have a significant impact on customers.

Developer – person or company which is responsible for a development, or any person making an application for new water or sewerage connections.

Domestic purposes – as provided for under section 218 of the Act. Water used for drinking, washing, cooking, central heating and sanitary purposes.

Hazardous waste – defined by Hazardous Waste (England & Wales) regulations 2005.

House – any building or part of a building (including a flat) occupied or likely to be occupied as a private dwelling.

Household premises – premises in any part of which a person has his home and whose principal use is a home and which may be identified as such in light of any eligibility guidance.

Income offset - a sum of money offset against the charges that would otherwise be applied for the provision of that part of a water main used to supply water for domestic purposes.

Infrastructure charge – a water infrastructure charge and/or a sewerage infrastructure charge made by us for a water and/or sewerage connection for domestic purposes (see Condition C of our Instrument of Appointment and section 7 of this scheme).

Instrument of Appointment – is the Instrument of Appointment of the Company, then known as North West Water Limited as a water and sewerage undertaker dated 24 August 1989 (as updated).

New Appointment - A new appointment is made where a limited company is appointed by Ofwat to provide water and/or sewerage services for a specific geographic area. Once appointed the new appointee will take over responsibility for providing water and or wastewater services to that specific area.

Non-contestable work – work which may only be undertaken by us.

Non-household premises – premises other than a household premises.

Non-domestic purposes – water use for any purpose other than domestic purposes.

Plot – property to be connected to a newly constructed main. This definition relates only to the calculation of an income offset or asset payment (see 5.4.10).

Premises – includes any building or part of a building which is separately occupied or intended to be occupied and land or an interest in land.

Relevant multiplier – a number related to loading units for water fittings for the purpose of calculating infrastructure charges (see 7.3).

Self-lay – the laying of water pipes and associated infrastructure in accordance with section 51a of the Act.

Self-lay provider (SLP) – an entity that carries out self-lay work with Water Industry Registration Scheme (WIRS) accreditation.

Service pipe - so much of a pipe which is, or is to be, connected with a water main for supplying water from that main to any premises as -

(a) is or is to be subject to water pressure from that main; or

(b) would be so subject but for the closing of some valve, and includes part of any service pipe.

Services – any service provided by us related to potable or non-potable water supply and foul drainage, surface water drainage, highway drainage and trade effluent.

Site specific - work on, or the provision of, water or sewerage structures or facilities located on a development as well as work to provide and connect a requested water

main, sewer, communication pipe or lateral drain on, to or in the immediate vicinity of, the development.

Charges for site specific work relate to the provision of connection structures or facilities located on a development up to the nearest practical point on the existing network where the connecting pipework is of a nominal bore internal diameter no larger than that of our existing network. They do not refer to costs or work required as part of network reinforcement.

Sewerage services – any services provided by us related to the provision, alteration of sewerage and the reception, conveyance and treatment of sewage including surface water drainage and highway drainage.

Surety – insurance to cover the failure to complete the drainage for a development scheme. It can be secured by a bond or cash deposit.

Water and sewerage undertaker – the Company appointed to carry out water and sewerage duties under the Act.

Water services charges – a charge or any combination of charges for water supply services or sewerage services or both.

Water supply – water supplied by us to you.

Water supply services – any services provided by us related to the provision, alteration or disconnection of a water supply.

We, us or our – United Utilities Water Limited (registered number 2366678) or our representative(s).

Water Industry Registration Scheme (WIRS) – a recognised accreditation scheme operated by Lloyd's Register on behalf of water utility companies.

WRAS – Water Regulations Advisory Scheme.

You, your – the person(s) requesting the connection or service.

3 GENERAL INFORMATION

3.1 Charges

Charges in this scheme reflect the costs associated with providing each service as stated.

Unless otherwise stated, the charges quoted in this scheme apply for works carried out during the business day under standard conditions. In other instances we reserve the right to charge on a basis of actual costs, provided you are notified accordingly prior to commencement of the work.

Miscellaneous charges are listed in section 9.

In exceptional circumstances, additional charges may apply to the fixed charges quoted in this charges scheme.

Where;

- The technical complexity of the work is high or the type of work required is bespoke or carried out infrequently, or;
- Third parties can legitimately recover their costs from companies and there is not a reasonable level of certainty of those costs in advance of connection work being undertaken, or;
- Third parties have rights to protect their assets or interests in a way that affects the construction method. The third parties' requirements are unknown upfront, or;
- The work is to be carried out on or close to land with particular environmental, historical or archaeological characteristics. These characteristics mean that specific measures are required during construction or reinstatement. The details of these measures may not be fully defined in advance of construction.

Examples of additional costs are included in section 13 for illustrative purposes.

In these circumstances, where it is possible to do so, we will provide a budget estimate comprising indicative charges for the elements of the work affected by the above and fixed charges where appropriate.

3.2 Payment

We reserve the right to request payment in advance.

We reserve the right to recover bank charges and administrative costs resulting from invalid or dishonoured cheques, standing orders, credit cards or direct debits.

Interest on late payment - we may require you to pay interest on overdue accounts; this is usually calculated at the rate of 4% above the base rate set by the Bank of England.

3.3 Value Added Tax (VAT)

All charges published in this scheme **exclude VAT**. VAT will be added to the published charge at the appropriate rate where required.

3.4 Traffic Management Act 2004

Charges as detailed in this charges scheme include the use of two way temporary traffic lights where appropriate.

Additional charges will be made for traffic management expenses where required (see 9.1).

3.5 Transitional arrangements

Details of transitional charging arrangements, where applicable, can be found on our website.

3.6 Disputes

For details of the process for disputes in relating to infrastructure charges, see section 7.4.1.

In accordance with sections 45(6A) of the Act, any disputes between us and any other person as to the charges set out in this scheme (with the exception of those detailed in 7.4.1) may be referred to the Water Services Regulation Authority (Ofwat) for determination.

The address is **Ofwat, Centre City Tower, 7 Hill Street, Birmingham, B5 4UA**. Details can be found at:

ofwat.gov.uk/regulated-companies/investigations/making-a-complaint/

3.7 Further information

Further information can be found on our website at:

UnitedUtilities.com/services/builders-developers/

4 PRE DEVELOPMENT

We encourage developers to talk to us at the earliest stages of planning their development using our pre-development enquiry service to understand how water and sewerage services may be provided to the proposed development.

Early discussions with us can help prevent delays at a later date.

There is no charge for our pre-development enquiry service if your planned development is going to use water for domestic purposes. The service will help you to find out if there are any existing water and sewerage assets within your development area, and help us to identify any reinforcement or diversion of assets which may be required.

Where complications are identified at the pre-development enquiry stage, or you require multiple options to be explored, further work may be required to develop a solution.

Charges will apply for this further work and these will depend on the extent and complexity of work to be carried out.

You will be notified of applicable charges before any chargeable work begins.

Before submitting a planning application we also encourage developers to make sure that there are no assets or infrastructure crossing the site that may impact their proposals. It is the developer's responsibility to understand what is above or below ground and how this relates to their proposed development. This can sometimes have a significant impact on how a development is delivered.

Contact us using our pre-development enquiry forms which can be found on our website.

4.1 Water pre-development enquiries

Our water pre-development enquiry service is free of charge. This service includes assisting you in developing the water requirements to a potential development site.

4.2 Sewerage pre-development enquiries

Our sewerage pre-development enquiry service is free of charge. This service includes assisting you in developing your drainage plans and agreeing connections for your foul and surface water sewers.

5 OBTAINING A WATER SUPPLY FOR YOUR DEVELOPMENT

Where a new water supply is required for a new development there are a variety of options available.

The table below indicates which work may be carried out by a self-lay provider (SLP) or new appointee and which can only be carried out by us.

Work required		Can be carried out by
Mains installation	New mains may be required if either an existing main cannot be utilised or a suitable main is not available	<ul style="list-style-type: none"> • SLP • New appointee • Us
Branch connection	Branch connections are required where a new main connects to an existing network	<ul style="list-style-type: none"> • Can only be carried out by us
Piece up connections	Piece ups are required when the branch connection has been installed but not yet connected to the new main. Additional piece-up connections may be required as a development progresses	<ul style="list-style-type: none"> • SLP (with our agreement) • New appointee (with our agreement) • Us
Plot connections	Plot connections are connections made between the plot boundary or agreed connection point and the main	<ul style="list-style-type: none"> • SLP (with our agreement) • New appointee (with our agreement) • Us
Meter installation	<p>Automatic meter read (AMR) enabled meters must be installed for new domestic connections above ground in one of the following locations;</p> <ul style="list-style-type: none"> - Internally fitted with an external control valve; - In a wall mounted meter chamber; - In an in-wall meter chamber <p>Where this is not possible, we will agree an alternative location with you.</p> <p>All meter chambers must be WRAS approved or equivalent</p>	<ul style="list-style-type: none"> • SLP • New appointee* • Us <p>*Where a new appointee installs a main, we will install a bulk meter.</p>

5.1 Agreements

Where you ask us to carry out work, you will be required to enter into an appropriate agreement with us.

You may choose to employ an approved self-lay provider (SLP) or new appointee to carry out the work. Where this is the case, all parties will be required to enter into a legal agreement issued by us before any work can commence.

Any construction carried out under self-lay provisions remain the responsibility of the SLP until permanent connections are made. On connection a Vesting Certificate will be issued confirming the date of transfer of ownership as the date of connection.

5.2 Non-contestable work

Any work that may result in supply interruptions or affect water quality to existing customers may only be carried out by us. Examples include:

- establishing a point of connection to our existing network;
- designing and installing reinforcement work;
- work on an existing main requiring specialist attention due to risk associated with it because of the material type, previous history or its strategic importance;
- work to any assets that are within a United Utilities Water building e.g. pumping stations;
- installation of an offsite main intended to be shared with an unrelated new development;
- installing meters larger than 20mm;
- service connections greater than 63mm.

Please refer to the Code of Practice for the Self-Laying of Water Mains and Services – England and Wales Edition 3.1 – May 2017 for further details.

www.water.org.uk/developer-services/self-lay-code-practice

Further details about the self-lay option and new appointment provisions can be found on our website.

5.3 New mains for development

Where a new water main is required for a development in our region, the following options are available;

- An approved self-lay provider (SLP) may be used. The SLP will install the main for the developer and we will then adopt the new main (see 5.4).
- You may ask us to install a main (see 5.5).

5.4 Charges associated with self-lay schemes

5.4.1 Self-lay application fee

This charge is applicable where the scheme is designed by an SLP. Where you ask us to design a self-lay scheme, the fees as detailed in 5.4.2 will apply in place of this charge.

Self-lay application fees are payable upon application and are non-refundable.

	Includes	Charge
Self-lay application fee (design by SLP)	Processing of application, design approval, confirmation of the fixed price and initial site inspection	£225.00

5.4.2 Self-lay design and application fees

Where you ask us to design a self-lay scheme on your behalf, charges detailed below will be payable. These charges are payable upon application and are non-refundable.

	Includes	Charge
Self-lay mains design fee	Processing of design requests, administration, site visit, self-lay scheme design and drawing	£371.00
Self-lay application fee (design by us)	Processing of application, creation of legal agreement and administration	£103.00

5.4.3 Self-lay processing fee

The self-lay processing fee is applicable on acceptance, and will be deducted from the asset payment (see 5.6).

	Includes	Charge
Self-lay processing fee	Management of signed agreement , promotion of work to contractor for branch/ piece-up connections, construction visit and processing of vesting certificates and payments	£335.00

5.4.4 Construction charges

Construction charges for enabling works associated with self-lay schemes are detailed in section 10. These charges will be deducted from the asset payment.

5.4.5 Meter related charges for Self-lay schemes

When you ask us to install meters on your self-lay scheme, the following charges will apply:

	Includes	Charge
Meter related charges for self-lay schemes – per meter	Supply and install standard 15 – 20 mm AMR meter	£76.00

5.4.6 SLP installed meters

All meters fitted must be sourced directly from our nominated supplier (details available on request) to ensure that all meters meet our specifications.

All new premises should be fitted with a water meter, and notification provided to us within five calendar days of being connected to the water network.

Where a meter is misreported, an abortive visit charge will apply (see 9.3).

If an SLP fails to install a meter(s) following connection, we will fit a meter to each connection and charge the cost to the self-lay provider (as detailed in 5.4.5).

5.4.7 Self-lay connection - administration charge

Where an SLP carries out a service connection and meter installation, a charge will apply to reflect the costs incurred in administration of new self-laid service connection.

A charge for each new self-laid service connection is payable when you notify us that the connections have been made.

	Includes	Charge
Administration charge - per self-laid service connection	Administration of new self-laid connection	£16.00

5.4.8 Deposit

We reserve the right to request a deposit if the asset payment is less than the self-lay charges payable. The value of any deposit will be detailed in the self-lay agreement.

5.4.9 Self-lay payments

Where we need to change the self-lay design, such as increasing the size of a main to provide capacity for a future development we will make a payment to the self-lay provider to cover the additional costs.

Details of this payment will be provided before any work commences.

5.4.10 Asset Payment

An asset payment is made by us where a developer, SLP or new appointee installs a main to provide water for domestic purposes (see 5.6).

5.5 Statutory mains requisition – installation by United Utilities

Requisition charges relate to work carried out by us in accordance with the duties imposed by section 41(1) of the Act. They relate to the cost of providing site specific infrastructure necessary for the provision of a water main.

5.5.1 Requisition application fee

Requisition application fees are payable upon application and are non-refundable.

	Includes	Charge
Requisition application Fee	Processing of application, single site visit, scheme design, confirmation of fixed price, design drawing	£371.00

5.5.2 Requisition processing fee

The requisition processing fee is applicable on acceptance.

	Includes	Charge
Requisition processing fee	Management of customer acceptance promotion of work to contractor and a construction visit	£242.00

The requisition processing fee will be included in the income offset calculation (see 14.2).

5.5.3 Water connections associated with a statutory mains requisition scheme

Where water connections are associated with a mains requisition scheme, a charge will apply to reflect the costs incurred in administration of these connections.

Where this is the case, charges detailed in 5.7.1 and 5.7.2 will not apply to these connections.

A charge is applicable for each service connection associated with a statutory mains requisition scheme, and is payable upon completion of the connection(s).

	Includes	Charge
Connection administration charge - per connection	Administration of new connection	£16.00

5.5.4 Construction charges

Construction charges for statutory mains requisitions are detailed in section 10.

Charges (less any applicable income offset) are payable before commencement of work.

5.5.5 Income offset

An allowance to recognise future income is made against requisition charges where you ask us to install a main to provide water for domestic purposes (see 5.6).

5.6 Asset payment/ Income offset

For the purposes of this section, mains scheme costs are all costs associated with new mains for a development excluding application fees and service connection administration charges.

If the new main is being installed to provide water for domestic purposes:

- an asset payment will be paid to the SLP, developer or new appointee constructing the main. This will be detailed in the self-lay agreement (where applicable).
- an income offset will be applied when determining the amount payable by the developer, if the main is installed by us.

This payment is in recognition of future income, and is capped at the value of the mains scheme cost. Asset payments will be provided as each agreed phase is completed.

The income offset will be deducted from requisition costs payable before the commencement of work.

5.6.1 Household developments

For developments consisting only of household premises, asset payments and income offsets are calculated based on a fixed allowance per plot constructed.

	Per plot constructed
Asset payment/income offset	£839.00

The fixed allowance per plot is based on the total income offset / asset payment value required to ensure that the balance of revenue recovered from developers and other customers is maintained. In calculating the value we have used our projections of the number and the scope of requisitions and asset adoptions expected in the year.

5.6.2 Non- household developments

For non-household developments, or where a development does not solely consist of household premises, asset payments and income offsets are calculated based on a fixed percentage allowance of the mains requisition scheme cost.

	Calculation
Asset payment/income offset	68% of mains scheme costs

The fixed percentage allowance is based on the total income offset / asset payment value required to ensure that the balance of revenue recovered from developers and other customers is maintained. In calculating the value we have used our projections of the number and the scope of requisitions and asset adoptions expected in the year.

5.7 Water Connections

Water connection charges relate to site specific work carried out in relation to sections 45(1) and 46(1) of The Act.

Charges are usually payable on connection unless otherwise stated.

Infrastructure charges will also apply to all new water connections (see 7.1). Where applicable, infrastructure credit will be applied (see 7.3.1).

5.7.1 Water connection off an existing main - application fee

Water connection application fees are payable upon application and are non-refundable.

Water connection application fee	Single water connection	Each additional connection under same application at the same location
Includes vetting and processing of your application, checks to identify operational risks associated with your request, confirming the fixed price and a site visit	£77.00	£47.00

These charges do not apply where connections are associated with a mains requisition scheme.

5.7.2 Water connection off an existing main - processing fee

On acceptance, a charge for processing the application is payable.

Water connection processing fee	Single water connection	Each additional connection under same application at the same location
Includes planning of the associated connection and all administration	£35.00	£13.00

These charges do not apply where connections are associated with a mains requisition scheme.

5.7.3 Connection charges – connections carried out by us

The charge for a new 25 or 32mm connection includes the cost of laying a communication pipe from the main to the boundary of the property (or agreed connection point), connection to the water main, meter provision and installation, and up to two metres of pipework. Additional charges apply for lengths over two metres, and are quoted per metre.

Charges are payable on completion of work.

Metered connection		25mm	32mm
Up to two metres	Unsurfaced	£396.00	£659.00
	Surfaced	£563.00	£768.00
Each additional metre – polyethylene (PE)	Unsurfaced	£53.00	£53.00
	Surfaced	£86.00	£86.00
	Lay only/laid in duct	£17.00	£17.00
Each additional metre – barrier pipe (BP)	Unsurfaced	£60.00	£60.00
	Surfaced	£96.00	£96.00
	Lay only/laid in duct	£30.00	£30.00
Where an off-site boundary box is required for a 25mm service, an additional charge of £32.00 will apply to the above charges			

The charge for new connections greater than 32mm includes the cost of laying a communication pipe from the main to the boundary of the property (or agreed connection point), connection to the water main, and up to two metres of pipework. It also includes a visit to inspect your pipework. Additional charges apply for lengths over two metres, and are quoted per metre.

The cost for associated meters and installation are detailed in 5.7.5.

Connection		Ferrule connection	63mm	90mm	110mm	160mm
Up to two metres	Unsurfaced	£614.00	£2,322.00	£2,426.00	£2,610.00	£2,817.00
	Surfaced	£1,032.00	£2,896.00	£3,007.00	£3,364.00	£3,587.00
Each additional metre (PE)	Unsurfaced	£66.00	£66.00	£66.00	£78.00	£78.00
	Surfaced	£132.00	£132.00	£132.00	£145.00	£145.00
	Lay only/laid in ducts	£20.00	£20.00	£20.00	£43.00	£43.00
Each additional metre (BP)	Unsurfaced	£95.00	£95.00	£95.00	£138.00	£138.00
	Surfaced	£151.00	£151.00	£151.00	£167.00	£167.00
	Lay only/laid in ducts	£56.00	£56.00	£56.00	£67.00	£67.00

5.7.4 Water connections associated with a statutory mains laying scheme

Where water connections are associated with a mains requisition scheme, a charge will apply to reflect the costs incurred in administration of these connections (see 5.5.3) instead of the charges stated in 5.7.1 and 5.7.2.

5.7.5 Meter charges

Meter charges include provision of meter and installation.

Meter size (mm)	Location	Charge
15-20	Internal or external	£76.00
25-40	Internal	£198.00
	External - unsurfaced	£771.00
	External - surfaced	£853.00
50-100	Internal	£815.00
	External - unsurfaced	£1,569.00
	External - surfaced	£1,698.00

5.7.6 Multiport meter boxes

The following charges apply where you request multiport meter boxes.

The charge includes the cost of the meters and installation.

Meter Box		Charge – per box
4 port	Surfaced	£984.00
6 port	Unsurfaced	£1,089.00
	Surfaced	£1,121.00
	Gun metal - Surfaced	£1,435.00

5.7.7 Self-lay connection - administration charge

A self-lay administration charge will be applied for each new self-laid service connection and meter installation completed by an SLP. This charge reflects the costs incurred in administration of new self-laid service connections (see 5.4.7).

5.7.8 Approving new water connections

The connection charge includes the first visit to inspect a customer's supply pipe(s). Should any additional visits be required to re-inspect a supply pipe, a site visit charge of £73.00 will be made.

5.7.9 Temporary connection for building water

Charges apply at the point of connection for temporary building water supplies.

Temporary connections are 25mm and supply water during construction. The temporary connection will be available for a maximum of twelve months, after which time it will be disconnected.

	Includes	Charge
Temporary connection	25mm connection to the water main and up to two metres of pipework. Disconnection of the temporary supply.	£420.00
Each additional metre	Unsurfaced	£53.00
	Surfaced	£86.00

5.8 Pressure management

Where pressure management devices are required for site enabling works the following charges may apply.

Requirements will be discussed at pre-development stage.

	Charge	
	Unsurfaced	Surfaced
Bypass		
50 – 160 mm	£5,717.00	£6,999.00
161 – 315 mm	£9,350.00	£10,851.00
Installation of pressure management valve	Unsurfaced	Surfaced
50 – 160 mm	£2,886.00	£3,212.00
161 – 315 mm	£5,428.00	£5,874.00

5.9 Water main diversions

Where diversion of a water main is required for your development, the following charges will apply. Mains diversions can only be carried out by us.

Charges for diversions relate to recovery of costs reasonably incurred as a result of complying with the duty imposed by section 185(1) of the Act.

5.9.1 Mains diversion application fee

Diversion application fees are payable upon application.

	Includes	Charge
Mains diversion application fee	Processing of application, scheme design, design drawing, confirmation of fixed price and a single site visit	£204.00

On acceptance, additional charges are payable, as applicable;

5.9.2 Mains diversion processing fee

	Includes	Charge
Processing fee	Management of customer acceptance, promotion of work to contractor and a construction visit	£214.00

5.9.3 Construction charges

Construction charges associated with water mains diversions are detailed in section 10.

Charges are payable before commencement of work.

5.10 Water asset abandonment

If it is necessary to abandon existing water mains or any of our apparatus, or you request that we carry out associated works, charges will apply.

Charges include the disconnection of the asset from the network. The abandoned section of main will not be removed.

Work description	Charge	
	Unsurfaced	Surfaced
Mains abandonment	£1,031.00	£1,774.00
Chamber abandonment (per chamber)	£207.00	£330.00

5.11 Building over assets

We do not allow water assets to be built over. Please refer to diversions (see 5.9).

6 OBTAINING SEWERAGE SERVICES FOR YOUR DEVELOPMENT

Unless otherwise indicated, all aspects of sewerage development work are considered to be contestable work.

6.1 Sewer requisition

Requisition charges relate to work carried out by us in accordance with the duties imposed by sections 98(1) of the Act. They relate to the cost of providing site specific infrastructure necessary for the provision of public sewers.

If land owned by a third party stands between a new development site and the location of a public sewer, and agreement to cross this land cannot be reached by the developer and the third party, then under Section 98 of the Act, you may be able to requisition a new public sewer to cross the land.

Construction work may only commence once a design has been agreed and a legal agreement signed.

All charges related to sewer requisitions are payable upon design acceptance.

6.1.1 Application fee

	Includes	Charge
Application fee	Technical check of your design and administration costs in relation to your application	£285.00

6.1.2 Legal fees in relation to sewer requisitions

	Charge
Legal fee for a sewer requisition agreement	£561.00
Legal fee for provision of an easement (per transaction)	£638.00

6.1.3 Construction charges

Indicative construction charges can be calculated using the sewerage construction rates tables (see 11).

On application, we will provide a budget estimate based on the parameters of your development.

6.2 Estimated value of works

In order to calculate surety and processing fee values for sewer diversions carried out by a developer (see 6.3.2) and surety values and processing fee for sewer adoptions (see 6.6.4 & 6.6.3), the estimated value of works must be calculated.

The value should be calculated using tables in section 12 including values for the applicable items for your development;

- Pipe size
- Box culvert
- Manholes
- Lateral drains
- Flow control devices
- Pumping station
- Sewer abandonment
- Manhole abandonment

6.3 Sewer Diversion

Charges for diversions relate to recovery of costs reasonably incurred as a result of complying with the duty imposed by section 185(1) of the Act.

Under Section 185 of the Water Industry Act 1991, a builder or developer can request that a public sewer is altered or removed to allow a site to be improved.

Where a sewer needs to be diverted, and a suitable route has been agreed with us, three options are available:

- The developer carries out the diversion under our supervision;
- We carry out the diversion;
- The developer installs the new sewer, and the final connection to the public sewer is carried out by us.

All charges related to sewer diversions are payable upon design acceptance.

6.3.1 Legal fees in relation to sewer diversions

	Charge
Legal fee for a sewer diversion agreement – applies where a diversion is carried out by a developer	£589.00
Legal fee for provision of an easement (per transaction)	£638.00

6.3.2 Diversions carried out by a developer

Sewer diversions may only be carried out by a developer where they are not deemed critical assets by us.

Where a sewer diversion is carried out by a developer, charges will apply for the design assessment and inspection of the work.

	Includes	Charge
Application fee	Administration costs for processing your application	£285.00

To calculate the estimated value of works see sections 6.2 & 12.

	Includes	Charge
Processing fee	Engineering assessment, acceptance of the design and inspection of the work	5% of estimated value of works
Surety		100% of estimated value of works
Note: 80% of surety is released once we confirm that work is carried out to the required standard. The remaining value will be released upon sewer adoption.		
Where you choose to pay a cash deposit, interest will be payable at a rate of interest fixed by the Water Services Regulation Authority (Ofwat) for any amounts of 50p or more held for longer than three months.		

Section 185 re-submission fee may apply if a design does not meet our engineering standards.

Section 185 re-submission fee for re-design or inaccurate/repeat submissions (per hour)	£40.00
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6.3.3 Diversions carried out by us

Where you request that we carry out a sewer diversion the following charges will apply.

This will usually be the case when the diversion affects a critical asset, subject to 6.3.5.

	Includes	Charge
Sewer diversion application fee	Technical review of your application, and administration costs for processing your application	£285.00

6.3.4 Construction charges

Indicative construction charges can be calculated using the sewerage construction rates tables (see 11) and include items as stated. Sewer closure is not included in this rate.

On application, we will provide a budget estimate based on the parameters of your development.

6.3.5 New sewer installed by developer, connection to existing sewer made by us

In certain circumstances, we may allow you to install a new sewer provided the connection to the existing public sewer is carried out by us.

If this option is available to you, it will be identified at pre-development enquiry stage, or we will discuss this with you on receipt of your s185 diversion application.

Charges for this type of diversion will be assessed individually once the scope is confirmed.

6.4 New connections to the public sewer

We will usually allow a developer to carry out a sewer connection following an application under section 106 of the Act.

We reserve the right to make the connection under section 107 of the Act if required.

Charges relating to connections to the public sewer are payable upon design acceptance.

Infrastructure charges will also apply to all new sewerage connections (see 7.1). Where applicable, infrastructure credit will be applied (see 7.3.1).

6.4.1 Connections made by a developer

Permission must be obtained from United Utilities for any new direct or indirect connection to the public sewer to ensure a connection is made safely. Once permission has been obtained, and the work has been carried out, we may inspect the work on the public sewer to make sure that it is carried out satisfactorily and to our standards.

Charges for each new connection to the public sewer includes administration and assessment of the application to ensure the proposed work meets our standards, and any necessary inspection of completed work.

	Includes	Charge
Processing fee - developer connection	Administration and assessment of the application, site inspection of completed connection (where required)	£203.00

6.4.2 Connections made by United Utilities under section 107 of the Act

Charges as detailed in the sewerage construction tables (see 11) apply where we make a sewer connection under section 107 of the Act.

	Includes	Charge
Construction charges	Design and construction	See tables in section 11

These charges are not applicable where sewers are built under a requisition (see 6.1) or are offered for adoption (see 6.6).

6.5 Sewer closure

A sewer closure may be required when a sewer is taking no flow and not connected to the rest of the network.

If the sewer to be closed is connected to the public sewer, you will need to apply for a sewer diversion (see 6.3).

6.5.1 Sewer closure application fee

Charges are payable upon application.

	Includes	Charge
Application fee – closures up to 100m	Sewer closure of up to 100 metres, administration costs, engineering assessment and site inspection	£219.00
Application fee – closures over 100m	Sewer closure of over 100 metres, administration costs, engineering assessment and site inspection	£353.00

6.6 Adoptions of Sewers and disposal works

Adoption charges relate to site specific charges in respect of section 104 of the Act.

If you are proposing adoption of assets, we encourage you to discuss this with us when you make a pre-development enquiry.

6.6.1 Adoption of sewers - application fee

An application fee is payable on submission of a section 104 application.

	Includes	Charge
Sewer adoption application fee	A fee for processing your application, technical review and administration costs in relation to your application	£1,279.00
Note: Application fees are deducted from processing fee if planned scheme is progressed.		

For sewer adoptions, the following charges are payable upon design acceptance;

6.6.2 Legal fees in relation to sewer adoptions

	Charge
Legal Fee for a sewer adoption	£589.00
Legal fee for transfer of land or provision of an easement (per transaction)	£638.00

6.6.3 Sewer adoption – processing fee

A processing fee is payable where sewers are offered for adoption.

	Includes	Charge
Processing fee	Engineering assessment and acceptance of design, site inspection fees	2.5% of estimated value of works

6.6.4 Surety

For calculation of estimated value of works, see sections 6.2 & 12.

Surety - sewers	10% of estimated value of works
Surety – pumping station	15% of estimated value of works
Note: The surety is released on adoption of the asset. If you choose to pay a cash deposit, interest will be payable at a rate of interest fixed by the Water Services Regulation Authority (Ofwat) for any amounts of 50p or more held for longer than three months.	

6.6.5 Other charges in relation to sewer adoptions

	Charge
Installation and commissioning of United Utilities built telemetry outstation	£7,034.00
Configuration and commissioning of developer/owner built telemetry outstation	£4,948.00
Section 104 re-submission fee for re-design or inaccurate/repeat submissions	£40.00
Section 104 re-submission fee for complete re-design from applicant, will be charged at initial processing fee as at redesign	£1,279.00

6.6.6 Adoption of disposal works

For all applications	Charge
Legal fee for agreement	£589.00
Legal fee for transfer of land or provision of an easement (per transaction)	£638.00
Installation and commissioning of United Utilities built telemetry outstation	Recovery of direct and indirect costs
We will recover all costs incurred associated with investigation, administration, installation and commissioning	
Configuration and commissioning of developer/owner built telemetry outstation	Recovery of direct and indirect costs
We will recover all costs incurred associated with investigation, administration, installation and commissioning	
Processing fee (to be paid before first site inspection)	Recovery of direct and indirect costs
We will recover all costs incurred associated with engineering assessment, acceptance of design, investigation, administration and inspection	

6.7 Building over sewers

If you are planning any type of development, building something new or extending an existing building, you should check there is nothing underground that could be affected e.g. sewerage pipes. Our pre-developer enquiry service can assist you with this.

If you want to build over or close to one of our public sewers or lateral drains (this usually means within three metres), you may need our approval, even if they are located on your land. More information about this can be found at: unitedutilities.com/build-over-sewer

Where we agree in principle to a build over agreement the following charges apply, and will be payable when we agree in principle.

6.7.1 Application fee

	Includes	Charge
Application fee	Administration costs in relation to your application, technical assessment and site inspection	£172.00

6.7.2 Legal fees in relation to building over sewers

	Charge
Legal fee - agreement for household premises	£369.00
Legal fee - agreement for non-household premises	£522.00

New connections and developer services charges scheme 2018/2019

7 INFRASTRUCTURE CHARGES

7.1 Introduction

Infrastructure charges are payable in accordance with section 142-146(2) of the Act inclusive, Conditions C and D of our Instrument of Appointment and this part of our charges scheme, when premises become connected for the first time to a water supply and sewerage system for domestic purposes.

The principle of infrastructure charges recognises that every new connection imposes an additional demand on the overall capacity of the water supply and sewerage systems, and eventually those systems will need to be enlarged. Infrastructure charges are used to cover the extra demand on our existing network away from a development site.

Infrastructure charges have been set based on our forecast of the network reinforcement investment required as a result of a new development and the number of new connections expected in the next five years.

These charges need to be paid by anyone who wishes to build or develop premises where a connection is made either directly or indirectly to our existing network.

These charges do not include costs related to the physical connection (see 5.7 & 6.4).

Separate charges (shown below) are payable for water and sewerage connections.

Water infrastructure charge	£356.00
Sewerage infrastructure charge	£423.00

Where existing premises are connected to the network for the first time, the charge can be paid in 12 equal annual instalments at a rate of interest fixed by the Water Services Regulation Authority (Ofwat).

Infrastructure charges are due and payable when a water or sewerage connection for domestic purposes is made to premises that have not previously received the service, or where premises are split or where a site is otherwise redeveloped.

If a connection is made without our authorisation, we may recover the infrastructure charge(s) from you.

7.2 Infrastructure charges for sustainable developments

A reduced rate will apply to infrastructure charges for developments which meet specified qualifying conditions.

Water Infrastructure charge	Where you can demonstrate that properties are built to use 110 litres per person per day or less	£36.00
Sewerage Infrastructure charge	Where properties are built with no surface water connection to the public sewer	£42.00

Details on qualification criteria can be found on our website.

New connections and developer services charges scheme 2018/2019

7.3 Calculation of the infrastructure charge

One infrastructure charge for water and one for sewerage will be made for each premises benefitting from a connection, except in the case of the following when the infrastructure charge will be multiplied by the relevant multiplier:

- houses subject to a common billing agreement with a common supply pipe (see 2);
- non-household premises served by a supply pipe larger than a 25mm external diameter.

7.3.1 Infrastructure credits

New premises that are built on a site that was previously connected for either water or sewerage services at some stage within the previous five years may be given a reduction in infrastructure charges.

Where a site is developed or redeveloped, the total amount of water and/or sewerage infrastructure charges which may be recovered for domestic purposes at premises resulting from the development or redevelopment, shall not exceed the standard amount multiplied by X, where X =

- the aggregate of the number of relevant multipliers for all those premises, less;
- the maximum number of relevant multipliers for premises with water or, as the case may be, sewerage connections on the site at any time in the period of five years before the development or redevelopment began.

Where the relevant multipliers calculated in (b) above exceed those calculated in (a) above, X shall be zero.

7.4 Relevant multiplier

The relevant multiplier is calculated as follows:

Each water fitting or appliance within the premises is assigned a loading unit according to the table below.

These loading units are added together and the result divided by 24. If the result of this division is less than or equal to one then a single infrastructure charge is payable for water and/or sewerage. If the result is more than one then this figure is multiplied by the amount of the infrastructure charge to determine the amount payable.

Water fitting	Loading units
WC flushing cistern	2
Wash basin in a house	1.5
Wash basin elsewhere	3
Bath (tap nominal size up to 20mm)	10
Bath (tap nominal size larger than 20mm)	22
Shower	3
Sink (tap nominal size up to 15mm)	3
Sink (tap nominal size larger than 15mm)	5
Spray tap	0.5
Bidet	1.5
Domestic appliance – see 3 rd note below (subject to a minimum of six loading units per house)	3
Communal or commercial appliance	10
Any other water fitting or outlet (including a tap but excluding a urinal or water softener)	3

Notes

- Any fitting includes reference to any plumbing, outlet, dedicated space or planning or other provision for that fitting;
- A bath includes a whirlpool or a Jacuzzi;
- "Domestic appliance" means an appliance (including a dishwasher, a washing machine and waste disposal unit) in a house and "communal or commercial appliance" means an appliance (including a dishwasher, a washing machine and a waste disposal unit) elsewhere than in a house (including in communal facilities).

In any calculation a minimum of six loading units will be included, for each house, for domestic appliances. In the case of any premises with only a sewerage connection and no water fittings, the relevant multiplier will be one.

7.4.1 Disputes

If you dispute the calculation of the infrastructure charge, you should contact us at **DeveloperServicesWater@uuplc.co.uk**.

If you remain dissatisfied with the decision, you can contact the Water Redress Scheme (WATRS) who can provide an independent binding decision.

Where infrastructure charges are applied under a previous charges scheme as part of transitional arrangements, disputes relating to the calculation of the relevant multiplier or the number or type of fittings on which the calculation is based, is determinable by the Water Services Regulation Authority (Ofwat). The address is: **Ofwat, Centre City Tower, 7 Hill Street, Birmingham, B5 4UA**.

8 WATER USED DURING DEVELOPMENT

8.1 Temporary connection for building water

Charges apply at the point of connection for temporary building water supplies (see 5.7.9).

8.2 Building water charges

We will normally charge for building water based on the number of houses or premises to be built on a site (up to 63mm connections) unless we determine the supply should be metered, or you ask for it to be metered.

Premises supplied	Charge
Premises with a connection up to and including 63mm	£25.00 per unit
Premises with a connection larger than 63mm	10p per £100.00 of the contract value
Any premises that we determine should be metered, or you ask to be metered	Standard measured charges*

*This charge is made by United Utilities wholesale services to the consumers chosen retailer if applicable. For details of end user charges, please consult your retailer.

9 MISCELLANEOUS

9.1 Traffic management

Where additional costs are payable as a result of compliance with Traffic Management Act 2004 (such as road closures or traffic management) these will be payable in addition to any standard charges.

If additional costs are incurred as a result of your actions (e.g. extension charges), these will be payable by you.

9.1.1 Temporary traffic lights

	Delivery & collection, set up & dismantle installation	Charge per day
3 way temporary traffic lights	£342.00	£35.00
4 way temporary traffic lights	£443.00	£42.00
Includes compliance with all requirements of Traffic Management Act 2004 - chapter 8 (up to 60 mph)		

9.1.2 Closure/diversion

	Charge per week
Road closure and diversion and/or lane closure up to 40mph, to comply with instruction from Employer and/or Street Authority; up to and including 40 mph, not exceeding 1 mile diversion route. Temporary Traffic Regulation Order & council fees for road closures are in addition to this charge and can be found in 9.1.3	£547.00

9.1.3 Other traffic management charges

For the purposes of the following table, the working day is Mon-Friday 8am – 8pm (excluding Bank Holidays).

	In working day	Outside working day (uplift)
Provision of appropriate traffic management operatives and/or vehicles (per day)	£588.00	£294.00
Miscellaneous traffic management services - pre-night cones / bus stop relocation / pre warn up to 20 properties/site maintenance (per service)	£178.00	£89.00

	Charge
Upfront site survey , Auto Cad drawings and submission of drawing to allow road space to be granted	£246.00
Temporary Traffic Regulation Order road closure	£1,980.00
Parking bay suspension	£39.00
Bus stop suspension	£220.00
Pedestrian crossing suspension	£385.00
Parking permit	£66.00
Temporary lights for Temporary Traffic Regulation Order	£418.00
Traffic light suspension (Bag off lights)	£440.00

9.2 Site visit charges

Where you request an additional site visit, charges will apply for each visit.

Site visit charge (per visit)	£73.00
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9.3 Abortive visit charges

Abortive site visit charges will apply where we are unable to carry out a scheduled activity.

This could be for reasons such as, but not limited to:

- we are unable to access site;
- obstruction preventing work (e.g. scaffolding or skips);
- re-inspection of customer pipework;
- customer not ready.

Abortive site visit charge (per visit)	£73.00
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Abortive site visit charges will not be charged if 24 hours' notice of cancellation is given.

9.4 Demobilisation/Remobilisation charges

An additional unplanned demobilisation/remobilisation charge will apply where we are unable to continue construction due to changes to the agreed programme of work. Such unplanned changes may be at your request.

Demobilisation/remobilisation charge	£1,106.00
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9.5 Repairs for damage

Charges will be made for repairs for damage to our assets including, where appropriate under section 174 of the Act, to whoever is responsible for damaging them.

We will recover all costs incurred (UU and contractor) associated with investigation, administration, statutory noticing, repair and reinstatement of the asset. We will also recover any other costs we incur as a result of the damage.

Examples include, but are not limited to:

Work description	Unsurfaced	Surfaced
Full exchange of boundary meter box	£368.00	£505.00
Complete Washout/Fire Hydrant replacement/removal	N/A	£1,229.00

10 CONSTRUCTION RATES – WATER DEVELOPMENTS

10.1 Mains connection charges

These charges include up to two metres of pipework. Where additional pipework is required, charges as quoted in 10.2 will apply for each additional metre in addition to charges quoted below.

Mains connection	Size of new pipe (mm)	Unsurfaced	Surfaced
Branch connection	50-99	£3,247.00	£3,848.00
	100-160	£4,040.00	£4,829.00
	161 – 315	£5,607.00	£6,590.00
Piece up	50-99	£753.00	£972.00
	100-160	£819.00	£1,051.00
	161-315	£1,468.00	£1,795.00
End connection	50-99	£860.00	£1,325.00
	100-160	£1,082.00	£1,645.00
	161-315	£1,886.00	£2,262.00

For mains connections larger than 315mm (including branch connections of any size to an existing main larger than 315mm) individual quotes will be provided upon request

10.2 Mains laying charges

Charges are per metre and are inclusive of all fittings

Mains laying	Size (mm)	Lay only	Unsurfaced-open cut	Surfaced-open cut	Not in trench - surfaced
Polyethylene main	50-99	£35.00	£113.00	£166.00	£183.00
	100-160	£47.00	£137.00	£203.00	£223.00
	161-315	£102.00	£196.00	£252.00	£278.00
Barrier Pipe main*	50 – 99	£52.00	£132.00	£188.00	£204.00
	100-160	£68.00	£163.00	£231.00	£251.00
	161-315	£120.00	£224.00	£283.00	£308.00

*only available where identified as a requirement by a soil sample risk assessment

For mains larger than 315mm, individual quotes will be provided upon request.

11 CONSTRUCTION RATES - SEWERAGE DEVELOPMENTS

The rates quoted in this section are indicative, and are provided to assist you with estimating charges.

On application, we will provide an estimate based on the parameters of your development.

	Includes
Construction charges	<ul style="list-style-type: none"> • Supply and handling of materials • Cutting and jointing of pipes and fittings • Set up costs and temporary works • All pipe protection, supply of protected materials • Disposal of all surplus material and waste (excluding Hazardous Waste) • Backfilling • Surface reinstatement • Site clearance

11.1 Gravity sewers

11.1.1 Gravity sewer connections – per connection

Size (mm)	Grassland	Suburban	Urban
Up to 225	£2,133.00	£2,532.00	£2,660.00
226 - 300	£2,578.00	£2,977.00	£3,104.00
301 - 400	£2,694.00	£3,094.00	£3,221.00
401 - 525	£4,749.00	£5,163.00	£5,310.00
526 - 600	£7,466.00	£8,007.00	£8,198.00
601 - 700	£7,716.00	£8,258.00	£8,449.00
701 - 800	£8,763.00	£9,360.00	£9,571.00
801 - 1000	£9,640.00	£10,297.00	£10,528.00

11.1.2 Gravity sewers construction– per metre

Size (mm)	Depth	Grassland	Suburban	Urban
Up to 225	Up to 2.5 m	£463.00	£840.00	£1,000.00
	2.6 – 4.5 m	£794.00	£1,267.00	£1,449.00
	4.6 – 6.5 m	£1,193.00	£2,048.00	£2,298.00
226 - 300	Up to 2.5 m	£548.00	£943.00	£1,091.00
	2.6 – 4.5 m	£884.00	£1,387.00	£1,604.00
	4.6 – 6.5 m	£1,305.00	£2,212.00	£2,522.00
301 - 400	Up to 2.5 m	£681.00	£988.00	£1,179.00
	2.6 – 4.5 m	£985.00	£1,431.00	£1,664.00
	4.6 – 6.5 m	£1,458.00	£2,381.00	£2,883.00
401 - 525	Up to 2.5 m	£753.00	£1,196.00	£1,362.00
	2.6 – 4.5 m	£1,134.00	£1,633.00	£1,892.00
	4.6 – 6.5 m	£1,698.00	£2,636.00	£3,348.00
525 - 600	Up to 2.5 m	£973.00	£1,293.00	£1,485.00
	2.6 – 4.5 m	£1,290.00	£1,796.00	£2,089.00
	4.6 – 6.5 m	£1,906.00	£2,854.00	£3,669.00
601 - 700	Up to 2.5 m	£1,119.00	£1,738.00	£2,073.00
	2.6 – 4.5 m	£1,484.00	£2,275.00	£2,776.00
	4.6 – 6.5 m	£2,143.00	£3,102.00	£4,017.00
700 – 800	Up to 2.5 m	£1,190.00	£1,909.00	£2,285.00
	2.6 – 4.5 m	£1,629.00	£2,549.00	£3,062.00
	4.6 – 6.5 m	£2,414.00	£3,506.00	£4,477.00
801 - 1000	Up to 2.5 m	£1,463.00	£2,244.00	£2,663.00
	2.6 – 4.5 m	£1,877.00	£2,820.00	£3,410.00
	4.6 – 6.5 m	£2,728.00	£4,036.00	£5,114.00

11.2 Manholes

Manhole diameter (mm)	Depth	Grassland	Suburban	Urban
1200 (up to 225mm pipe)	Up to 2.5 m	£6,601.00	£8,471.00	£9,014.00
	2.6 – 4.5 m	£11,736.00	£14,271.00	£14,815.00
	4.6 – 6.5 m	£19,893.00	£22,845.00	£23,956.00
1350 (226-400mm pipe)	Up to 2.5 m	£7,354.00	£9,514.00	£10,154.00
	2.6 – 4.5 m	£12,925.00	£15,719.00	£16,379.00
	4.6 – 6.5 m	£21,863.00	£25,687.00	£26,641.00
1800 (401-600mm pipe)	Up to 2.5 m	£10,155.00	£12,016.00	£12,984.00
	2.6 – 4.5 m	£17,190.00	£19,604.00	£20,891.00
	4.6 – 6.5 m	£25,963.00	£30,270.00	£31,207.00
2100 (601–700mm pipe)	Up to 2.5 m	£12,085.00	£14,375.00	£15,326.00
	2.6 – 4.5 m	£21,602.00	£22,995.00	£24,383.00
	4.6 – 6.5 m	£31,905.00	£34,649.00	£35,998.00
2400 (701-1000mm pipe)	Up to 2.5 m	£15,005.00	£17,638.00	£19,139.00
	2.6 – 4.5 m	£27,386.00	£29,828.00	£31,405.00
	4.6 – 6.5 m	£40,642.00	£43,347.00	£45,046.00

11.3 Pumped rising mains

11.3.1 Pumped rising main – construction (per metre)

Pipe size (mm)	Depth	Grassland	Suburban	Urban
Up to 225	Up to 2.5 m	£538.00	£974.00	£1,134.00
	2.6 – 4.5 m	£845.00	£1,494.00	£1,684.00
	4.6 – 6.5 m	£1,325.00	£2,404.00	£2,683.00
226 - 300	Up to 2.5 m	£707.00	£1,188.00	£1,345.00
	2.6 – 4.5 m	£1,039.00	£1,715.00	£2,002.00
	4.6 – 6.5 m	£1,502.00	£2,733.00	£3,187.00
301 - 400	Up to 2.5 m	£895.00	£1,376.00	£1,561.00
	2.6 – 4.5 m	£1,188.00	£1,901.00	£2,174.00
	4.6 – 6.5 m	£1,703.00	£2,948.00	£3,531.00
401 - 525	Up to 2.5 m	£1,261.00	£1,846.00	£2,057.00
	2.6 – 4.5 m	£1,642.00	£2,524.00	£2,962.00
	4.6 – 6.5 m	£2,215.00	£3,635.00	£4,345.00
526 - 600	Up to 2.5 m	£1,798.00	£2,447.00	£2,977.00
	2.6 – 4.5 m	£2,282.00	£3,251.00	£3,556.00
	4.6 – 6.5 m	£3,065.00	£4,512.00	£5,106.00

11.3.2 Connection to existing rising main (per connection)

Size (mm)	Grassland	Suburban	Urban
Up to 225	£4,440.00	£5,701.00	£6,235.00
226 - 300	£8,202.00	£10,814.00	£11,811.00
301 - 400	£18,224.00	£18,069.00	£18,794.00
401 - 525	£29,401.00	£33,082.00	£33,636.00
526 - 600	£37,694.00	£44,343.00	£46,373.00

11.3.3 Thrust blocks

Diameter (mm)	Charge – per thrust block
Up to 300	£772.00
301 - 400	£808.00
401 - 525	£1,111.00
526 - 600	£3,254.00

11.3.4 Valves

Diameter (mm)	Charge – per valve
Up to 225	£2,415.00
226 - 300	£3,594.00
301 - 400	£7,653.00
401 - 525	£13,401.00
526 - 600	£21,125.00

12 RATES FOR CALCULATION OF ESTIMATED VALUE OF WORKS

12.1 Pipe size rates

Prices are per metre and apply to surface water, foul or combined sewers.

Pipe diameter (mm)	Charge
150	£154.00
225	£183.00
300	£188.00
375	£227.00
450	£259.00
525	£280.00
600	£320.00
750	£372.00
825	£451.00
900	£555.00
1050	£629.00
1200	£631.00
1350	£753.00
1500	£878.00
1800	£1,044.00
2100	£1,371.00
2400 (over 3m depth)	£1,886.00

12.2 Pumping Station rates

Size of pumping Station	Charge (per asset)
5 - 50 houses	£36,680.00
51 – 100 houses	£40,014.00
101 – 200 houses	£45,572.00
201 – 300 houses	£55,576.00
More than 301 houses	£64,468.00

12.3 Sewer connection rates

Sewer nominal diameter (mm)	Charge – per connection
150	£758.00
225 - 300	£866.00
375 - 600	£1,365.00
750 - 900	£1,766.00
1050 - 2400	£2,648.00

12.4 Box culvert rates

Nominal flow area (m2)	Charge – per box culvert
0.0 - 2.0	£401.00
2.1 - 4.0	£1,203.00
4.1 - 6.0	£1,925.00
6.1 - 8.0	£2,475.00
8.1 - 10.0	£3,834.00

12.5 Manhole rates

Diameter (mm)	Charge – per manhole
1050	£2,847.00
1200	£3,132.00
1350	£3,511.00
1500	£3,890.00
1800	£5,049.00
2100	£6,173.00
2400	£7,067.00
2700	£12,344.00
3000	£14,733.00
3600	£31,326.00

12.6 Outfall pipe rates

Description	Charge (per outfall)
Outfall pipe 150 - 225mm	£2,334.00
Outfall pipe 300 - 450mm	£6,447.00
Outfall pipe 525 - 600mm	£10,370.00
Outfall pipe 750 - 900mm	£16,817.00

12.7 Sewer abandonment rates

Pipe diameter (mm)	Charge (per metre)
150	£9.00
225 - 300	£11.00
375 - 450	£19.00
525 - 600	£27.00
750	£39.00
825 - 900	£54.00
1050 - 2400	£111.00

12.8 Manhole abandonment rates

Diameter (mm)	Charge – per manhole
1050 - 1200	£490.00
1350	£593.00
1500	£655.00
1800	£912.00
2100	£984.00
2400 - 3600	£1,231.00

12.9 Lateral drains - only applicable to S104

Lateral drains (per lateral drain)	£779.00
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12.10 Flow control device – only applicable to S104

Flow control device (per device)	£2,597.00
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12.11 Rising main - only applicable to S104 and S185

Rising main length (per metre)	£115.00
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13 EXAMPLES OF ADDITIONAL COSTS

The table below gives examples of additional costs which may apply in exceptional circumstances, as described in 3.1.

This is provided for illustrative purposes only, and is not an exhaustive list.

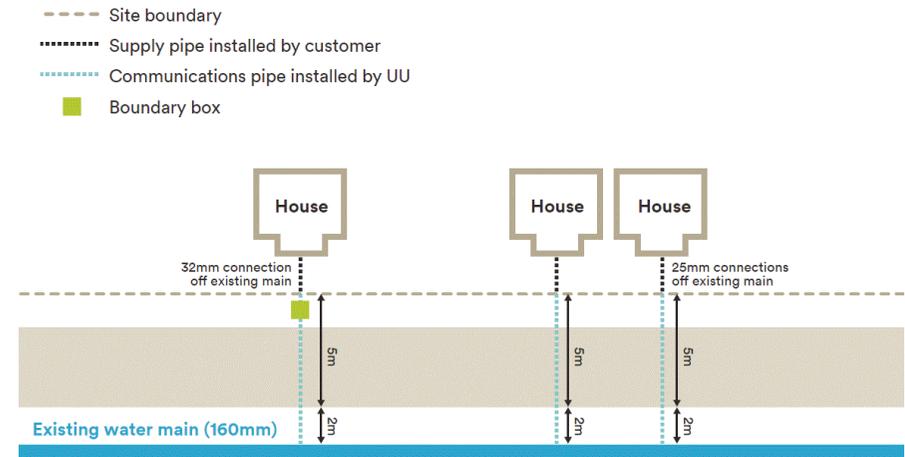
Costs associated with	Includes items such as (but not limited to)
Crossings such as watercourses, railways and motorways	<ul style="list-style-type: none"> Site survey 3rd party cost Legal agreements Out of hours work
Invasive flora (e.g. Japanese knotweed, Himalayan Balsam)	<ul style="list-style-type: none"> Site survey Specialist removal/disposal costs
Ecological impacts	<ul style="list-style-type: none"> Ecological surveys Newt assessment and mitigation
Crossing third party land	<ul style="list-style-type: none"> Site survey Compensation for landowner(s) Legal agreements
Land Purchase compensation	<ul style="list-style-type: none"> Land compensation Business owner compensation Property owner compensation
Work near to water sources, bridges and other structures	<ul style="list-style-type: none"> Site survey 3rd party costs Legal agreement Out of hours work
Construction near other services (e.g. high pressure gas mains, overhead power cables)	<ul style="list-style-type: none"> Site survey 3rd party costs Out of hours work
Work on strategic mains	<ul style="list-style-type: none"> Branch connection of any size to an existing main larger than 315mm Site survey Out of hours work
Construction of water main larger than 315mm	<ul style="list-style-type: none"> Site survey Pipework and ancillaries Out of hours work
Hazardous contaminated ground	<ul style="list-style-type: none"> Survey costs Disposal costs

Water assets at depths greater than 1.25 metres	<ul style="list-style-type: none"> • Dewatering • Health & safety considerations
Exceptional reinstatement costs	<ul style="list-style-type: none"> • Compliance with New Roads and Street Works Act 1991
Access to working area	<ul style="list-style-type: none"> • Site survey • Temporary access roads
Site clearance and reinstatement	<ul style="list-style-type: none"> • Site clearance • Demolition of existing structures • Landscaping • Tree clearance
Exceptional ground conditions	<ul style="list-style-type: none"> • Ground stabilisation • Excavation through rock • De-watering
Security costs	<ul style="list-style-type: none"> • Fencing • Manning • patrols
Onsite booster station	<ul style="list-style-type: none"> • Site survey • Legal agreements • 3rd party costs

14 APPENDIX – EXAMPLE DEVELOPMENTS

Applicable miscellaneous charges as detailed in section 9 may apply to all developments.

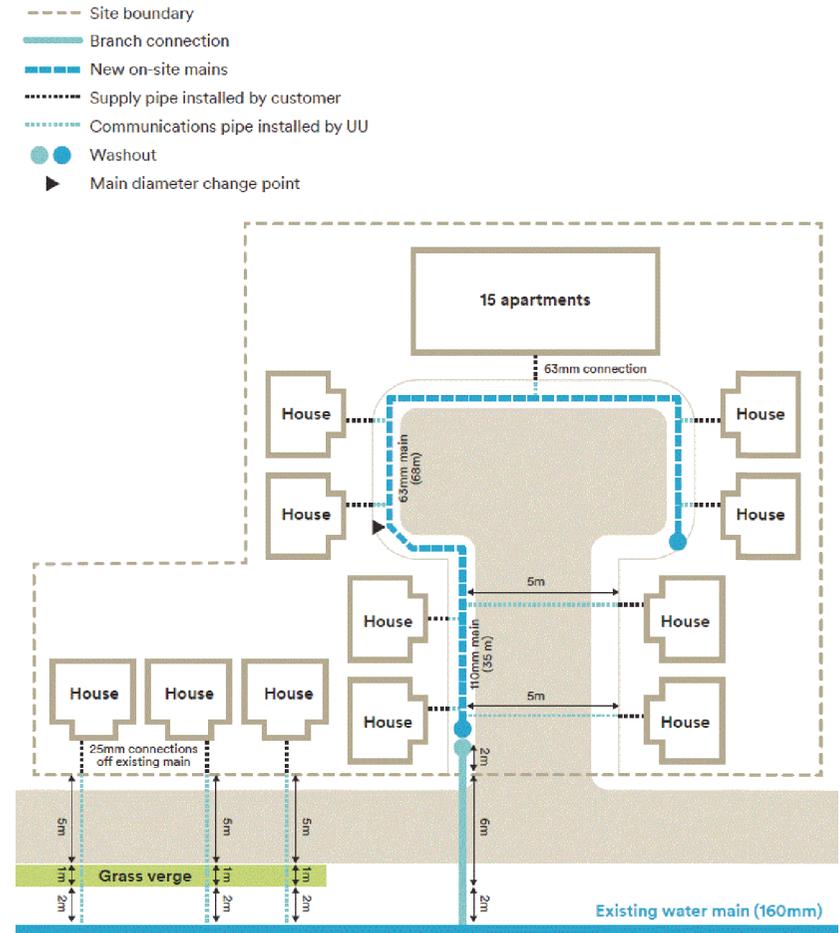
14.1 Service connection off existing main



For the purposes of this example: No infrastructure credits are applicable.

Charge Description	Scheme details	Quantity	Unit Charge	Total charge	Charges scheme reference
Water connection application fee (single connection)		1	£77.00	£77.00	5.7.1
Water connection application fee (additional connection)		2	£47.00	£94.00	
Water connection processing fee (single connection)		1	£35.00	£35.00	5.7.2
Water connection processing fee (additional connection)		2	£13.00	£26.00	
25mm metered connection	25mm Surfaced service connection (includes up to 2m pipe)	2	£563.00	£1,126.00	5.7.3
	Additional 25mm PE surfaced service pipe	10	£86.00	£860.00	
32mm metered connection	32mm Surfaced service connection (includes up to 2m pipe)	1	£768.00	£768.00	
	Additional 32m PE surfaced service pipe	5	£86.00	£430.00	
Service connection costs				£3,416.00	
Building water		3	£25.00	£75.00	8.2
Infrastructure	Water infrastructure charge	3	£356.00	£1,068.00	7.1
	Water infrastructure credits	0		£0.00	7.3.1
	Sewerage infrastructure charge	3	£423.00	£1,269.00	7.1
	Sewerage infrastructure credits	0		£0.00	7.3.1
Other costs				£2,412.00	
Total cost				£5,828.00	

14.2 Statutory Mains Requisition example

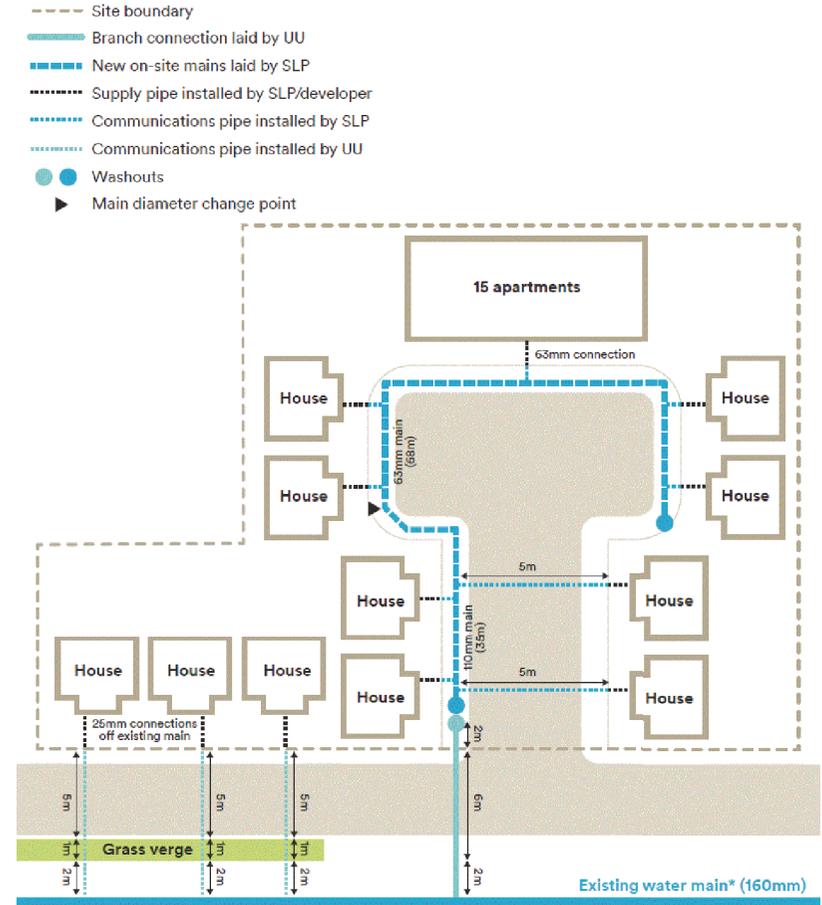


For the purposes of this example: Previous use on this site equates to 3 infrastructure credits (see 7.3.1).

Charge Description	Scheme details	Quantity	Unit charge	Total charge	Charges scheme reference
Requisition application fee		1	£371.00	£371.00	5.5.1
Administration cost				£371.00	
Requisition processing fee		1	£ 242.00	£242.00	5.5.2
Branch Connection	Surfaced 110mm branch connection (includes up to 2m pipe)	1	£4,829.00	£4,829.00	10.1 & 10.2
	Additional 110mm PE surfaced main	6	£ 203.00	£1,218.00	
	Additional 110mm PE unsurfaced main	2	£ 137.00	£274.00	
Piece up	Unsurfaced 110mm piece-up connection (includes up to 2m pipe)	1	£ 819.00	£819.00	
Mains laying	110mm PE unsurfaced main	35	£ 137.00	£4,795.00	
	63mm PE unsurfaced main	68	£ 113.00	£7,684.00	
Mains requisition cost				£19,861.00	
Income offset	No of plots	23			5.6
(capped at mains scheme cost)	Max	£19,861.00	£839.00	-£19,297.00	
Net mains requisition cost (Payable before commencement of work)				£ 564.00	
25mm on-site metered connection	25mm Unsurfaced service connection (includes up to 2m pipe)	8	£396.00	£3,168.00	5.7.3
	Additional 25mm PE unsurfaced service pipe	10	£53.00	£530.00	
25mm off-site metered connection	25mm Surfaced service connection (includes up to 2m pipe)	3	£563.00	£1,689.00	
	Additional 25mm PE surfaced service pipe	15	£86.00	£1,290.00	
	Additional 25mm PE unsurfaced service pipe (verge)	3	£53.00	£159.00	
63mm service connection	63mm Unsurfaced service connection (includes up to 2m pipe)	1	£2,322.00	£2,322.00	5.7.5
	Provision & installation of 15mm meter	15	£76.00	£1,140.00	
Service connection administration charge	Administration charge for each new connected property	26	£16.00	£416.00	5.5.3
Service connection costs				£10,714.00	
Building water		26	£25.00	£650.00	8.2
	Water infrastructure charge	26	£356.00	9,256.00	7.1
	Water infrastructure credits	3	-£356.00	-£1,068.00	7.3.1
	Sewerage infrastructure charge	26	£423.00	£10,998.00	7.1
	Sewerage infrastructure credits	3	-£423.00	-£1,269.00	7.3.1
Other costs				£18,567.00	
Total statutory scheme cost				£29,845.00	

14.3 Self-lay mains example

If our host main is smaller than the proposed new site main, then please contact us to discuss the possible solutions.



For the purposes of this example, the following assumptions are made:

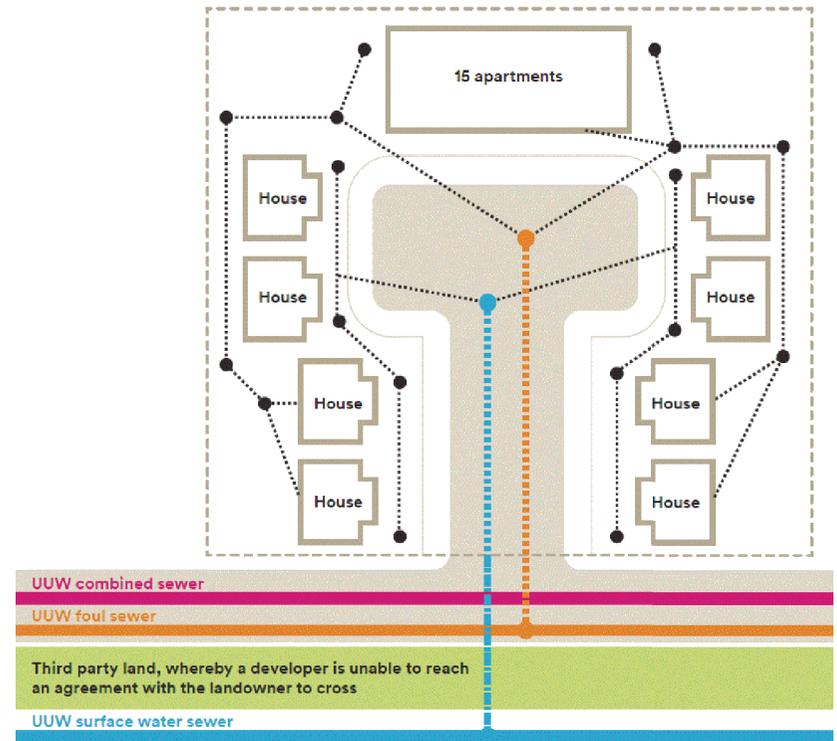
- 25mm off-site metered connections from the existing water main are carried out by us.
- All on-site connections are made by the SLP or new appointee.

Charge Description	Scheme details	Quantity	Unit charge	Total charge	Charges scheme reference
Self-lay application fee		1	£225.00	£225.00	5.4.1
Administration cost				£225.00	
Self-lay processing fee		1	£335.00	£335.00	5.4.3
Statutory construction costs used to allow calculation of self-lay scheme cost for comparison purposes	Branch connection, piece-up and main laying costs, see Statutory mains example in Appendix 14.2			£19,619.00	5.5.4 & 10.0
SLP mains scheme cost				£19,954.00	
Asset payment	No of plots	23	£839.00	£19,297.00	5.4.10 & 5.6
(capped at mains scheme cost)	Max	£19,954.00			
Net self-lay mains cost (deducted from asset payment)				£ 657.00	
25mm on-site metered connection	25mm Unsurfaced service connection (includes up to 2m pipe)	8			5.7.3
	Additional 25mm PE unsurfaced service pipe	10			
25mm off-site metered connection	25mm Surfaced service connection (includes up to 2m pipe)	3	£563.00	£1,689.00	
	Additional 25mm PE surfaced service pipe	15	£86.00	£1,290.00	
	Additional 25mm PE unsurfaced service pipe (grass verge)	3	£53.00	£159.00	
63mm service connection	63mm Unsurfaced service connection (includes up to 2m pipe)	1			5.4.5
	Provision & installation of 15mm meter	15			
Service connection administration charge associated with mains requisition scheme	Administration charge for each new connected property	26	£16.00	£416.00	5.4.7
Service connection costs				£3,554.00	
Building water	Building water	26	£25.00	£650.00	8.2
Infrastructure	Water infrastructure charge	26	£356.00	£9,256.00	7.1
	Water infrastructure credits	3	-£356.00	-£1,068.00	7.3.1
	Sewerage infrastructure charge	26	£423.00	£10,998.00	7.1
	Sewerage infrastructure credits	3	-£423.00	-£1,269.00	7.3.1
Other costs				£18,567.00	
Total Self-Lay scheme cost				£22,778.00	

14.4 Sewer requisition example

For application of sewerage infrastructure charges, please see examples 14.1, 14.2 & 14.3.

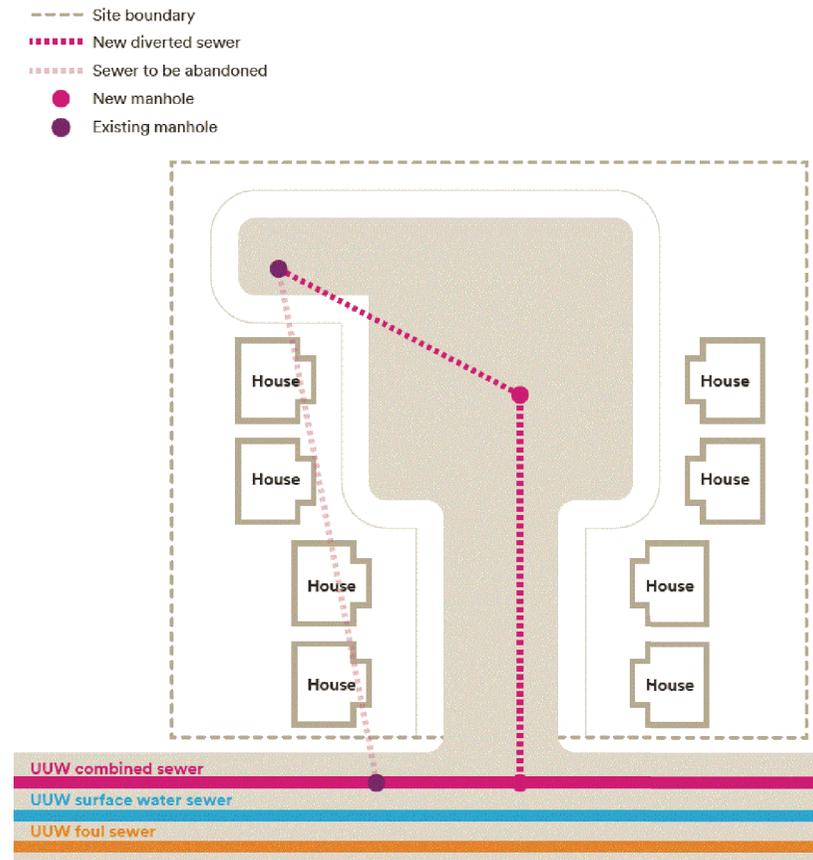
- Site boundary
- Surface water sewer (adoption proposal)
- Proposed new foul sewer (adoption proposal)
- Private plot drainage (not adoptable)
- New manholes
- Sewer requisition surface water



Charge Description	Scheme details	Quantity	Unit charge	Total charge	Charges scheme reference
Gravity sewers (m)	Gravity Sewers - Up to 225mm Diameter - Urban - Up to 2.5m Depth	50	£1,000.00	£50,000.00	11.1.2
Gravity Sewer connections	Gravity Sewer - Connections - Up to 225mm Diameter - Urban	1	£2,660.00	£2,660.00	11.1.1
Manholes	Precast Concrete Ring Manhole - 1200mm nominal chamber diameter - Up to 225mm Diameter - Urban - Up to 2.5m Depth	1	£9,014.00	£9,014.00	11.2
Indicative sewer requisition construction cost				£61,674.00	
Requisition application fee		1	£285.00	£285.00	6.1.1
Legal Fee for sewer requisition agreement		1	£561.00	£561.00	6.1.2
Legal Fee for provision of an easement		1	£638.00	£638.00	
Total other costs				£1,484.00	
Total costs				£63,158.00	

14.5 Sewer diversion example

For application of sewerage infrastructure charges, please see examples 14.1, 14.2 & 14.3.



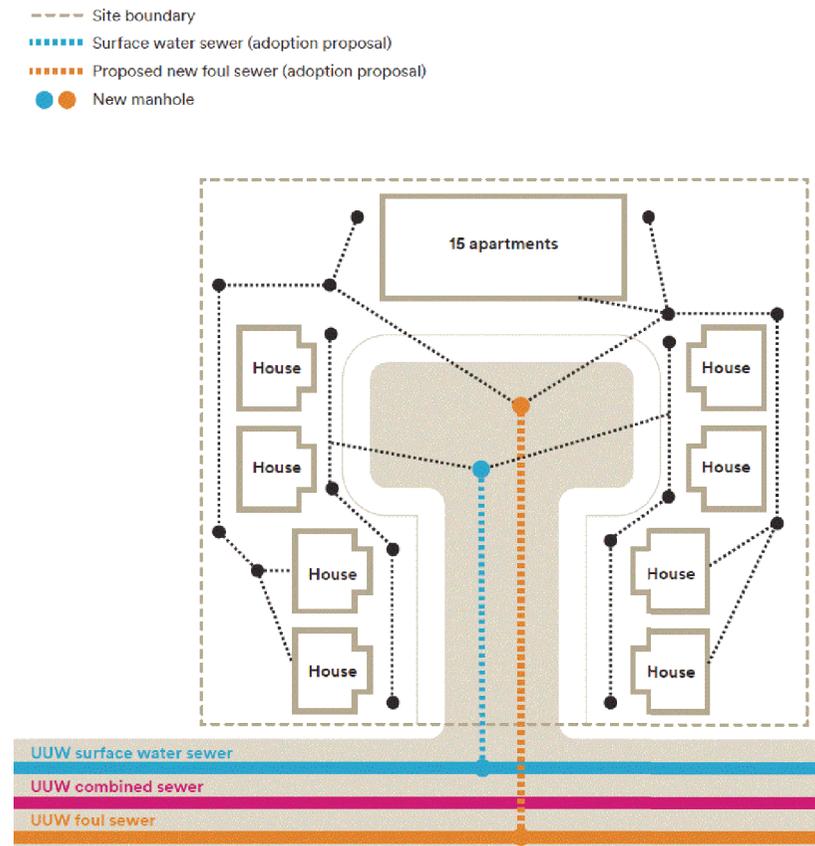
Diversion of public sewers - carried out by developer					
Charge Description	Scheme details	Quantity	Unit charge	Total charge	Charges scheme reference
Sewer lengths (m)	300mm, combined sewer	100	£188.00	£18,800.00	12
Manholes	1350 manholes	2	£3,511.00	£7,022.00	
Sewer abandonment (m)	300mm, combined sewer, under 3m depth	60	£11.00	£660.00	
Manhole abandonment	1350 manhole	1	£593.00	£593.00	
Sewer connection	Sewer connection 225mm-300mm	1	£866.00	£866.00	
Estimated Value of Works (for calculation of processing fee & surety)				£27,941.00	
Diversion Application Fee		1	£285.00	£285.00	6.3.2
Legal Fees Agreement		1	£589.00	£589.00	6.3.1
Legal Fees - Easement		1	£638.00	£638.00	
Processing Fee	5% of estimated value of works	1		£1,397.05	6.3.2
Total other costs (excluding surety)				£2,909.05	
Surety*		1		£27,941.00	6.3.2
Total diversion costs (including surety)				£30,850.05	

*80% released once we confirm work carried out to appropriate standard. Remaining released on adoption.

Diversion of public sewers -carried out by us					
Charge Description	Scheme details	Quantity	Charge	Total charge	Charges scheme reference
Sewer length (m)	Gravity Sewers - 226 to 300mm Diameter - Urban - Up to 2.5m Depth	100	£1,091.00	£109,100.00	11.1.2
Manholes	Precast Concrete Ring Manhole - 1350mm nominal chamber diameter - 226 to 400mm Diameter - Urban - Up to 2.5m Depth	2	£10,154.00	£20,308.00	11.2
Connection	Gravity Sewer - Connections - 226 to 300mm Diameter - Urban	1	£3,104.00	£3104.00	11.1.1
Indicative construction cost				£132,512.00	
Diversion application Fee		1	£285.00	£285.00	6.3.3
Legal Fees - Easement		1	£638.00	£638.00	6.3.1
Total other costs				£923.00	
Total diversion costs				£133,435.00	

14.6 Sewer adoption (s104) example

For application of sewerage infrastructure charges, please see examples 14.1, 14.2 & 14.3.

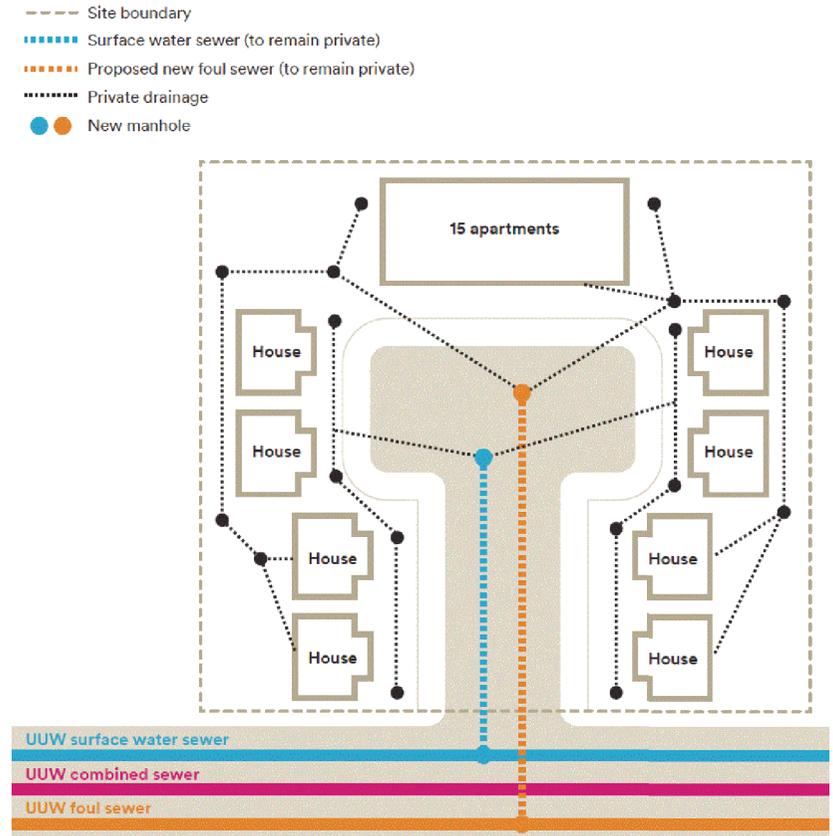


Charge Description	Scheme details	Quantity	Unit charge	Total charge	Charges scheme reference
Sewer lengths (m)	300mm, foul sewer	300	£188.00	£56,400.00	12
Sewer lengths (m)	300mm, surface water sewer	300	£188.00	£56,400.00	
Manholes	1350 manholes	4	£3,511.00	£14,044.00	
Sewer connection	Sewer connection 225mm-300mm	2	£866.00	£1,732.00	
Estimated Value of Works (for calculation of processing fee & surety)				£128,576.00	
Application Fee	Administration costs	1	£1,279.00	£1,279.00	6.6.1
Processing Fee	2.5% of estimated value of works	1		£3,214.40	6.6.3
Legal Fee for a sewer adoption		1	£589.00	£589.00	6.6.2
Legal fee for transfer of land or provision of an easement		1	£638.00	£638.00	
Total other costs (excluding surety)				£5,720.40	
Surety (sewers)*	10% of estimated value of works	1		£12,857.60	6.6.4
Total sewer adoption costs (including surety)				£18,578.00	

*80% released once we confirm work carried out to appropriate standard. Remaining released on adoption.

14.7 Sewer Connection

For application of sewerage infrastructure charges, please see examples 14.1, 14.2 & 14.3.



Charge Description	Scheme details	Quantity	Unit charge	Total charge	Charges scheme reference
Processing fee - sewer connection	Application for foul and surface water connection.	1	£203.00	£203.00	6.4.1
Total Estimated Value of Works				£203.00	

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