

First Time Sewerage Application

Guidance notes

Section 101a Water Industry Act 1991 - Provision of A Public Sewer

1. ADVISORY NOTES FOR APPLICANTS

Introduction

Northumbrian Water has a duty 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 are met.

This duty is set out in Section 101A of the Water Industry Act 1991. The Department of the Environment 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 duty. The guidance document is available from the Department of the Environment (DoE). This 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 duty.

How do the arrangements work?

Any interested parties can approach us to ask for a new public sewer if environmental or amenity problems exist or are likely to arise from their existing drainage system. We are 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?

If we have 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 us.

2. 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 us to provide a public sewer.

Does the location of the premises have any bearing?

The premises do not have to be in rural area and the duty does not arise if there is only one building.

What types of buildings would qualify?

Domestic dwellings but not sheds, glasshouse 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 us 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 occupiers of properties to connect to the new sewer when it is constructed. We 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?

We 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 not arise. The cost of such repairs, or rectification, will fall upon the owners of the 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 us to resolve as part of our ongoing duty to maintain and renew existing infrastructure. The duty may arise if there is an old private sewer (i.e. not owned by us) which is so rudimentary that it is incapable of providing an effective drainage service and which gives rise to environmental and amenity problems.

3. ACTION BY NORTHUMBRIAN WATER

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

We will acknowledge the approach. If the properties are already covered by an existing programme of works we will let you know approximately when the public sewer is to be laid. If the properties are not in the programme we 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 assess cases?

We 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.

How will Northumbrian Water 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 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.

What is the appeals process for disputes about Northumbrian Water's decision?

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 and referral 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 us. This would require the requisitioner(s) to make payment towards the cost of the new sewer.

4. COSTS

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

We will pay 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 we make 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 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 if it is to continue in use.

Are there any charges for making an approach to Northumbrian Water 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 us they could make individual arrangements to engage a private drainage contractor or they could approach the contractor who is laying the public sewer.

5. 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.

6. 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 on the S101a application form for the provision of a public sewer.

Contact Details

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

newdevelopmentsewerage@nwl.co.uk

Or in writing at

Developer Services, Northumbrian Water, Leat House, Pattinson Road, Washington, Tyne & Wear, NE38 8LB