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## 1. Introduction

This document outlines United Utilities approach to secure easements on sewers / assets proposed for adoption that are not located within an adoptable or adopted public highway stipulated in this local practice.

Under the Ofwat Code for adoption agreements for water and sewerage companies operating wholly or mainly in England ("the Code"), Water UK have produced Sector Guidance (SG) which includes revised procedures, service levels, adoption agreements and design & construction guidance. The Code and the SG states the requirement for United Utilities to consult with our stakeholders on our local practices.

This document presents the circumstances where a deed of grant of easement will be required as part of our local practice. A deed of grant will be required on new sewers proposed for adoption in the following scenarios:

1. Surface water discharges to a canal, pond lake or Watercourse
2. New & existing sewers proposed to be located outside of an adoptable public highway.
3. Sewers that form part of another feature (SuDS).

This consultation seeks to gain customer views on amendments made to scenario 3, relating to easements for sewers that form part of another feature (SuDS) The amendments are summarised in section 3.5 and the proposed draft appendix 3. The easement documents in scenario 1&2 remain unchanged.

We are seeking views from stakeholders on our local practice for easements. We will consider the responses received prior to publishing the final easement local practice in January 2022

If you would like to comment on any or all of this consultation, we invite you to send responses to [SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk) by 9<sup>th</sup> December 2022.

# A consultation on United Utilities' proposed easement local practice

## 2. Consultation questions

Question 1 – Do you agree with our approach to a local practice on easements?

Question 2 – Have we presented the easement local practice in a transparent way?

Question 3 – Do you agree that our approach is fair and proportionate to balance needs of developers and existing customers?

Question 4 – Do you agree that our approach to easements on sewers that form part of another feature (SuDS), will maintain a competitive arena for management companies that are set up for new developments?

Question 5 – Do you agree that our approach is predictable and transparent to allow you to effectively plan your development?

## 3. Easements

### 3.1 What are easements

An easement is a legal right affecting land which we take for any sewers laid in private land. It will also place restrictions on what can and can't be done on the easement strip.

### 3.2 Why easements are required

We require easements to provide UU Water with a legal right to enter private land to inspect maintain repair renew or replace new sewers laid as part of the adoption process. The easement also places restrictions on the use of land such as no building or altering the level of the easement width and these protect the sewers and also our rights to access the sewers. The easement also provides a record (which is recorded at the Land Registry) so that any person knows what is there and the restrictions this places on the land.

### 3.3 Easements for onsite sewers

Deed of grant of easements for new & existing sewers proposed located within 3<sup>rd</sup> party land (within the development site boundary) that is not an adoptable public highway

See appendix 1 Onsite deed of grant

### 3.4 Easements for offsite sewers

For new sewers that are not located within the development site a Deed of Grant of Easement will be required in all circumstances. This includes the sewer outfall of the works proposed for adoption that discharges to a canal, pond, lake or watercourse that is not an existing public sewer.

See appendix 2 Off site deed of grant

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## 3.5 Sewers that form part of another feature (SuDS).

An easement will be required in all circumstances where a sewer is forming a part of another feature (e.g attenuation pond, basin or swale). This will include an access strip that will fully cover the footprint of the asset and extend no less than 2m in all directions from the top of the bank.

### October 2022 amendments

There are new clauses requiring the grantor to undertake work in accordance with an agreed ‘maintenance & management plan’ and restrictions on not making alterations to it without agreement with UU.

If there is to be any further disposal of land where the SuDS resides there is now a requirement to agree this with UU through a deed of covenant, this is to ensure that we can enforce the obligations under the deed if the land changes ownership.

See appendix 3 Deed of grant on site sewers and SuDS

## 4. United Utilities’ approach for its local Practice on Easements

We are proposing that all adoptable assets located outside of the highway will require an easement, the width of the easement will depend on the size and depth of the sewer.

**Table 1:**  
**Easement minimum distances from building / structures for sewers proposed for adoption that are not located within the adoptable highway.**

Sewer Diameter / size (mm)	Less than 150	150 - 299	300 - 449	450 - 600	601 - 749	750 - 924	925 - 1000	1001- 1124	1125- 1399	1400 or greater	Box culverts
<b>Depth to Invert of sewer (m)</b>											
<b>Less than 3.0</b>	3.0	3.0	3.0	3.5	3.5	4.0	5.0	5.0	5.0	5.0	4.0m from centreline <b>or</b> 2.0m from outside edge
<b>3.0 to 4.0</b>	3.0	3.0	3.0	4.0	4.0	5.0	5.0	5.0	5.0	5.0	5.0m from centreline <b>or</b> 2.5m from outside edge
<b>4.0 to 5.0</b>	4.0	4.0	4.0	5.0	5.0	5.0	6.0	6.0	6.5	6.5	6.0m from centreline <b>or</b> 2.5m from outside edge
<b>5.0 to 6.0</b>	5.0	5.0	5.0	6.0	6.0	6.5	6.5	6.5	6.5	6.5	6.0m from centreline <b>or</b> 2.5m from outside edge
<b>6.0 to 7.5</b>	6.0	6.0	6.0	6.0	6.0	6.0	6.5	6.5	6.5	6.5	6.0m from centreline <b>or</b> 2.5m from outside edge
<b>7.5 or greater</b>	4.0	4.0	4.0	4.0	4.0	5.0	5.0	5.0	5.0	6.0	6.0m from centreline <b>or</b> 2.5m from outside edge

**Note 1:** \*SuDS meeting the definition of sewers see (sewerage sector guidance appendix C, part C3.4), will have a minimum protection strip covering the footprint of the asset and extending 2m around the perimeter of the feature from the top of the bank, further requirements may be necessary depending on site specific details and should be discussed with UU.

### **Why United Utilities have chosen to take this approach for its local Practice for Easements?**

The approach taken to securing easements over sewer pipelines is one that customers in the region are familiar with, which allows developers to plan prospective developments with certainty over drainage design.

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The sewer pipe easement distances have been determined in line with our current approach shown in table 1 (depending on sewers size and depth). The approach gives United Utilities ability to maintain all assets efficiently, protecting ongoing services for customers upon adoption whilst preventing unforeseen inconvenience and creating an unnecessary cost burden for all wastewater service charge bill payers.

In terms of sewers that form part of another feature (SuDS) our easement approach gives developers the ability to retain responsibilities such as landscaping and aesthetics which may form part of the developers street scene ambitions, brand or planning requirements. The easement will allow UUW to reserve rights that will allow us to effectively carry out our statutory duties to operate, maintain and drain.

## 5. Appendixes

Appendix 1 Onsite deed of grant

Appendix 2 Off site deed of grant

Appendix 3 Deed of grant on site sewers and SuDS