

Developers Guide to Preparing a Model Sewer Adoption Agreement

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YorkshireWater

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Introduction

The purpose of this document is to provide developers with a guide on how to prepare a Model Sewer Adoption Agreement under Section 104 of the Water Industry Act 1991 and the Code for Adoption.

Under the Code for Adoption, you have a choice to either:

1. Request for the Engrossed Agreements to be prepared and issued by Yorkshire Water; or

If a developer wishes Yorkshire Water to prepare the Engrossed Agreements, you must complete and return a Request Form to Prepare Engrossed Agreement, alongside all required information to us. The form can be downloaded from our website: yorkshirewater.com/developers/sewerage/sewer-adoptions/

2. Prepare the Engrossed Agreements yourself and return them to Yorkshire Water for signing

If a developer wishes to prepare the Engrossed Agreements themselves, and return all signed copies of it to Yorkshire Water for signing, a copy of the Model Sewer Adoption Agreement can be downloaded from our website: yorkshirewater.com/developers/sewerage/sewer-adoptions/

A developer is unable to prepare a Model Sewer Adoption Agreement (MSAA) referred to in this guide if either of the following apply to the development site:

- if there is a Cash Bond on the site
- if there is a pumping station on the site

Yorkshire Water must prepare these Engrossed Agreements and issue them for signing as the details differ to the MSAA.

Prior to proceeding with either option, you must ensure you have **Technical Acceptance** in place for the site and be in receipt of the letter.

With either option, all parties subject to the MSAA must:

- have signed all copies of the documents
- ensure all copies of the MSAA contain the Technically Accepted S104 layout drawing (A1 size) and this drawing is initialled by all parties to the MSAA
- ensure all relevant information required is contained within the MSAA; and
- all outstanding fees must have been paid.

Yorkshire Water will retain one copy of the signed MSAA for the site for our records.

How to prepare the MSAA

Front Page Details

Agreement Date – please do not complete the date information. Yorkshire Water will complete this on receipt and review of the MSAA.

Please insert the name of each party subject to the MSAA:

- **Developer**

- If there is more than one developer for the site, please speak to Yorkshire Water before proceeding with completing the MSAA

- **the Landowner**

- If the landowner is the same as the developer for the site, please enter the details of the developer
- If there is more than one landowner for the site, please speak to Yorkshire Water before proceeding with completing the MSAA

- **the Adjoining Landowner**

- If adjoining landowner is applicable, please enter their details
- If there is no adjoining landowner, please enter 'not applicable'
- If there is more than one adjoining landowner, please speak to Yorkshire Water before proceeding with completing the MSAA

- **the Surety**

Site Address – this must be the same as the 'Green Land' (see Clause 1.15). Please insert the site address stipulated on the Technical Acceptance letter issued for the site.

Yorkshire Water Services Document Reference – please insert the site reference that is stipulated on the Technical Acceptance letter issued for the site.

Agreement Details (Page 2)

Agreement Date – please do not complete the date information. Yorkshire Water will complete this on receipt and review of the MSAA.

Please ensure you complete the details of all the parties subject to the MSAA with the information requested for each of the party.

If a party is not applicable to the MSAA, please insert the words 'NONE' in the Name box

Definitions

MSAA Clause Number	MSAA Clause	Required Information
1.3	Cash Deposit	<p>This refers to the bond requirements only if there is a diversion on the site.</p> <p>If you have a Surety, you must insert the words 'Not Applicable'</p> <p>If you have a Cash Bond, you are unable to prepare the Engrossed Agreements and these must be done by Yorkshire Water.</p>
1.7	Deposited Sum	<p>If you have a Cash Bond, you are unable to prepare the Engrossed Agreements and these must be done by Yorkshire Water.</p> <p>If you have a Surety, you must insert the words 'Not Applicable'.</p>
1.10	Drawings	<p>Please list the Technical Acceptance drawings (reference numbers) and calculation sheets (document references).</p> <p>These can be found in the Technical Acceptance letter issued for the site.</p>
1.14	Financial Limit	<p>This is the amount of the Surety Bond for the site.</p> <p>Please insert this amount in words and figures.</p> <p>This amount can be found in the Technical Acceptance letter issued for the site.</p>
1.15	Green Land	<p>This is the address of the site – this must be the same as the 'Site Address' on the front page of the MSAA.</p> <p>The site address is stipulated on the Technical Acceptance letter issued for the site.</p>
1.16	Inspection Fees	<p>This is the amount of the inspection fees (2.5% of total cost of the works) for the site – these must be paid before Yorkshire Water sign the MSAA.</p> <p>This amount can be found in the Technical Acceptance letter issued for the site.</p>
1.18	Layout Plan	<p>Please insert the S104 Site Layout Drawing reference number(s) for the site.</p> <p>This can be found in the Technical Acceptance letter issued for the site.</p>
1.20	Period of Construction	<p>This is typically one year from the Agreement date. If this period is likely to be longer, please speak to Yorkshire Water prior to submitting the MSAA.</p> <p>Please insert the appropriate duration of construction for the site.</p>

Interpretation

MSAA Clause Number	MSAA Clause	Required Information
N/A	N/A	N/A

Agreement

MSAA Clause Number	MSAA Clause	Required Information
N/A	N/A	N/A

First Schedule – Provisions Applicable to the Works

MSAA Clause Number	MSAA Clause	Required Information
S.6	Building Over	This distance is typically 3 metres. If this distance is likely to be different, please speak to Yorkshire Water prior to submitting the MSAA. Please insert 3 metres into the text box.

Second Schedule – Provisions Applying to Diverted Sewers / Lateral Drains

MSAA Clause Number	MSAA Clause	Required Information
N/A	N/A	N/A

Third Schedule – Provisions Relating to Permitted Local Practices

MSAA Clause Number	MSAA Clause	Required Information
N/A	N/A	N/A

Fourth Schedule – Rights and Covenants to be Incorporated into a Deed of Grant of Easement

MSAA Clause Number	MSAA Clause	Required Information
Definitions	“the Protected Strip”	The width of the protected strip is typically 6 metres. This can be found on the S104 Site Layout Drawing for the site, stipulated as a yellow shaded area (protected strip). Please insert the full width in metres as shown on the drawing into the first text box. Please insert the S104 Site Layout Drawing reference number into the second text box – this can be found in the title block on the drawing.

Fifth Schedule – Dispute Resolution Procedure

MSAA Clause Number	MSAA Clause	Required Information
N/A	Developer	Please insert the name of the DEVELOPER under this box. Then please insert the name, position, email and telephone number for the DEVELOPER 'representative' and 'senior representative' for the site.
N/A	Owner	Please insert the name of the OWNER under this box. Then please insert the name, position, email and telephone number for the OWNERS 'representative' and 'senior representative' for the site.
N/A	Undertaker	Yorkshire Water will complete this information on receipt and review of the MSAA

Sixth Schedule – Network Reinforcement

MSAA Clause Number	MSAA Clause	Required Information
N/A	N/A	N/A

Execution Page

Please do not execute as a Deed.

Please do not amend the structure or content of the Execution Page without express permission from Yorkshire Water. Yorkshire Water has the right to refuse any MSAA prepared by an authorising party of the developer, if this page has been altered.

Please ensure that the 'authorised signatory' for each party to the MSAA is **signed by hand** and that their **name is clearly entered in block capitals** in black or blue ink.

If a party is not subject to the MSAA, please mark the appropriate execution clause as 'NOT APPLICABLE'.

Please do not mark the Execution boxes marked 'Undertaker'.

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