

## Summary

Water companies in England and Wales have a duty under the S199 Water Industry Act 1991 to maintain sewer record maps showing public sewers and lateral drains vested in the sewerage undertaker. Historically, these maps were transferred from Local Authority stewardship as paper-based maps, but digital systems are now used to maintain records.

The Floods and Water Management Act (FWMA) enacted in 2010 followed a significant period of surface water flood events across the UK. These flood events resulted in people evacuating their homes, which had become submerged in floodwater. Current predictions indicate there will be an increase in the frequency and intensity of future storm events due to climate change.

The FWMA created dedicated resources and duties in the form of Lead Local Flood Authorities (LLFA) to identify and manage flood risk. The sharing of information between risk management authorities to assess and appraise surface water systems has been a feature of the cooperation between organisations.

On occasion, there can be errors of status for a number of reasons. There are fundamental differences in the legal status of a public sewer in comparison to a culverted watercourse. Where a change in status appears to be appropriate, Water UK has drafted a protocol to establish a framework around which any amendments can be determined and completed.

The consequence of any changes can be considerable in terms of ownership, responsibilities, obligations to maintain and funding arrangements. The protocol, which was published in 2019, has gone through a recent review after a preliminary two-year period. One of the recommendations promotes incorporating the Water UK protocol within a company process to share with LLFAs, providing full visibility and consultation.

This document has been drafted to guide those involved to consider the evidence available, and any circumstances requiring a correction in the status of a public sewer and culverted watercourse.

A review of record status on sewer maps can be instigated by the sewerage undertaker or an external stakeholder with supporting evidence. These arrangements are not promoted for a wide review of assets, more upon the occasional need to make corrections, and will apply within Wessex Water sewerage boundaries.

The [Water UK protocol](#) for correctly classifying culverted watercourses and sewers explains more. No changes are proposed in this draft version. There are two approaches prescribed, where the sewerage undertaker and/or a third party can promote reclassification. Acting as the sewerage undertaker, we outline the actions required, and assign tasks and duties to nominated teams and staff with indicative timescales. Parts A and B of the protocol describe the requirements and process through to completion.

- A. Water company asset review
- B. Watercourse reclassification

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## Water company asset review

1. From time to time, when events or circumstances highlight apparent errors with sewer records, the Sewerage Planning team can advise on the status. Emerging evidence can sometimes provide more improved and accurate information relating to the status of a pipeline.
2. Where this information supports a change in status, further assessment and the preparation of typical evidence for consultation can commence.
3. The following table elaborates upon the relevant information to be included where available. This may include any past legislation and previous organisations.

Ref	Typical evidence	Relevant information
3.1	Continuous flow of a body of water in dry weather not attributed to surface water or groundwater	<ul style="list-style-type: none"> <li>• Recorded MH inspections</li> <li>• CCTV surveys</li> <li>• Period data</li> <li>• Photographs</li> </ul>
3.2	Local geographic knowledge with the historic presence of a watercourse  The nature of flows within the disputed asset and the features associated with catchment-generated channel flow in fluvial process or land drainage operation	<ul style="list-style-type: none"> <li>• Ordnance surveys or catchment maps</li> <li>• Land drainage systems</li> <li>• Local authority reports and minutes</li> <li>• Planning and building regulations or land drainage consents</li> <li>• Formal correspondence</li> </ul>
3.3	Purpose of construction	<ul style="list-style-type: none"> <li>• Flood relief schemes</li> <li>• Land drainage improvements</li> <li>• Highway schemes or improvements</li> <li>• Sewerage schemes</li> <li>• Housing or commercial developments</li> </ul>
3.4	Powers used in construction	<ul style="list-style-type: none"> <li>• Land Drainage Act</li> <li>• Highways Act</li> <li>• Public Health Act</li> <li>• Water Industry Act S98</li> <li>• Misc provisions</li> </ul>
3.5	Sources of funding for construction and maintenance	<ul style="list-style-type: none"> <li>• MAFF Grant</li> <li>• Environment Agency</li> <li>• Local Authority</li> <li>• County Council</li> <li>• Internal Drainage Board</li> <li>• Water Company</li> <li>• Port/Airport Authority</li> <li>• Network Rail</li> <li>• Developer</li> </ul>
3.6	Any vesting declarations/consents	<ul style="list-style-type: none"> <li>• S104/105 Water Industry Act</li> <li>• S185 Diversion of a Public Sewer</li> <li>• S17/18 Public Health Act</li> <li>• H4 Building Regulations 2010 – build over</li> </ul>

4. Where Wessex Water proposes a change in status to the sewer record map, the following actions will be carried out before any changes are completed:
  - 4.1. Consult the relevant Risk Management Authority or landowner with a written request for further evidence and any relevant comments within a period of 28 days.
  - 4.2. Any written consultation made will present and include the evidence base prepared. Consultees will be requested to indicate acceptance or objection to proposals.
  - 4.3. Consultees objecting to any proposals should respond with a burden of proof to support and assert their position.
  - 4.4. The sewer record map will be updated to indicate uncertainty over the status of the pipeline (refer to AMF011 to instruct the GIS team).
  - 4.5. The consulting parties generally include one or more of the following:
    - Wessex Water
    - Lead Local Flood Authority
    - Land Drainage Authority
    - Internal Drainage Board
    - Highway Authority
    - The landowner
    - Network Rail
  
5. The Sewerage Planning team will be responsible for preparing evidence and undertaking the consultation arrangements. Proposed changes will be circulated across Operations and Asset Data teams for internal comment before the consultation period.

In the event of a dispute, the review panel below will be formed to consider the evidence and advise. The review panel may seek legal advice and opinion where necessary.

**Review Panel**

Sewerage Planning Manager	David Martin
Operations Managers	Nick Buller (North), John Hole (South) and Mark Cooper (West)
ADIG Below Ground Asset Lead	Daniel Darch
Development Engineering Manager	Mike Gale

## Watercourse reclassification

6. Where a party believes an asset is wrongly recorded on the public sewer record map, the protocol provides for an evidence-based submission for Wessex Water to review and consider the amendment.
7. The evidence shall be prepared and assembled to address the points in the table below, based upon the factors outlined within the protocol to demonstrate.

Ref	Typical evidence	Relevant information
7.1	The nature of flows within the disputed asset and the features associated with catchment-generated flow in fluvial process or land drainage operation	<ul style="list-style-type: none"> <li>• Recorded MH Inspections</li> <li>• CCTV surveys</li> <li>• Period data</li> <li>• Photographs</li> <li>• Ordnance surveys or Catchment maps</li> <li>• Land drainage systems</li> <li>• Local authority reports and minutes</li> <li>• Planning and building regulations or land drainage consents</li> <li>• Formal correspondence</li> </ul>
7.2	Purpose of construction	<ul style="list-style-type: none"> <li>• Flood relief schemes</li> <li>• Land drainage improvements</li> <li>• Highway schemes or improvements,</li> <li>• sewerage schemes</li> <li>• Housing or commercial development</li> </ul>
7.3	Powers used in construction	<ul style="list-style-type: none"> <li>• Land Drainage Act</li> <li>• Highways Act</li> <li>• Public Health Act</li> <li>• Water Industry Act S98</li> <li>• Misc Provisions 1976</li> </ul>
7.4	The original source of funding for the asset	<ul style="list-style-type: none"> <li>• MAFF Grant</li> <li>• Environment Agency</li> <li>• Local Authority</li> <li>• County Council</li> <li>• Internal Drainage Board</li> <li>• Water Company</li> <li>• Port/Airport Authority</li> <li>• Network Rail</li> <li>• Developer</li> </ul>
7.5	The analysis of the water	<ul style="list-style-type: none"> <li>• Chemical and biological sampling and analysis</li> </ul>
7.6	Source of any foul water found and the age of properties discharging foul water	<ul style="list-style-type: none"> <li>• Map based information</li> </ul>

8. We accept that some evidence relevant to purpose and funding is not readily available, and we will assist in locating information where possible.

## C Next steps to resolution

9. Where agreement is reached the sewer record can be amended.
10. In the absence of an agreement to reclassify a sewer, we will suspend the process for a period of 180 days, while all parties involved shall co-operate to assess what further evidence may be available with a view to reaching an agreement.
11. All parties should consider arrangements for any necessary maintenance upon a 'without prejudice' basis during this period. Wessex Water will continue to maintain where previous activities have been carried out for a significant period.
12. Where disputes remain beyond this 180-day suspension period, Wessex Water may decide to reclassify the asset. The date of reclassification will be advised after evaluating the scale of the affected asset and all relevant circumstances.

## D Reclassification of the asset

13. Where Wessex Water proceeds with reclassification it will confirm in advance to owners and Risk Management Authorities, while also advising the date to be implemented.
14. Risk Management Authorities will be provided with GIS information to assist with legal duties (refer to AMF011 to instruct the GIS team).
15. The asset will remain on the sewer map with annotations, these may include references to an 'unknown' or 'disputed' asset.
16. Any available asset information should be provided to the new owner with reasonable assistance given to a handover of responsibilities. This may include Wessex Water acting upon a contractual basis to manage and maintain.
17. Properties that no longer drain to a public sewer will be notified to [apply for a rebate on surface water drainage charges](#).
18. The reclassification of any assets under this protocol will need approval from the Head of Waste Planning.
19. Notwithstanding a reconciliation period of 180 days, affected parties may challenge a decision to reclassify with a written complaint to the Head of Waste Planning