

# Agreement for Adoption of Development Sewers, Lateral Drains and Associated Works communicating with a public sewer in a New Development (Article 161) Guidance Notes

#### Please note -

- Current legislation is Water and Sewerage Services (Northern Ireland) Order 2006, as amended Water and Sewerage Services Act (Northern Ireland) 2016. Under the Water and Sewerage Services Act (Northern Ireland) 2016. It is a legal requirement that all sewers, from 23rd May 2016 be offered to Northern Ireland Water for adoption under Article 161 procedures.
- Any person proposing to connect a sewer to the public sewer will require written approval to connect, on the basis of a mandatory Article 161 Agreement, for the future Adoption of the Associated Drainage issued and authorised by Northern Ireland Water.
- No watermains will be laid on site until you have applied for an Article 161 agreement which covers the section of the development where the watermain is to be laid. Watermains laid will not be connected to Northern Ireland Water's live main until an Article 161 Agreement is in place.
- Northern Ireland Water are no longer accepting hard / paper copy Article 161 applications . All applications must be submitted and managed via the Northern Ireland Water Self Service Portal.

Northern Ireland Water is responsible for the wastewater services of over 650,000 customers. Any new sewers offered for adoption in residential / non-residential developments must comply with the requirements of the 'Sewers for Adoption (NI) Current Edition'.

Where the Article 161 application is for a site that is to be served by outfall sewers requisitioned from Northern Ireland Water (Article 154) it should be noted that the release of the Article 161 Agreement will not be possible until the design of the requisitioned sewer is complete and the associated shortfall payment has been made, if applicable. Design of the requisitioned sewer can take on average 12 months and you are advised to consider this when making application for requisition of outfall sewers or for the approval of sewers, lateral drains and associated works being considered for adoption in a new development.

#### Applying for the approval of a new sewer to be adopted

Until you have completed a Pre-Development Enquiry, or where required a Waste Water Impact Assessment, you will not be able to apply for an Article 161 assessment. When you have completed the Pre-Development process, which will identify a point of connection, you must apply for approval of any drainage system serving 2 or more properties, inclusive of lateral drains, for adoption at a future date under Article 161. Any person proposing to connect a sewer to the public sewer will require formal approval to connect, on the basis of a mandatory Sewer Adoption Agreement (Article 161).

Please note that the proposed development should have valid full planning permission, and any other associated permissions (i.e. Schedule 6 from Dfl Rivers, Street Works Licence from Dfl Roads or Draft Water Order consent from NIEA etc, as applicable), prior to making a submission via the Self Service Portal.

If it is proposed that Northern Ireland Water are to complete the connection under Article 163,

- you must check your drainage design to the connection point to ensure that your design will tie in with the levels required to make the gravity connection.
- you will be required to make an Article 163 new connection application and pay the application fee.
- you will be required to make the Article 161 application for assessment and the drainage design agreed in principle, prior to the new connection being approved. The draft Article 161 can be issued if the assessment is complete and the new connection application fee is paid.
- the Article 163 new connection quotation should be paid in advance of the Article 161 Agreement being authorised.

You are required to submit an Article 161 Application via the Self Service Portal where you will be guided through what documentation is a mandatory requirement. A list of the required documentation is available at 'Appendix A' below.

The design of the drainage systems must be in accordance with the 'Sewers for Adoption (NI) Current Edition'.

Please note that if the proposed drainage traverses an Adjoining Owners land or discharges into an unadopted network constructed by a different developer, the third party land owner will be required to sign the Article 161 Agreement agreeing to said drainage to be laid through their land and the associated protected strip once adopted. All signatures will be via the Adobe Sign electronic process.

You will be required to upload a copy of the following documents when the assessment is complete and the Draft Article 161 Agreement has been issued. These documents can be uploaded when you are Completing the Agreement Details.

- Land Registry Folio to be dated within 3 months.
- Land Registry Map to be dated within 3 months.

These will be checked to ensure that the correct signatory and land owner details have been provided.

# Land drainage and groundwater will not be permitted to discharge into the public sewerage systems either directly or via private drains or sewers.

The use of a Wastewater Pumping Station will be considered if no practical gravity solution is applicable. Please refer to <a href="https://www.niwater.com/services-for-developers/article-161-agreement">https://www.niwater.com/services-for-developers/article-161-agreement</a> for the current Wastewater Pumping Station specification.

The use of a Waterwater Treatment Works will only be considered if determined as being required as a result of the outcome of a Waste Water Impact Assessment. Please email CustomerEngagementTeam@niwater.com to obtain a copy of the current Waterwater Treatment Works specification.

Under the Street Works (NI) Order 1995 a Street Works Licence is required by any person or organisation who wishes to place or retain apparatus in a street. This may be applicable from the boundary of the site to the public sewer or watercourse.

- If the new connection is proposed within an adopted road/street the excavation/reinstatement can be completed by Northern Ireland Water or an approved contractor, who must have a Street Works Licence, issued from Dfl Roads for the location.
- Northern Ireland Water is an approved Utility Contractor and can carry out the full service connection including the excavation and reinstatement, the cost of this service will be included in the quotation, via the Self Service Portal (New Connections). If it is proposed that Northern Ireland Water are to complete the connection under Article 163, the New Connections team will begin their assessment of the application once the draft Article 161 application has been issued and will issue the request to complete payment for the connection. However it is your responsibilty to ensure that your drainage design to the connection point can be achieved by a gravity connection. The new connection cost should be paid in advance of the Article 161 Agreement being authorised.
- Northern Ireland Water, under the prescribed charges, will make the connection to the sewer, only after the mandatory Sewer Adoption (Article 161) has been assessed and the draft Article 161 Agreement has been issued, prior to any new connections being made, and lay the associated sewers and manholes within the street.

It should be noted that the applicant will be charged for reassessing submissions that do not meet the specific standards. A re-submission fee will be required for:

- a change of Developer (Full Cost application fee)
- a change of design (Full Cost application fee)
- to reopen an application that has been cancelled.
  - o If the application has been cancelled for more than 1 year (Full Cost application fee)
  - o If the application has been cancelled less than 1 year, where the developer and design remains unchanged, your application will require a resubmission cost.

Inspection Fees and associated Bonds are updated annually on 1st April. The Inspection Fees and Bonds will be determined at the time of issue / reissue of the Draft A161 Agreement. It is an offence to connect to the public sewer without first obtaining the consent of Northern Ireland Water.

The drainage work should not commence on site until an authorised Article 161 Agreement is in place, any appropriate charges paid and any other conditions complied with. However if any drainage is laid in advance, it is at the developer's risk as it may need replaced to receive Northern Ireland Water approval.

#### **Consent to Discharge**

Where the drainage for a site cannot be achieved by means of a gravity connection you should consider the installation of a

Wastewater Pumping Station. The use of a Wastewater Pumping Station should be agreed with Northern Ireland Water. Where it is determined that a Wastewater Pumping Station is required, you must apply to Northern Ireland Environment Agency (NIEA) for a 'consent to discharge' allowing sufficient time for the draft Water Order Consent to be evaluated and issued by NIEA. A draft Water Order Consent from NIEA, inclusive of the accompanying map, showing the NIEA agreed discharge location for the emergency overflow, is essential prior to submission of the application for an Article 161 Agreement, if a Wastewater Pumping Station is required, and must be included with your A161 application. At the time of application of the Article 161, NIEA may choose to issue a draft Water Order Consent. This along with the accompanying map is acceptable at the A161 application stage, however the full Water Order Consent will be required prior to the site being considered for adoption. If the emergency overflow discharges to a watercourse, a consent to discharge from Dfl Rivers will also be required.

Where , as a result of a Waste Water Impact Assessment, it has been determined that a Wastewater Treatment Works is required, you must apply to Northern Ireland Environment Agency (NIEA) for a 'consent to discharge' allowing sufficient time for the Water Order Consent to be evaluated and issued by NIEA. A Water Order Consent from NIEA, inclusive of the accompanying map, showing the NIEA agreed discharge location for the final effluent sewer, is essential prior to the application for an Article 161 Agreement if a Wastewater Treatment Works is required and must be included with your A161 application. If the final effluent sewer discharges to a watercourse, a consent to discharge from Dfl Rivers will also be required.

Northern Ireland Water legislation permits, where appropriate, the refusal of surface water connections to the public sewer network, and the applicant to consider alternative means for disposal. If a 'consent to discharge' to a watercourse is required from surface water sewers being offered for adoption, the developer must obtain approval from Dfl Rivers Agency, prior to the submission of the Article 161 application. A valid copy of the consent, inclusive of the agreed discharge location, must be uploaded with the application.

In the event of surface water discharging to a river or other watercourse through an outfall, the riparian owner will be required to grant legal easements to Northern Ireland Water. If the developer is the riparian owner and is already entering into a Deed of Grant of Easement with Northern Ireland Water in respect of sewers being laid in land which is to remain private, the rights to discharge may be included in the Deed of Grant. If not, a Deed of Grant is to be entered into by the riparian owner in order to grant rights to discharge to the river or other watercourse via the outfall. They will be required to sign the Article 161 Agreement as a third party land owner.

If the proposed discharge location is in the control of or regulated by a body such as a Crown Estates, although the developer may have obtained the consent of the associated body to construct the works, Northern Ireland Water will also need legal easements as it does not have statutory powers to discharge through the outfall. A valid copy of the consent, inclusive of the agreed discharge location, must be uploaded with the application.

The developer will be responsible for the legal costs and reasonable expenditure of Northern Ireland Water in connection with the grant of legal easements.

#### **Highway Drainage**

The developers' attention is drawn to Article 172 of the Water and Sewerage Services (Northern Ireland) Order 2006 as amended, Water and Sewerage Services Act (Northern Ireland) 2016, which states that a public sewer may be used by agreement for discharge of highway drainage, however, 'Sewers for Adoption' states that the sewerage undertaker is not obliged to accept highway drainage to the existing public sewerage system. In areas where the existing sewer network is known to be already overloaded, or where there are viable alternatives to using the existing sewer network to serve highway drainage, the developer will be required to investigate alternative methods of disposing of highway drainage and runoff with the relevant Highway Authority.

#### **Article 161 Applications**

Developers are required to submit the Article 161 Application via the Self Service Portal.

The submitted application will have a high level triage assessment and following successful completion will be issued with a request for payment of the application fee. The applicant will not be able to amend an application once it has been submitted, however if it is no longer required the applicant will have the opportunity to request for it to be withdrawn. No application fee refunds will be granted for a withdrawn application. The completed application will be checked for compliance with the requirements of the 'Sewers for Adoption (NI) Current Edition'.

When all necessary information is provided to enable us to process your application, you will be notified via the Self Service Portal of:

- the acceptability of the proposal, and any conditions that may be applied, as will be identified in the draft A161 Agreement;
- the inspection fee required prior to construction. This will cover our costs associated with administration / legal fees, inspection of the works;

- the cost of the Northern Ireland Water Bond Surety;
- the inspection fees, bond surety, signatures, Land Registry Folio and Land Registry Map will all be requested / completed via the Self Service Portal. Please do not forward any payment of the fees or Cash Bond (if applicable) until you receive a request via the Portal, as it may delay the process due to it not automatically being attributed to your application.

#### NI Water no longer accept hard copy Agreements.

Details of Northern Ireland Water charges can be found in the current Scheme of Charges. It should be noted that the fees quoted will remain valid for a period of 13 weeks from the date issued. If not accepted by return of the required signatures and payment within this time frame, to allow the A161 Agreement to be authorised, you will be notified via the Self Service Portal that your application has been cancelled and a resubmission is required. The initial quotation may be subject to revision, to meet changes in the Scheme of Charges, other financial influences, processes or specifications within the company.

Northern Ireland Water is required to give you a decision as to whether your application is being granted or refused, or the conditions of approval.

#### **Notification of Intention to Construct Works**

Before commencement of the works you must have submitted all necessary documentation and payments to allow for the Authorising of the Article 161 Agreement by Northern Ireland Water, and as a legal agreement entered into by both parties, Northern Ireland Water must be notified at least five days, via CustomerEngagementTeam@niwater.com, in advance of the commencement date. During construction Northern Ireland Water, Developer Services may visit your site at their discretion.

If construction of sewers commences prior to the authorisation of the Article 161 Agreement by Northern Ireland Water, the developer continues at their own risk as they may need replaced to receive Northern Ireland Water approval.

Connection to a public sewer, through an Article 163 by Northern Ireland Water, will not be approved until the Article 161 has been applied for and the drainage design agreed in principle by Northern Ireland Water, by the issuing of the Draft Agreement.

#### Please note that:

- once the Article 161 Agreement is authorised with the Bond Surety in place it is non-transferable. If a site is sold on to another developer, Northern Ireland Water will not release the original Bond Surety until such times as the new Developer has submitted a new Article 161 application via CustomerEngagementTeam@niwater.com and progressed it to achieve an authorised A161 Agreement in their name. This may impact future house sales.
- if there is any deviation from the authorised design, the developer will be required to liaise with the Northern Ireland Water Technical Adviser, via the Self Service Portal, to discuss the proposed changes prior to construction. This change request may result in a resubmission application via the Self Service Portal being required that will incur an additional application fee.

# Notice of Completion and Application for 50% Reduction of the Northern Ireland Water Bond Surety (OPTIONAL STAGE in the adoption process)

When the sewer installation works are substantially complete, including construction of all sewers and manholes etc in keeping with the Northern Ireland Water approved drainage layout, and where line and level of the development roads are established, but the development drainage system is not yet eligible for an application for a Preliminary Certificate of Completion you may apply for a 50% reduction of the Northern Ireland Water Bond Surety. **Please note that a 50% bond reduction can not be considered for a site that incorporates a Wastewater Pumping Station, Wastewater Treatment or Geocellular Structure.** You should submit the application via the Self Service Portal (50% adoption). If it is determined that the development is eligible for consideration for a Preliminary Certificate of Completion the 50% Bond Reduction Application will be rejected. You will be asked to confirm whether the drainage has been laid in accordance with the approved drainage layout. You should submit all of the information and documentation requested on the Northern Ireland Self Service Portal when submitting the application.

- a copy of the as constructed drainage layout will be required *if the drainage has not been laid in accordance with the approved drainage layout*.
  - All revisions must have been agreed with Northern Ireland Water prior to or during construction and a note added to the revised drawing indicating who within Northern Ireland Water the revisions were agreed, and on what date. It is not necessary to include a manhole schedule if the final wearing course has not been laid with the manhole covers set accordingly.
- a recent relevant CCTV survey and associated report must be uploaded to the separate Northern Ireland Water Sharepoint / Extranet site and the associated link to the Sharepoint / Extranet folder must be included within the application. If you do not have access to this please contact CustomerEngagementTeam@niwater.com to request the documentation to apply for the associated licence / permission.

Northern Ireland Water will contact the developer to arrange a mutually agreed suitable time to allow the flush test to be completed (this must be witnessed by Northern Ireland Water personnel) and to complete the inspection. The developer should supply the personnel to lift the manhole covers as required. If after the inspection and witnessing of the flush test we are satisfied that the work has been constructed to the approved standard, and any identified remedial works rectified, we will issue a notification stating that the '50% Reduction of the Northern Ireland Water Bond Surety' has been granted and the Bond provider notified. If it is a Cash Bond, the developer will receive 50% of the bond value in due course.

#### Notice of Completion and Application for Preliminary Certificate of Completion

When the works are complete and a minimum of 51% of the premises served by the sewers are occupied (allowing for all sewer lines to be live), you are required to submit an application via the Self Service Portal (Preliminary Adoption) for the associated site.

The drainage schedule should be completed using the Excel Spreadsheet template available at https://www.niwater.com/services-for-developers/article-161-agreement/. The Spreadsheet must be submitted as an uploaded document as part of the application process and an extract of the data added to the As Constructed drawing.

If your development drainage layout includes a Geocellular structure, you must provide a copy of the associated warranties and installation certification.

An Article 161 Adoption Developer Checklist is available in 'Appendix C'listing elements that should be checked prior to making an adoption application.

Northern Ireland Water will contact the developer to arrange a mutually suitable time to complete the inspection, where the developer should supply the personnel to lift the manhole covers as required. If after the inspection we are satisfied that the work has been constructed to the approved standard and any identified remedial works rectified, you will be notified via the Self Service Portal of the issuing of the Preliminary Certificate of Completion. The Bond provider will also be notified. If it is a Cash Bond, the developer will receive the associated bond value in due course, where 30% of the Bond will be retained by Northern Ireland Water until Final Adoption has been approved.

The sewers, lateral drains and associated works remains the responsibility of the developer for a maintenance period of a minimum of 12 months and during this period you must carry out and pay for any repairs or maintenance. Suitably qualified personnel should regularly maintain Pumping Stations and Wastewater Treatment Works in accordance with the equipment manufacturer's specification.

#### **CCTV Survey**

The CCTV survey must be completed by an independent company with no links to the developer / contractor.

When submitting the application for Preliminary Certificate of Completion of the sewers, to validate whether the constructed drainage has no defects, please upload a recent relevant CCTV survey and associated report to the separate Northern Ireland Water Sharepoint / Extranet site and the associated link to the Sharepoint / Extranet folder within the application. If you do not have access to this please contact CustomerEngagementTeam@niwater.com to request the documentation to apply for the associated licence / permission.

#### **Health and Safety Plan / CDM Regulations**

The developer's Health and Safety Plan, prepared in accordance with the Construction (Design and Management) (Northern Ireland) Regulations 2015, may be required, if you are aware of any issues that may affect Northern Ireland Water future maintenance of the associated drainage, to be submitted no later than 8 weeks before the end of the maintenance period. This will include all appropriate certificates / manuals etc.

#### **Final Inspection / Adoption**

At the end of the maintenance period, it is no longer a requirement to submit and application for Final Adoption. The system is set to self generate the Final Adoption application. You will receive a notification via the Self Service Portal, of Northern Ireland Water's intention to arrange a mutually suitable date / time for inspection. The developer should supply the personnel to lift the manhole covers as required.

If your development drainage layout includes a Wastewater Pumping Station or Wastewater Treatment Works, you must provide an Asset Data Return (BUDI Return) before a Final Adoption Certificate can be processed / released. The BUDI Return should be supplied by the company responsible for the M&E provision, where they have previously been trained by Northern Ireland

Water in the upload of the relevant data. You should provide the name of the Northern Ireland Water Technical Adviser for your site to the company who is completing the BUDI Return. The BUDI Return must include all Processes, Units, Assets and Components on the site and follow Northern Ireland Water's 'C001 Code of Practice for Submitting Asset Records', NIW's 'C003 Asset Tagging Guidelines' and NIW's Asset Data Hierarchy 'ADH Definitions' guidance document.

If outstanding works, and any outstanding issues, such as completion of land transfer or easement agreements, are completed a Final Certificate of Adoption will be issued via the Self Service Portal and the remainder of the bond released. The bond provider will also be notified. If it is a Cash Bond, the developer will receive the associated bond value in due course.

When the final certificate of adoption has been authorised by Northern Ireland Water the maintenance responsibility and ownership of the associated drainage system hereby transfers to Northern Ireland Water.

Should you require any further information or assistance please contact Developer Services Customer Engagement Team:

#### Developer Services Customer Engagement Team, Northern Ireland Water

**Tel**: 03458 770 003

**Email**: CustomerEngagementTeam@niwater.com

**Guidance Notes: A161** 

#### **APPENDIX A**

# Article 161- Self Service Portal Required documents



#### **Drainage Approval**

**Site Location Plan** - 1:1250 / 1:2500 Map showing the site boundary outlined in red, any other land owned by the Developer outlined in blue and any public right of way outlined in green.

**Greenland Map** - 1:1250 / 1:2500 Map showing the area of land owned by the Developer, where drainage will be laid, outlined in green.

**Stat Charges Map** - 1:1250 / 1:2500 Map showing the area of land served by the drainage constructed by the Developer (inclusive of third party lands) outlined in red.

**Drainage Layout** - proposed drainage layout, with drainage being offered for consideration colour coded as per the Sewers for Adoption NI current edition.

**Drainage Long Sections** - Levels to Ordnance Datum (Belfast).

Flow Control Manhole Detail - where applicable.

**Hydraulic Calculations** - In Causeway Flow (.pfd) or Microdrainage (.mdx) format and in accordance with NIW Sewers for Adoption (NI) current edition. No other format will be accepted.

**Drainage Area Catchment Plan** - to indicate contributing areas for each leg of storm sewer.

**Geocellular Tank Design** - where applicable. (see 'Appendix B' below for checklist).

**Pumping Station Design** - where applicable. Including Layout, Sections, Panel Drawing and Pump Selection in accordance with the current Pumping Station Specification.

**Treatment Works Design** - where applicable. In accordance with the current Wastewater Treatment Works Specification.

**Consent to Discharge** - where applicable, if it is proposed to discharge the storm drainage to the sea or a lough. Consent is required from the associated governing body.

**Schedule 6 Discharge Consent** - where applicable, if the proposed storm drainage is proposed to discharge to a watercourse. Consent is required from Dfl Rivers.

Streetworks License - where applicable. Consent is required from Dfl Roads.

**NIEA Water Order Consent** - where applicable, for proposed Wastewater Pumping Stations or Wastewater Treatment Works.

**Building Control Approval** - where applicable, if the storm runoff from individual properties are proposed to discharge to individual / private soakaways.

### **Complete Agreement Details**

**Land Registry Folio** - to be dated within 3 months.

Land Registry Map - to be dated within 3 months.

## **Drainage Adoption**

**As Constructed Drainage layout** - to include the drainage covered under the Article 161 Agreement and Drainage schedule, with Cover levels and invert levels to Ordnance Datum (Belfast).

**Drainage Schedule** - Excel Spreadsheet template to be completed and submitted along with Prelim Application.

As Constructed Wastewater Pumping Station WwPS or Wastewater Treatment Works WWTW Site layout - where applicable, to include the Operations & Maintenance Manual.

**ACE Map** - required for a Wastewater Pumping Station or Wastewater Treatment Works, indicating the boundary which will form part of land transfer procedures, with the land to be transferred to be outlined in red and right of way outlined in yellow.

**Asset Records Return (BUDI Return)** - where applicable, for a Wastewater Pumping Station or Wastewater Treatment Works, to be completed by the M&E provider prior to final adoption.

**CCTV Survey & Report** - a link to the NIW Sharepoint / Extranet folder where the CCTV survey has been uploaded must be included within the application after you have checked it for completeness and that there are no defects.

**Geocellular Tank** - If your development drainage layout includes a Geocellular structure, you must provide a copy of the associated warranties and installation certification.



# Appendix B NI Water - Geocellular Attenuation Storage Check List

CHECK ITEM	YES	NO
Is the proposed Geocellular Attenuation Tank to be constructed within 3m depth below finished ground levels at any point?		
Is the proposed Geocellular Attenuation Tank to be constructed below non-trafficked area?		
Is the ground water table minimum 1m below invert level of the tank?		
Has proposed Geocellular Attenuation Tank a rectangular shape?		
Is the proposed system designed as on-line or off-line parallel format?		
Is the proposed Geocellular Attenuation Tank to be constructed more than <b>h</b> *+ 2m away from foundation or trafficked/loaded pavements?		
Is the proposed Geocellular Attenuation Tank to be constructed more than $\mathbf{h}^*$ + 10m away from sloping ground or stockpiles?		
Is the proposed Geocellular Attenuation Tank to be constructed more than $h^*+5D^{**}$ away from piles supporting vertical loadings and $h^*+8D^{**}$ for piles supporting horizontal loadings?		
Is the proposed Geocellular Attenuation Tank to be constructed more than $h^*+2.14H^{***}$ away from the front of any retaining walls?		
Is the appropriate ventilation provided to the Geocellular Attenuation Tank? (Typically 110mm dia vent per 7500m <sup>2</sup> catchment area)		
Is the proposed system provided with maintenance provisions allowing for inspection and cleaning at minimum 15m intervals?		
Is the proposed system equipped with silt interception sized to allow for loadings described by Table 8.1 CIRIA C737?		
Are inlet and outlet pipework arrangements constructed with minimum 150mm dia pipes and providing unrestricted flow?		
Is the system provided with an appropriately sized overflow protecting the site from potential flooding in case the control device is blocked?		
Is the proposed Geocellular Attenuation Tank and all connections sealed with the hot-jointed impermeable heavy duty geo-membrane minimum 1mm thickness installed by certified contractor (UKCAS Certificate Scheme for Welding and Inspection Personnel)?		
Is the proposed Geocellular Attenuation Tank protected by geotextile fleece (minimum 300g/mm²) and minimum 100mm protective layer of sand or non-angular gravel?		

**D\*\*** is pile diameter

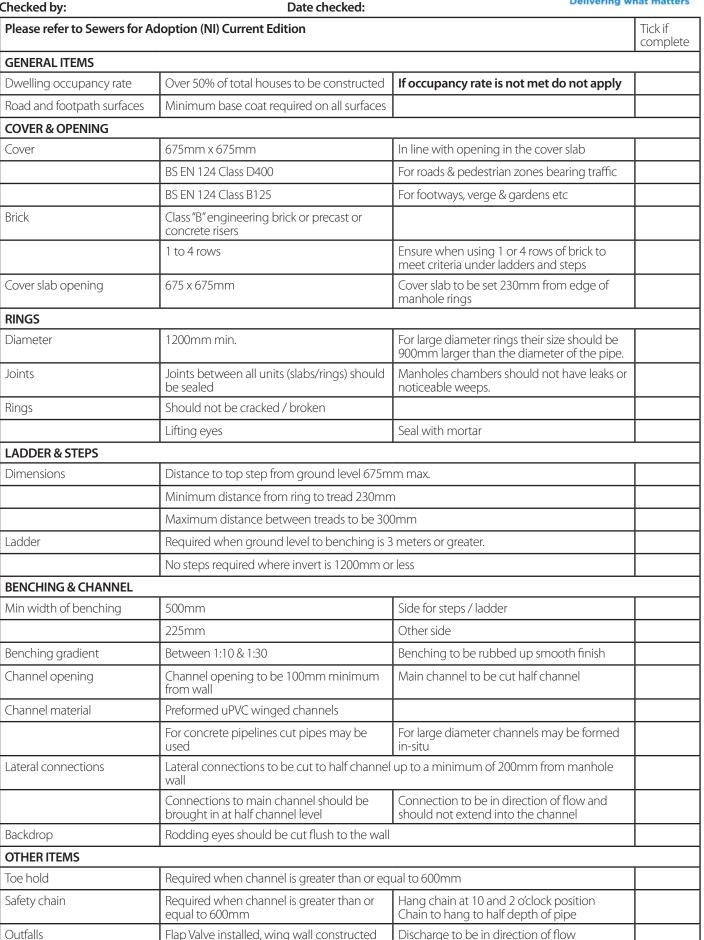
H\*\*\* is the depth of the retaining wall

#### Appendix C - Article 161 Adoption Developer Checklist

Site Ref: Manhole Ref:

Site Address / Name:





**Guidance Notes: A161** 

northern ireland