

# 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*

- NI Assembly has introduced new legislation to ensure that adequate provisions are made for future adoption and maintenance of all sewers and lateral drains which connect to the public sewer network. 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 now 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 Sewer Adoption Agreement (Article 161) issued and authorised by NIW, prior to any connections being made.
- 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 NI Water's live main until an Article 161 agreement is in place.

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 NI Water (Article 154) it should be noted that in some cases release of the Article 161 Agreement will not be possible until the design of the requisitioned sewer is complete. Design of the requisitioned sewer can take on average 8 to 9 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**

Following completion of a Pre-Development Enquiry to determine how your site can be served you MUST apply for approval of a drainage system serving 2 or more properties, inclusive of lateral drains, to be adopted at a future date under Article 161. **Any person proposing to connect to the public sewer will require written approval to connect, on the basis of a mandatory Sewer Adoption Agreement (Article 161) issued and authorised by Northern Ireland Water, prior to any connections being made.** You must complete the application form SA1-A161 and send it to the address shown, together with all the relevant information, plans and the application fee in accordance with the fees and charges set in our current Scheme of Charges. The use of a Wastewater Pumping Station will be considered if no practical gravity solution is applicable. Please refer to [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp) for the current Pumping Station specification.

**Please note that if the proposed drainage traverses an Adjoining Owners land, they will be required to sign the 161 Agreement document as confirmation of their agreement to allow said drainage to be laid through their land and the associated protected strip once adopted.**

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 charged for:

- Submission of amended designs
- Failure to submit drawings incorporating amendments previously requested by Northern Ireland Water
- There is no fee for the first re-submission of the design drawings that incorporate previously requested amendments, however there will be a fee for every re-submission thereafter. Developers **MUST** design the drainage systems in accordance with the 'Sewers for Adoption (NI) Current Edition'.

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

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.

- 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.
- Northern Ireland Water, under the prescribed charges, will make the connection to the sewer, only after the mandatory Sewer Adoption Agreement (Article 161) has been issued and authorised by Northern Ireland Water, prior to any connections being made, and lay the associated sewers and manholes within the street.
- If the connection is proposed within an adopted road/street the excavation/reinstatement can be completed by Northern Ireland Water **or a Street Works Approved Contractor with a street works licence issued to the Developer from DfI Roads for the location**, only after the mandatory Sewer Adoption Agreement (Article 161) has been issued and authorised by Northern Ireland Water, prior to any connections being made.

The work must not commence on site until an authorised Article 161 Agreement is in place, any appropriate charges paid and any other conditions complied with.

### **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 at an early design stage. 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 Water Order Consent to be evaluated and issued by NIEA. You must not agree to any conditions without first obtaining notification from Northern Ireland Water that a Wastewater Pumping Station is required to serve the proposed site. A Water Consent Order from NIEA is essential prior to the authorisation of the Article 161 Agreement if a Wastewater Pumping Station is required.

The new legislation permits NI Water to refuse surface water connections to the public sewer network, and the applicant to consider alternative means for disposal. If a 'consent to discharge' is required for the discharge from surface water sewers that are to be offered for adoption to a watercourse the developer must make an initial enquiry with DfI Rivers Agency to obtain their approval prior to the submission of the drainage for approval. A copy of the consent should be forwarded 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. It shall be the developer's responsibility to secure such rights prior to adoption.

If the river or other watercourse is in the control of or regulated by a body such as a Harbour Authority, although the developer may have obtained the consent of the Harbour Authority to construct the works, Northern Ireland Water will also need legal easements as it does not have statutory powers to discharge through the outfall.

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 **MUST** complete the application form SA1-A161 and submit one hard copy and one electronic copy of the relevant documentation as listed on the application form. The completed application and accompanying drawings, calculations etc, will be checked for compliance with the requirements of the 'Sewers for Adoption (NI) Current Edition'.

Where the submission meets our requirements you will be requested to submit additional hard copies of the initial documentation for circulation purposes. When all necessary information is provided to enable us to process your application, you will be notified of:

- the acceptability of the proposal, an indication of what may be adopted, and any conditions that may be applied;
- the adoption fee required prior to construction. This will cover our costs associated with administration / legal fees, inspection of the works;
- the cost of the NIW Bond Surety

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 receipt of the signed agreement and payment within this time frame, the quotation may be subject to revision, to meet changes in the Scheme of Charges, or other financial influences 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. **This is dependent on all necessary information being provided by you as the applicant.**

Please be aware that **NO DIVERGENCE** from the Agreement will be accepted. Attempts to change the Agreement will lead to delay and increased legal costs.

### **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 mandatory Sewer Adoption Agreement (Article 161) by Northern Ireland Water and as a legal agreement entered into by both parties, Northern Ireland Water must be notified at least five days in advance of the commencement date. During construction Northern Ireland Water, Developer Services may visit your site at their discretion. A temporary benchmark to Ordnance Datum (Belfast) will be agreed with Northern Ireland Water to allow for the 'as constructed' drawings to be completed prior to the application for Preliminary Certificate of Completion.

***If construction of sewers commences prior to Northern Ireland Water approval the developer continues at his own risk as the sewer design may be subject to change whilst the design is checked in accordance with 'Sewers for Adoption (NI) Current Edition' Connection to a public sewer will not be approved until the Article 161 Agreement has been authorised by Northern Ireland Water.***

**Please note that once the 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 entered into an Agreement with Northern Ireland Water and set up their Bond Surety.**

### **Notice of Completion and Application for 50% Reduction of the NIW 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 NIW Bond Surety. Northern Ireland Water will require submission of an 'Application for 50% Bond reduction of Sewers in a new Development (Article 161)' (SA50%-A161).. You should state whether the drainage has been laid in accordance with the approved drainage layout. You should also submit:

- a copy of the as constructed drainage layout, **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. Please submit 1 copy of each at this stage.
- a copy of a recent relevant CCTV survey.

You will be notified when the layout meets our standard and additional copies will be requested. These drawings will be used for circulation within Northern Ireland Water.

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 letter detailing a '50% Reduction of the NIW Bond Surety', and authorise release of 50% of the NIW Bond Surety.

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

When the works are complete a minimum of 51% of the premises served by the sewers are occupied (allowing for all sewer lines to be live), Northern Ireland Water will require a request for an 'Application for Preliminary Certificate of Completion of Sewers in a new Development (Article 161)' (SA2-A161). By this stage we will also require copies of the 'As Constructed' drawings (drainage layout and longitudinal sections inclusive of manhole schedule), in accordance with 'Sewers for Adoption (NI) Current Edition', should be included with this application. The manhole schedule should detail the cover level, invert level and chamber diameter for each manhole. **Manhole Detail Sheets for each manhole are no longer required. Please submit 1 copy of each at this stage.** You will be notified when the layout meets our standard and additional copies will be requested. These drawings will be used for circulation within Northern Ireland Water.

If your approved drainage layout includes a Wastewater Pumping Station you must provide an Asset Records Return (BUDI Return) before a Preliminary Certificate of Completion can be processed / released. On receipt of the application for Preliminary Certificate of Completion, Northern Ireland Water will provide the data sharing agreement to allow the BUDI Return to be compiled. Please note that this is not the same Data Sharing Agreement that you have entered into for the LPS data. The BUDI Return must include all Processes, Units, Assets and Components on the site as per NIW'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.

The BUDI Return should also include all documents listed on 'NIW Non-Infrastructure Asset Data Return Checklist'; the current SQLite file and As Built photographs of Tagged Assets in JPEG format, individually named in accordance with the following naming convention: [Site CARID] [ADH Level].[Facility CARID] [Description of Item].[Year of Photograph] e.g. S01430 Asset.WP000703790 Pump No 3.2016 (further information is available in the Specification for Construction of a Wastewater Pumping Station for Adoption by

Northern Ireland Water).

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, we will issue a 'Preliminary Certificate of Completion', and authorise release of 70% of the NIW Bond Surety.

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 in accordance with the equipment manufacturer's specification.

### **CCTV Survey**

Following receipt of the application for Preliminary Certificate of Completion of the sewers Northern Ireland Water will arrange for the CCTV to be completed. Northern Ireland Water will notify you in advance of the intended date for the survey in order that you can arrange for the sewers to be pressure cleaned. The developer should arrange for the pressure cleansing of the sewers and confirm in writing when this has been done.

If the operators arrive on site and find that the sewers have not been pressure cleansed they will carry out the cleaning at the developer's expense. If further CCTV surveys are required for sections of the drainage following previously identified remedial works they are to be supplied by the developer at their expense.

### **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 2007, should also 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 Northern Ireland Water require a request for an 'Application for Final Adoption of Sewers, in a new Development (Article 161)' (SA3-A161). Northern Ireland Water will contact the developer to arrange a mutually suitable time to complete the final inspection on site. The developer should supply the personnel to lift the manhole covers as required. If no outstanding work and any outstanding issues such as land transfer or completion of easement agreements are completed, a Final Certificate of Adoption will be recommended. We will also approve the release of the remaining 30% of the NIW Bond Surety. 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.

For sites where the as 'constructed drawings' have not been submitted at Preliminary Certificate of Completion stage, the 'as constructed' drawings should be submitted at this stage and in the format as detailed above.

Should you require any further information or assistance please contact:

### **Developer Services Servicing Team**

**Northern Ireland Water**

**188 Larne Road**

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**Ballymena**

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