

With effect from 1 April 2020, Sewerage Sector Guidance documentation comes into force to meet the requirements of Ofwat's Codes for Adoption Agreements ("the Code").

Under clause 2.6 of the Sector Guidance document, Northumbrian Water ("NW") can define two local practices that diverge from Ofwat's Design and Construction Guidance ("DCG"). Details of our local practices for Sewage pumping stations are detailed within our engineering specification E0702 which is available on our website. NW's local practices relating to easements are detailed below.

### EASEMENTS

In accordance with Part B5.1 of the DCG, new sewers and lateral drains should be laid in highways or public open space and not in enclosed private land.

Therefore, if you're constructing sewers or lateral drains within a new housing development or in an easily accessible area, e.g. adopted highway, public open space or driveway, NW will rely on its statutory powers of access contained in the Water Industry Act 1991 ("WIA 1991") instead of requesting a formal easement.

However, if the new sewers are being constructed in land you don't own, may be developed in the future, has access limitations, the sewers may be damaged by the land use or will discharge surface water into an adjacent canal, pond, lake or watercourse, NW will require a formal Deed of Grant of Easement.

The wording contained in the Third Schedule to the NW Sewerage Adoption Agreement (SAA) must be included in any Deed of Grant of Easement required for sewers in third party land and/or discharging surface water to a canal, pond, lake or watercourse.

If you've obtained third-party permissions for the initial construction of the sewers or the surface water discharge, and the Third Schedule wording is not contained in it, these will not be acceptable and a further Deed of Grant of Easement containing that wording will be necessary.

#### 1. Easements for new sewers laid in third-party land

If you lay a new sewer which you want adopting under Section 104 of the WIA 1991, you must sign the SAA and comply with all of its requirements.

If you're intending to lay the new sewer through land owned by a third party, that landowner must also sign the SAA and enter into a Deed of Grant of Easement with you and NW. You will be responsible for all costs incurred by NW and the third party landowner in securing that Deed.

If a Deed of Grant of Easement is required, it will detail the rights required by NW and the restrictions on future works near to, or over, the sewer. These rights include:

The right to have retain use inspect the condition of reconstruct replace relay alter enlarge maintain cleanse repair conduct and manage the sewer

## Codes For Adoption

### Local Practices – Easements

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Rights for NW employees, our contractors and agents to pass and repass over the Easement with vehicles, plant and machinery to carry out the rights granted by the Deed of Grant of Easement.

Rights to fence off the Easement to carry out any necessary work

Rights to temporarily tip soil land adjoining the Easement and to remove trees and shrubs within the Easement, with no duty to replace any removed.

The restrictions on the use of the Easement include:

No buildings, walls or other structures on the Easement.

No alteration to the ground levels of the Easement.

No piling or percussive works in the Easement

No withdrawal of support for the sewer

For a full list of the rights and restrictions required, please see the Third Schedule of the SSA.

#### 2. Surface water discharges

Under the WIA 1991, NW don't have a legal right to discharge surface water from public sewers onto, or into, another person's land. This also applies to surface water outfalls into canals, ponds, lakes or watercourses.

A Deed of Grant of Easement will be required from the landowner/riparian owner to secure and protect the right to discharge, and any other rights and restrictions required, ensuring NW can maintain its public sewerage system in the future.

As stated above, the Third Schedule wording shown in the SSA must be incorporated in the Deed of Grant and is necessary before the sewer can be adopted by NW.