
Guidance notes for making a Section 101a first time sewerage application



SECTION 101A - WATER INDUSTRY ACT 1991 - PROVISION OF A PUBLIC SEWER

ADVISORY NOTES FOR APPLICANTS

INTRODUCTION

With effect from the 1 April 1996 grants awarded by the Department of the Environment (DoE) towards the cost of first time sewerage in rural areas ceased. On the same date a new provision came into force which puts a duty on sewerage undertakers, including Northumbrian Water Limited, to provide a public sewer anywhere in its area where there either is, or is likely to be, an environmental or amenity problem caused by inadequate private sewerage facilities, providing certain criteria is met.

This duty is set out in Section 101A of the Water Industry Act 1991, which was enacted by paragraph 3 of schedule 22 to the Environment Act 1995. The Department of the Environment has issued formal guidance to sewerage undertakers, which sets out the criteria and factors to be used for the assessment of cases to judge whether a public sewer should be provided under this new duty.

The guidance document is available from the Department of the Environment (Water Supply and Regulation Division) at room B455 Romney House, 43 Marsham Street, London, SW1P 3PY.

This new duty does not override the existing arrangements under Section 98 of the 1991 Act whereby any person or body can requisition a public sewer subject to their agreement to pay the prescribed costs.

This advisory note addresses the duty in Section 101A and attempts to answer, in simple terms, some of the questions, which may arise with regard to the new duty.

How will the new arrangements work?

Northumbrian Water Limited, after consultation with Local Authorities and the Environment Agency, is preparing a programme of potential works which it believes will meet the requirements of the legislation.

In addition to this any interested parties (see Q3) can approach Northumbrian Water Limited to ask for a new public sewer, if environmental or amenity problems exist, or are likely to arise, from their existing drainage system. However, Northumbrian Water Limited is only required to provide a public sewer in certain circumstances and any proposal will be appraised in accordance with the guidance issued by the DoE.

This guidance refers to technical criteria and economic factors, as well as the option to repair, partially reconstruct or undertake proper maintenance of the existing drainage system.

What information should be submitted to Northumbrian Water Limited?

If Northumbrian Water Limited has not already included a scheme for your particular locality you may wish to submit a brief description, together with any supporting evidence, of the environmental and amenity problems involved, indicating the extent of the sewerage requirements and the reasons why you think this should be met by the provision of a public sewer.

Any supporting material that is available, including letters, documents, newspaper reports etc should also be submitted. It is

not necessary for you to submit any technical information, detailed appraisals or professionally prepared studies and designs of the options but, if any of these are available, it would be helpful to all concerned if they too could be forwarded to Northumbrian Water Limited.

ELIGIBILITY

Who is eligible?

Anyone with an interest in the premises (e.g. owner, occupier) or any body on behalf of the householders (e.g. Local Authority) is eligible to ask Northumbrian Water Limited to provide a public sewer.

Does the location of the premises have any bearing?

Although it's sometimes referred to as first time rural sewerage, the duty under section 101A applies to all locations that meet the assessment criteria and isn't restricted to rural areas.

What buildings would qualify?

The premises in question must have buildings on them. The duty does not arise if there is only one building involved. The definition of building excludes sheds, glasshouses or other outbuildings not designed or occupied as living accommodation.

Does this new duty apply in all cases?

The duty applies to properties served by non-main drainage systems such as septic tanks, cesspools etc or an existing drainage system, which does not already constitute a public sewer. Most importantly it must be causing, or be likely to cause, an environmental or amenity problem, such as polluting a watercourse (i.e. ditch, stream or river) or causing a smell, nuisance or

public health problem, such that provision of a public sewer is the most cost effective and practicable solution.

Failure to undertake proper maintenance of the existing private drainage system would not in itself be a reason for Northumbrian Water Limited to provide a public sewer and any request consequent upon this failure will be declined.

Which properties can benefit from the provision of a new public sewer?

It is not necessary for all the properties in a location to have an environmental or amenity problem with their existing drainage system. If it is decided that the public sewer should be laid for those premises with a problem, and in the process this public sewer is accessible to other properties which do not have a problem, it would still be open to those householders to connect to the new sewer when it is constructed. Northumbrian Water Limited would actively encourage such connections to optimise the cost effectiveness of the new sewer.

What other measures need to be considered before asking for a public sewer?

Northumbrian Water Limited will have regard as to whether the existing drainage arrangement can be rectified cost effectively by repair, or proper maintenance, of the existing system. For example, repairing structural damage or failure, rebuilding a similar unit and timely emptying and desludging contents of the unit could be a cost effective way of solving the problem, and the duty to provide a public sewer would thus not arise.

The cost of such repairs, or rectification, will fall upon the owners of the said systems.

What happens if there are pre-existing sewers?

The duty does not arise if there is an existing public sewer available, irrespective of whether that sewer is satisfactory or unsatisfactory, since this will be a matter for Northumbrian Water Limited to resolve as part of its on-going duty to maintain and renew existing infrastructure. However, the duty may arise if there is an old private sewer (i.e. not owned by Northumbrian Water Limited) which is so rudimentary that it is incapable of providing an effective drainage service and which gives rise to environmental and amenity problems.

ACTION BY NORTHUMBRIAN WATER LIMITED

What happens when Northumbrian Water Limited is approached to provide a sewer?

Northumbrian Water Limited will acknowledge the approach. If the properties are already covered by an existing programme of works, Northumbrian Water Limited will let you know approximately when the public sewer is to be laid. If the properties are not in the programme Northumbrian Water Limited will let you know when they expect to give a considered reply to your approach. A preliminary appraisal of each application will be carried out to determine whether the basic conditions of the duty are satisfied. This will normally be done within one month of receiving an application and the co-ordinator will be advised of the status of the application after the preliminary appraisal.

How will Northumbrian Water Limited assess cases?

Northumbrian Water Limited will examine a number of possible options, including the provision of a new public sewer, repairing

or rebuilding the existing drainage system etc in accordance with the DoE guidelines. In each case the decision will be based upon a judgement of all technical and financial considerations, as well the expected environmental and amenity benefits.

DECISION BY NORTHUMBRIAN WATER LIMITED

How will Northumbrian Water Limited give its decision?

This will be given in writing. If the case is accepted the decision letter will give a reasonable time limit within which the public sewer will be provided. If it is refused the reason (s) for refusal will be set out in full.

How long will it take Northumbrian Water Limited to provide the new sewer?

This will depend on the circumstances of the case, such as time required for land purchase, obtaining planning permission etc and its priority compared with other cases in the programme.

Is there recourse to anybody if Northumbrian Water's decision is not acceptable?

Disputes, either about a decision to refuse a public sewer, or the time within which the public sewer will be provided, may be referred to the Environment Agency. The Agency will handle referrals in accordance with their procedures and policies.

Who can refer a dispute to the Environment Agency?

Any owner or occupier of any premises seeking provision of a public sewer, irrespective of who made the approach in the first instance.

What form can the ruling from the Environment Agency take?

The decision given by the Agency in response to any referral is final. However, the Agency may also make recommendations, or give guidance, on the most appropriate way of overcoming the drainage problem.

What else can be done if, after approaching Northumbrian Water Limited and referral, if any, to the Environment Agency, the provision of a public sewer is found to be inappropriate?

There is provision, under Section 98 of the Water Industry Act 1991, to requisition a sewer from Northumbrian Water Limited. This would require the requisitioner (s) to make payment towards the cost of the new sewer.

COSTS

Who pays for constructing the public sewer if the duty has arisen?

Northumbrian Water Limited pays for the work, with the costs being recovered through the general sewage charges payable by all our customers.

What cost is the owner/occupier liable for if a public sewer is provided?

- A one-off fixed infrastructure charge, which Northumbrian Water Limited, makes to new customers.
- The cost of laying a house drain from the building to the point where it connects to the lateral pipe (branch) from the public sewer.
- The cost of laying the lateral, which is normally in a street.

- Northumbrian Water Limited's costs of supervising, or making, the connection to the public sewer.
- Any building regulation fees payable to a local authority.
- An annual sewage service charge consequent upon the connection to a public sewer.
- Any costs involved the abandonment of the existing drainage system, or necessary repairs thereto if it is to continue in use.

Are there any charges for making an approach to Northumbrian Water Limited or referring the decision to the Environment Agency?

No. However, those making the approach will be responsible for any costs they incur in gathering evidence to support their case.

What steps could a householder take to connect to the public sewer?

After consulting Northumbrian Water Limited, they could make individual arrangements to engage a private drainage contractor or they could approach the contractor who is laying the public sewer.

OTHER MATTERS

Is the householder obliged to connect to the public sewer when it is laid?

It is in the interest of each householder to connect to the public sewer if the environmental or amenity benefits are to be achieved. Where any householder decides not to connect and their existing non-main drainage system is contributing, or likely to contribute, to an environmental or amenity problem, the Environment Agency, or the local authority, may take legal action against them to remedy the problem.

Householders should also be aware that any private drainage connecting to the public sewer should be in an adequate state of repair and condition. In particular it must not be in such a condition as to admit ground water.

Finally householders should be aware that the local authorities can require them to connect to a public sewer if the latter is available within 30 metres of the premises.

APPLICATION PROCEDURES

If you consider that the existing drainage arrangements are causing, or are likely to cause, adverse affects to the environment or amenity then you may apply to

Northumbrian Water Limited, on the S101a application form, for the provision of a public sewer.

Contact Details

Should you require any further information or assistance please contact our New Development Team at:

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