

# Guide to sewer diversions

## Section 185

This document provides information on how to apply to divert an existing public sewer or lateral drain under Section 185 of the Water Industry Act 1991.

### 1.0 The sewer diversion application process

The applicant must complete in full a '**S185 application form**'. This should be completed in full and returned with the requested supporting documents and appropriate application fee. We will usually respond within 48 hours to developer led diversions with a unique reference number which the applicant should quote on all future correspondence.

If your submission is complete, we will respond to you within 20 working days to advise if your proposals are technically satisfactory or which aspects do not comply with our requirements.

If your submission is not complete, we will provide you with a list of the missing information within 10 working days.

### 2.0 Technical information

Anyone with a legal interest in land may serve notice on United Utilities under Section 185 of the Water Industry Act 1991, to alter or remove a sewer pipe or apparatus to allow the site to be improved. Where such notice is considered reasonable, we will consent to this request.

If any of our sewer assets need to be diverted, we will make sure that the diversion works are carried out to our high standards; both in terms of design and construction. This is to make sure that the performance and longevity of the diverted sewer is not compromised.

You will be liable to us for our reasonable costs and expenses in carrying out the diversion of a public sewer from the person serving the notice.

#### 2.1 Delivering the sewer diversion

We will allow most sewer diversions to be designed and constructed by developers or others requesting a diversion, using their own appointed contractors and engineers, provided that we are satisfied that they are able to fulfil design, construction, safety and legal requirements.

Before we allow a developer or other party to carry out a sewer diversion on our behalf, they must submit a full design package of the diversion for appraisal and enter into a S185 Agreement with us. They also must pay our administration and inspection fees in relation to the scheme before any

work on the diversion can begin (see section 3.0).

The requesting party has the right to ask us to carry out the sewer diversion; including the design, if they do not want to do the work themselves.

If the sewer is classed as a 'critical' sewer i.e. the size, depth or nature of the sewer makes it too onerous for a third party to divert, we reserve the right to carry out the diversion ourselves (see Section 4.0 for further details on United Utilities carrying out the work).

Rising mains and pumping stations are always classed as critical and we would not allow a developer to carry out any diversion works on these assets.

#### 2.2 Easements

As part of the S185 Agreement to divert a public sewer or lateral drain, we may request a protected strip is entered into by the landowner to protect our rights of access to the public sewer.

The protected strip or 'easement' is normally a minimum of 3 metres either side of the sewer. However this may change depending on the depth and diameter of the sewer.

The easement will need to be entered into and completed on or before completion of the S185 Agreement.

#### 2.3 Discharging to a water course

If the works involve constructing a new outfall to a watercourse, the requesting party is responsible for

### For further information



[unitedutilities.com/builders-developers](https://unitedutilities.com/builders-developers)  
[WastewaterDeveloperService@uuplc.co.uk](mailto:WastewaterDeveloperService@uuplc.co.uk)



United Utilities Developer Services and Planning Team,  
Warrington North Wastewater Treatment Works,  
Barnard Street Off Old Liverpool Road,  
Gatewarth Industrial Estate,  
Warrington WA5 1DS.

obtaining appropriate approval to construct the outfall structure along with any necessary land drainage discharge consents.

The diverted sewer can only discharge to a watercourse if the developer has the agreement of the riparian owner.

An easement is always required when the diverted sewer discharges to a watercourse.

If there are any live connections the requesting party should incorporate them into the diversion design. In some cases the diversion may not be permitted if existing connections cannot be satisfactorily accommodated.

### 3.0 Diversions carried out by the developer

The following information is applicable when the developer is carrying out the sewer diversion.

#### 3.1 S185 Agreement and fees

The requesting party will be required to enter into a S185 Agreement with United Utilities as part of the conditions for permission to divert a public sewer.

Once the design of the sewer diversion is technically satisfactory, we will confirm fees and our Legal Department will provide a copy of the S185 Agreement that must be entered into.

United Utilities fee will be charged at 5% of the estimated cost of the sewer works, based on United Utilities contract rates, plus the legal charges for the preparation of the S185 Agreement.

There is a requirement for a 100% bond to be secured against the S185 Agreement which can either be cash or surety.

Construction work cannot begin on the sewer diversion until the fee has been paid, the S185 Agreement has been completed and the appointed contractor has received written approval from United Utilities to work on the public sewer (see Section 3.2).

#### 3.2 Working on public sewers

The requesting party's proposed contractor will apply directly to United Utilities for permission to work on a live public sewer.

They must complete a **'Request for permission to work on a public sewer'** form which is available on our website.

Unless the appointed contractor can satisfy specific requirements relating to quality and health and safety standards, they will not be permitted to carry out the works.

**Under no circumstances must the requesting party or their contractor break into or interfere with the flow in the existing public sewer until written approval to do so, has been given by United Utilities.**

#### 3.3 Construction

Once approval to begin the work has been given, the contractor can start construction of the new pipework. We will carry out routine inspections of the work during construction to ensure compliance with the design drawings.

The contractor is responsible for obtaining all necessary permissions to work in the public highway (if applicable) and providing all necessary insurance cover for the duration of the works.

The contractor will need to provide a CCTV survey and report on the completed pipework. Our Developer Services Team will

review the CCTV findings and will advise if any remedial works are required.

When all work has been completed to our satisfaction, we will grant permission to divert the existing sewer flows into the new pipework. The redundant sewer must then be abandoned in accordance with the contractor's method statement (see Section 3.5).

**Existing sewer flows can only be diverted into the new pipework once approval has been given by United Utilities.**

Once the new sewer has been constructed and approved, the contractor must provide us with:

- 1 PDF copy of 'as built' drawings
- The Health and Safety file (1 hard copy and 3 on disk)

The Health and Safety file should include:

- As built plans
- Service plans
- Ground condition information
- Information on 'unusual' construction such as pile and beam, deep manholes etc.

#### 3.4 Provisional and Final Certificates

Once the above steps have been completed we will issue the Provisional Certificate of Completion and 80% of the developers bond will be released.

The developer will remain responsible for the maintenance and repair of the works for a period of 12 months from the date of issue of the Provisional Certificate.

If emergency works to the sewer are required during the 12 month maintenance period, United Utilities reserves the right to undertake the works and re-charge the cost to the developer.

Within 12 months of the date of issue of the Provisional Certificate, we will carry out a final inspection of the works and advise the developer of any remedial works that are required.

Once all remedial works have been carried out to our satisfaction following our site inspections, we will issue the Final Certificate of Completion. This will conclude the requesting party's obligation under the Legal Agreement and the adoption of the diverted sewer will be complete. At this point the remaining 20% of the requesting party's bond will be released.

#### 3.5 Guidance on abandonment of public sewers

Subject to the conditions found within Section 116 of the Water Industry Act 1991 we have the power to restrict or close the use of the public sewer. In order to facilitate new development we recognise that there is in occasion circumstances that arise which lead to a developer requesting the abandonment of a sewer. Before an existing public sewer can be closed, we need to check that there are no other legal users connected to the sewer and understand the impact that a closure of a sewer may have on the rest of the sewer network.

The usual method of abandonment are to be consistent with good engineering practice and should be one of the following:

- Grouting up
- Grubbing up or digging out
- Demolition (in case of structures)

### 3.5.1 Abandonment drawings

You will need to provide us with drawings that include all of the existing sewers and manholes that need to be abandoned for the development proposals. The location of the pipework needs to be confirmed by CCTV Survey which also needs to be included in your submission.

These drawings are in addition to the Section 104 layout plans.

The abandonment plan should show the following:

- The sewers and manholes which the developer is applying to abandon need to be clearly labelled and referenced with details of the pipe diameters, pipe material and also include survey numbers.
- The reference locations shall correspond with the respective CCTV survey footage.
- The sewers which are being considered for abandonment shall be identified by using black crosses with notes confirming details of the proposed method of abandonment, e.g. grubbing out, or grouting. Information should be included confirming where the grouting operation will commence, with the location where the air release will be required for this operation to be carried out.
- Detail of how any manholes will be abandoned should also be included on the drawing with separate sections or details to support.
- Drawings showing the position and levels of all sewers and manholes.

### 3.5.2 CCTV surveys

A hard copy of the CCTV survey on DVD and a condition report is required. Please send these to:

Warrington North WwTW, Sankey House, Barnard Street, Off Old Liverpool Road, Gatewarth Industrial Estate, Warrington, WA5 1DS

The lengths surveyed shall be in order and correspond with those details noted on the abandonment drawing.

Please Note: Part-submissions will not be viewed and classed as an 'incomplete submission'.

The survey shall be in colour with clear definition. Any submerged footage will not be accepted and in those cases the survey will be returned.

All incoming connections into the line which is proposed for abandonment, shall be included. The developer shall establish the operational status of these connections with supporting evidence.

The developer may need to establish the connectivity of surrounding areas in order to confirm no drainage from them passes into the site.

### 3.5.3 Approval of sewer closure

Once we have agreed your proposal in writing, we have received your fees and we are satisfied with your proposals you must give us at least 72hours notice of when you intend to start work on site. This is so we can arrange for one of our Developer Support Technicians to attend site during the abandonment work and ensure the abandonment has been completed to a satisfactory standard.

### 3.5.4 summary of costs associated with closing sewers

In all cases you are responsible for the following:

- Designing your proposal
- Your contractors costs in demolishing manholes, removing any pipework and backfilling the trench
- Capping off the sewer
- Any compensation that may be required for third parties
- Processing the application
- Our engineering assessment and technical site visit
- The cost of CCTV survey and any other drainage investigations that may be required

## 4.0 Diversions carried out by United Utilities

The following information is applicable when we are carrying out the sewer diversion on behalf of the requesting party.

### 4.1 Fees / Costs

Once we have technically approved the sewer diversion, we will provide the applicant with an agreed date to provide an estimate for the cost of the works. This estimate is valid for 3 months from issue.

If the developer wishes to go ahead with the sewer diversion, the developer must accept this estimate in writing.

Diversion works will not start on site until:

- The developer has accepted the estimate
- Payment for the diversion works has been agreed and/or made

The requesting party will be kept informed of any changes to the estimated costs throughout the project, e.g. increased construction costs.

The final costs for a newly constructed sewer are often not known until sometime after construction is complete (e.g. costs relating to outstanding work or unforeseen circumstances).

Once the final cost is calculated, a statement will be issued to the developer.

The requesting party is liable for 100% of the total cost of the works.

### 4.2 Payment options

Payment can be made by cheque or BACS.

Before work can begin on site, we require payment of the full bond in the name of a major clearing bank (approved by United Utilities).

Once work has been completed, full payment of all fees is required before the bond can be released.

### 4.3 Adoption of the newly diverted sewer

Once we have completed the diversion works the pipework is adopted.



## About us

United Utilities is the North West's water company. We keep the taps flowing and toilets flushing for seven million customers every day. From Crewe to Carlisle, we work hard behind the scenes to help your life flow smoothly.