

**A Guide for Members of the
Public Wishing to Undertake Works
Which Involve Excavation in the
Public Highway within the
Metropolitan Borough of Barnsley.**



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Section 106 of the Water Industries Act 1991 states that the Owner or Occupant of a property has a **RIGHT** to connect to a Public Main for the purpose of discharging foul water or surface water. It specifically precludes the discharge of commercial waste, e.g. Liquid from a manufacturing process.

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The effects of this section of the Water Industries Act are to bestow, automatically upon the Owner or Occupant of a premises the status of “Undertaker”. This status provides the Owner or Occupant with a number of powers and obligations. Abuse of those powers or failure to fulfil those obligations may prove costly and in some cases may lead to prosecution.

What are your powers?

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An Owner or Occupant of a premises is empowered to:

- a. Install, or have installed on his/her behalf, a pipe or pipes in the Highway specifically to discharge surface water and domestic foul water into the nearest **Public Sewer Main**, subject only to the permission of the Sewer Authority responsible for that sewer. Permission cannot be unreasonably withheld.
- b. Retain and use such sewer for the purpose authorised by the Sewer Authority.
- c. Thereafter to inspect, maintain, repair or replace as necessary the sewer in order to permit its continued use.
- d. Break open the street and obtain access to the street in the position specified in the licence in pursuance of these powers.

What are your obligations?

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A licence once issued obliges the licensee to:

- a. Pay the necessary inspection charges for each and every occasion when works occur. (For the appropriate charges see the current issue of Fees and Charges leaflet)
- b. Issues the necessary notifications of works, for each and every occasion when works occur, in accordance with the procedures laid down in the New Roads and Street Works Act 1991 see Notification, Performance & Registration of Works leaflet.
- c. Ensure that the execution of the works, for each and every occasion when works occur, is performed in a satisfactory manner with particular regard to the Code of Practice, “Safety at Street Works and Road Works”.
- d. Ensure that on each and every occasion when works occur, that such works be supervised by an Accredited Supervisor in accordance with Section 67 of the Act, and that an Accredited Operative is physically present on site whilst works are being performed.

- e. Indemnify the Highway Authority against all and any claim made by a third party in connection with any aspect of the works.
- f. Ensure that the highway is permanently reinstated, for each and every occasion when works occur, to the satisfaction of the Barnsley Metropolitan Borough Council Engineer and that such permanent reinstatement shall be guaranteed for a period of not less than 2 years from the date of reinstatement (3 years in the case of excavations in excess of 1.5 metres). The standard of reinstatement to be in accordance with the “Specification for Reinstatement of Openings in Highways”. It is permissible to perform an Interim Reinstatement but this must be replaced by the Permanent Reinstatement in a period not exceeding 6 months.
- g. Once installed, to maintain the sewer in a serviceable condition until such time as the sewer is removed.
- h. To notify the Highway Authority in writing prior to any transfer of ownership of the sewer or the property which it serves.
- i. To notify any person to whom title, for the apparatus or the property which it serves, passes on the obligations herein stated. Any remaining warranty obligations are to be transferred with ownership.
- j. To provide, as and when requested by any person having reasonable cause, information regarding the location of the apparatus. Such information to be provided within 10 working days of request.

What must you do?

Contact the Sewer Authority and obtain formal written permission to connect the premises to the public main. This permission cannot be unreasonably withheld but may involve charges imposed by the Sewer Authority. Once you have obtained this permission you will be able to identify where the sewer is, and select a provisional route between the premises to be served and the main.

Having selected the route you **must** contact the **Highway Authority** and all **Statutory Undertakers** and **Private Undertakers** whose apparatus may be affected by your intended works and advise them of your intentions. At the same time you are advised to request copies of their plans showing the location of their apparatus, and any safety instructions (these should be provided free of charge). See Undertakers Address List Leaflet for details of who to contact.

With this information it may be appropriate to reassess your route.

Please note this does not mean that you may now rush out and dig a hole. As an Undertaker you are required to formally notify the works. See our Notification, Performance & Registration of Works leaflet.

The following leaflets offer additional information and guidance and can be obtained from:

Barnsley Metropolitan Borough Council
Environmental Services
PO Box 601
Barnsley
S70 9FA

General Information

Obtaining a Licence

Installing a sewer

Obtaining Special Permission to Excavate

Working on Existing Apparatus and Sewers

Notification, Performance and Registration of the Works

Charges and Fees

Undertakers Address List

These leaflets are amended from time to time. Please check that the document you are using is current.