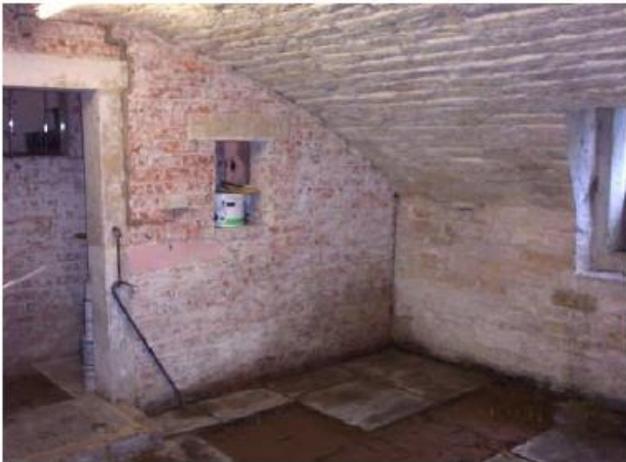


Waterproofing Basements & Vaults



Many residents have chosen to convert their old coal cellars, vaults and basements into a more functional space. We are occasionally asked about leaks into these structures. This leaflet describes responsibilities relating to this issue.

The Highways Act 1980

The Highways Act 1980 sets out duties and powers of local authorities to manage and maintain the highway. Essentially the highway authority must maintain, so far as is reasonably practicable, a safe environment for passage along a highway, for normal users.

Under the provisions of the Highways Act 1980, Maintaining Authorities are responsible for preserving the road and footpath and also controlling surface water run-off from the road.

Duty of the Owner - Highways Act 1980

With relation to cellars, the land owner or occupier has a duty to keep in good repair:

- every vault, arch and cellar under a street
- every opening in the surface of any street into any such vault, arch or cellar
- every door or covering to any such opening
- every cellar-head, grating, light and coal hole in the surface of a street, and
- all landings, flags or stones of the street by which any of the above are supported

A cellar roof is private property similar to a wall, or gate, or any other structure associated directly with the property. However, when it is located within the area of public highway it has to be regulated by the local highway authority. In accordance with statutory duty for safety, the Council will only permit approved contractors to undertake any work on the highway.

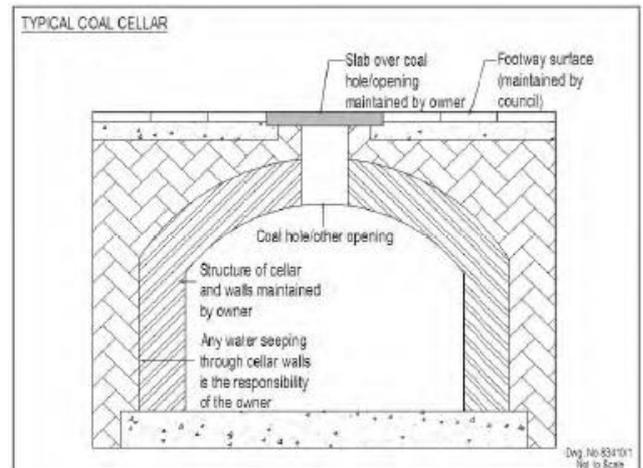


Diagram of a typical coal cellar

Waterproofing

The highway surface is a porous structure. There are many ways that water may enter ground, and it is usually difficult to determine the exact point of ingress.

The Council, as the Local Highway Authority, is not responsible for ensuring the highway acts as an impermeable layer, or for ground water beneath the road surface.

Waterproofing of cellars should be undertaken by specialist contractors. Cellars are not usually constructed to be watertight and any measures to make them so must be undertaken at the owners' expense. If a property owner wishes to undertake waterproofing from the inside of a cellar or basement using a tanking procedure, then there is no need to consult the highway authority, provided that the structure is sound and able to support the necessary loads. However, if the owner/occupier wishes to apply external waterproofing which requires any work to be carried out in the public highway then this needs to be regulated by the Council.

Responsibility for Waterproof Integrity

The Council has no responsibility for the waterproofing integrity of a cellar including ingress of water through any openings in the footpath or road.

All costs associated with any works of this nature must be paid for by the property owner/occupier.

Closing Coal Holes and Openings

If required opening to the highway can be permanently closed at the expense of the owner. Technical approval from the Highways Authority will be required. On completion of the works the Local Highway Authority would be responsible for the maintenance of the surface while the responsibility for the structure to support the Highway would remain with the owner.

Other consents / permissions may be required for example listed building consent.



Highway Drainage

The council maintains a highway drainage system for the purpose of draining water from the highway surface.

The highway drainage system is maintained to ensure it is free flowing; some water may escape to the ground especially where historical drains are present.

Sewer Flooding

Public sewers (generally sewers serving more than one property or those located outside of the property boundary) are maintained by Wessex Water. Maintenance responsibility for drains (pipes serving just one property within the property boundary) lies with the property owner/occupier.

For issues regarding flooding from public sewers please contact Wessex Water:

Tel: 0345 600 4 600

Email: operational.enquiries@wessexwater.co.uk

Web: www.wessexwater.co.uk/Contact-us/

Insurance

As cellars and vaults and associated structures are part of the adjoining property, they need to be included in your building insurance whether or not they form part of your registered title. We suggest that you check what cover is required with your insurer.

Ownership of Land Beneath the Highway

Generally the Council does not own the land beneath the highway; this will often belong to the fronting properties up to the centre line of the road.

The Council, as the local highway authority, has a vested interest in the surface of the land as it has been dedicated a public highway. This means the land ownership has not been transferred to the authority, but the surface of the road, as well as the material below and air above as required for its control, protection and maintenance, is part of the 'highway' under the control of the Council.

As the Council does not generally own the land under the highway any pipes and culverts present beneath the highway will not be the responsibility of the Council unless they have been adopted.

Duty to Support the Highway

Under the Highways Act 1980 it is the property owner's responsibility to keep the structure e.g. retaining wall or vault, in good condition at all times.

The owner of land adjoining the highway is under a duty not to withdraw support from the highway which may cause the highway to subside or in any other respect to suffer damage.

Contact Us

For more information on any of the above issues please contact us using our Council Connect Service:

Tel: 01225 394041

Email: councilconnect@bathnes.gov.uk