

Application Pack 9

How to apply for the Alteration (including Diversion) of a Public Sewer or Associated Apparatus

Guidance Notes & Specification

The provisions of the Water Industry Act 1991 (WIA91) take precedence over these notes. You may wish to refer to the WIA91 to obtain fuller information regarding this and other services.

Note: Where the term ‘sewer’ is used in this document, it includes both sewers and lateral drains unless specifically stated otherwise.

Terms used in this Application Pack are explained in our Glossary which is on our website

We recommend that you read the guidance notes before making an application.

The completion of an on line request form will not be deemed as a formal application to alter, remove or divert a public sewer or drain. We assess proposals for diverting public sewers on a staged approach and following your enquiry we will contact you and request that you to provide outline proposals which will enable us to make an initial assessment. Following the initial assessment we will be able to confirm if a diversion of a public sewer is viable or not, confirm the delivery options and provide you with the necessary application paperwork so that a formal application can be made.

1. Introduction

Anyone with an interest in any land which contains a public sewer or associated apparatus has the right to request the alteration or removal, including diversion (generally referred to throughout this document as diversion) of that apparatus to accommodate a proposed improvement of that land (e.g. development or change of use). This right is granted by Section 185 of the WIA91 and extends to anyone with an interest in adjacent land where the presence of public sewerage apparatus would hinder proposed improvement. This does not apply to sewers in any public highway.

Approximate locations of our sewers etc. can be found in our record of public sewers. The map of public sewers contains details of public sewers and drains which are accurate to the best of our knowledge, but some public sewers and drains may not be recorded in our map of public sewers because they were originally privately owned and were transferred into public ownership by Act of Parliament or Statutory Regulation. The presence of such assets may affect your proposals and you can help us to deal with your proposals by identifying any sewers of which you are aware and which are not shown in the public sewer record. We can assist you to collect the information required but we may charge for this service.

Any alteration to ground levels over or near to a public sewer is also covered by this provision and you will require our permission before carrying out such works.

We have a duty to consider such a request except to the extent that the request is unreasonable. Any request which would result in a reduction in the performance of the apparatus, or would render it unusable or inaccessible, would normally be considered to be unreasonable.

When we have confirmed that an asset may be diverted or otherwise altered, we will consider whether we will undertake the work or whether we will allow you to enter into an Agreement (commonly called a Section 185 Sewer Diversion Agreement) to undertake some or all of the work yourself. On the occasions where we consider it necessary to carry out the work ourselves, we will inform you at the earliest opportunity. If we are to carry out the work you will not be required to enter into an agreement as described above.

Under the provisions of the WIA91, we are entitled to recover the costs we reasonably incur in carrying out the work. This includes, among other things, the reasonable costs of design, labour, plant, materials, reinstatement, land purchase (if applicable), compensation, and quality testing, inspection, supervision, administration and overhead costs.

We will require such security as may be reasonably be required in line with our Financial Security Policy.

There are three possible delivery options:

1) Where we allow you to carry out all the work

You must enter into the S185 Agreement which requires you to pay our costs, meet our specification and legal requirements and provide a bond as security.

The bond must meet our requirements applicable at the time the application is made and be provided by an acceptable surety. It must equate to 100% of the agreed cost of the proposed works. The bond is required to guarantee the completion of the works should you fail to complete them and will form part of the agreement. No work involving the existing public sewer can be carried out before the Agreement is signed and the bond is completed.

Please note that we may charge for any additional costs we incur if:

- Your proposals alter significantly following your initial application
- We have to make repeated inspections due to your actions or lack of action

(For details of this option please refer to Section 3.1 below.)

2) Where we carry out all the work

You will not be required to enter into an Agreement and we will manage the work on a staged basis. We will design, construct and commission the scheme and you will be responsible for our costs.

(For details of this option please refer to Section 3.2 below.)

3) Where you carry out the pipelaying and we carry out the re-connection work

You will be required to enter into an Agreement to carry out the pipelaying “off-line” and we will carry out the connections and transfer the flows into the diverted sewer. The connections may be designed by you or by us depending on circumstances. We will agree a mutually acceptable programme of work with you. You will be responsible for our costs as well as the cost of the pipelaying which you carry out.

(For details of this option please refer to, see Section 3.3 below.)

2. Specification

General Requirements

The proposed diversion must be designed and constructed in accordance with minimum standards as set out in “*Sewers for Adoption (SFA) - A design and construction guide for developers*”.. It must also meet current mandatory Health and Safety requirements, including construction, design and management regulations which may over-ride the requirements of SFA and earlier standards.

Copies of SFA can be obtained from The Water Research Council (WRC) plc using the following contact details:

Website (online ordering): www.webookshop.com

E-mail: publications@wrcplc.co.uk

Telephone: 01793 865012

Detailed Requirements

In all circumstances:

- An easement (an area over and to either side of the sewer on which no buildings or other permanent structures are permitted) is required where sewers are laid in land other than highway. The minimum dimension of a sewer easement is 6 metres (3 metres either side of the centre line of the sewer), but may be more depending on the size and depth of the sewer. Dimensions of required easements are given in SFA, and you are required to obtain easements on our behalf. Easements are not required where the sewers are in the public highway.
- There must be no infiltration of groundwater into the new sewer.
- Any existing sewers or drains connected to the original public sewer must be transferred to the diverted sewer. All owners of private drains must agree in writing to the transfer.
- We may require private drains which are connected to the new sewer to be air-tested in our presence to prove their integrity prior to commissioning the diverted sewer. The status of many sewers and lateral drains has changed recently and many will not be on our record of public sewers. Please refer to our note in the Introduction.
- The exact location and depths of the public sewer(s) must be verified on site. You are responsible for producing accurate drawings showing the location of both your development and the existing public sewers. If you have difficulty locating the public sewer(s) you can obtain assistance from our Operations Department who may charge for this service.

To obtain our assistance please contact us at the address given below.

Operational Contact Centre
Dwr Cymru Welsh Water
Fortran Road
St Mellons
Cardiff
CF3 0LT

Tel: 0800 085 3968

Where you carry out all or some of the work:

- You must use approved pipe material in the construction of sewers. Please note that certain pipe materials are not acceptable e.g. asbestos cement (AC); pitch fibre (PF); corrugated steel (CS) pipe systems and glass reinforced plastic (GRP). Where appropriate, a like for like material must be used in the diversion.
- You must identify the contractor you will use to make the connection and using this contractor will be a condition of our approval.
Carrying out work involving contact with sewage carries significant risks in relation to Health and Safety. These risks include, but are not limited to, exposure to infections and working in potentially explosive and poisonous atmospheres. Anyone who is not competent to deal with these risks must not carry out any construction involving work on a public sewer. In order to protect everyone who is working on or near public sewers, we must be able to control access to the public sewers so that we can warn of specific dangers when we are aware of them. In addition we have a responsibility to ensure the safety of everyone who is working on public sewers and must know when and where contractors are working. **Under no circumstances are contractors permitted to access or work within with the public sewer network, without our prior written consent**
- You must submit for our approval a detailed method statement for the re-connection to the public sewer and transfer of flows. This must include emergency procedures, sequencing of events, liaison with our Operations Partner.

- Except in very unusual circumstances, you must remove the redundant sewer from the ground entirely and you must submit proposals for the removal of the redundant sewer as part of your application. We will supervise the removal and reinstatement as part of our inspection procedure.

3. Making your Application

Once we have completed our assessment of your initial diversion proposal, we will confirm if we are able to accept an application to divert and advise you of the options for a possible diversion.

In order to make an application to alter or remove a public sewer or associated apparatus you must complete the application paperwork which we will provide and send the completed application to us at the address below, by post or email

Dwr Cymru Welsh Water
Developer Services
PO Box 3146
Cardiff
CF30 0EH

Tel No: 0800 9172652

Fax No: 02920 740472

Email: - developer.services@dwrcymru.com

3.1 Section 185 Agreement Procedures

Detailed Assessment Stage (after receiving your completed application))

You must provide:-

- a) Complete hydraulic calculations demonstrating the capacity and velocities of flow in the existing public sewer and in the proposed diverted sewer. [Micro Drainage (Windes) – On CD Rom disc format]
- b) Detailed site layout plans showing existing sewers drains and lateral drains, contours, watercourses, etc.- Scale 1:250
- c) Longitudinal sections of gravity sewers, showing existing and proposed levels, pipe details – materials, diameters and bedding classifications.
- d) Construction details. Scale 1:20
- e) Closed Circuit Television Survey (CCTV) of the public sewer and any connecting lateral drains proposed for alteration.
- f) Availability and suitability of easements
- g) Copies of other utilities' apparatus (in hard copy format).

- h) Estimated value of the Sewer Construction Work
- i) Provision of easements if alteration is proposed outside highway
- j) Confirmation (if necessary) from owners of private drains that they will allow their connections to be moved
- k) Statutory Consents (e.g. where the proposed diversion is in environmentally sensitive land)
- l) Detailed Method Statement including emergency procedures and contact details for your key personnel.

If we are satisfied that your proposal is technically acceptable we will notify you and:

- 1) request additional copies of your drawings (we require eight in total to progress the application) and supporting information for inclusion in a Section 185 Agreement
- 2) inform you of the amount of our fee and request payment
- 3) inform you of our inspection procedures
- 4) inform you of the amount of the bond
- 5) request details of your proposed surety

Once all the information and fee are received, our legal department will prepare the agreement. When this is ready and you have paid our legal costs, both parties will sign the agreement and you will be able to proceed to the construction phase.

Any works carried out on the existing public sewer prior to the completion of an agreement are unauthorised and will be subject to legal proceedings. Any other works (such as the construction of 'offline' sewerage) carried out prior to completion of an agreement are carried out at the developer's own risk and expense.

Construction Phase

Inspections

You will need to inform us of your site representatives' contact details so that our inspector can visit the site during the construction phase. Inspections will take place usually within normal office hours.

If any alterations to agreed specifications/layouts are proposed, such as to manhole locations during the construction phase, they must be agreed with us before being carried out.

Pre-Maintenance Inspection

Once the majority of works are completed, you must notify us in writing and arrange a Pre-Maintenance Inspection. We will endeavour to carry out this inspection within 10 days of receipt of your notification and you will be required to attend and provide all labour and equipment necessary.

We will not undertake a Pre-Maintenance Inspection until we have received accurate as-constructed drawings and a copy of a CCTV survey and report of the newly-laid

sewer. The CCTV Survey will need to demonstrate that all existing sewer connections have been transferred to the diverted sewer and that the workmanship is acceptable.

Additional provisions may also need to be considered in relation to who actually “turns flows” from the existing to new sewer. If we permit you or your contractor to transfer the flow, you will be required to agree with us a detailed method statement in advance, which should form part of your application.

Once all the connection work has been completed, we will issue you with a Pre-Maintenance Certificate.

Final Inspection

Not earlier than two months from the end of the Maintenance Period and after completion of all remedial works, you must notify us in writing that you require a final inspection. You will be expected to provide all necessary labour and equipment to assist in carrying out this inspection. We will subsequently inform you of any remedial works required before the adoption process can continue. On completion of remedial works, you should arrange for our further site inspection, the cost of which may be added to our administration fee. When we are satisfied with the construction of the sewerage we will issue you with a Final Certificate.

Summary of Costs

You will be responsible for the cost of the following:

- Our Administration Fee – See Scheme of Charges for details.
- Our Legal Fees
- CCTV Surveys
- Your consultant’s fees
- Legal charges
- Setting up and maintaining the Bond
- Obtaining other utilities information
- Construction of the diversion
- Securing consents and permissions

3.2 Where we carry out the work ourselves

We manage the process on a staged basis which is set out below. We will design, construct and commission the sewer and you will be responsible for our costs.

To enable us to carry out any work we will require a written undertaking from you stating that you will reimburse to us all the costs that we have incurred in relation to the request should you withdraw the Notice at any stage or if the process becomes dormant for a period in excess of 3 months.

Statutory Notice periods will apply where we are required to lay sewers in highway or private land and these periods will be included in our estimated programme of works.

Once the scheme has been constructed and commissioned, it and any associated assets will automatically vest with us. We are then responsible for its future operation and maintenance.

Where a sewer is to be diverted into land owned by third parties, we require the rights to access maintain and repair those sewers.

In most cases pipes/apparatus will become redundant as part of the scheme. If we decide that you can deal with the redundant pipe/apparatus we will stipulate a timescale and by what method. This work will be at your cost and must be carried out to our satisfaction. In cases where it is not practical for a redundant sewer to be removed a 'deed of surrender' will be required. You will be responsible for paying all our costs associated with executing such a deed.

The sequential steps in the process are:

- Stage A - Submission of Further Information
- Stage B – Providing an Outline Scheme Solution (OSS)
- Stage C – Providing a Detailed Scheme Solution (DSS)
- Stage D - Offer and Acceptance
- Stage E – Construction
- Stage F – Payment of Final Account

We will manage each of the above stages and at the end of each stage we will meet with you to discuss the recommendations and how you wish to proceed. Should you not progress with the scheme within 3 months of the end of any stage between A and D, the application will be archived and you will be required to pay all of our costs.

You are able to terminate the process at any time for stages A to D unless you have formally accepted the offer in Stage D.

Stage A - Submission of Further Information

Further to your submission of the Notice, application form and preliminary information, we will require the following information:

- Site Survey
- Utilities Services Drawing

- Payment of the non-refundable deposit in the sum of £2, 400 (which includes VAT). This deposit will finance the administration of your application and the preparation of the OSS proposal.
- Any other site-specific information which will assist us in carrying out the diversion.

Upon receipt of the information and non-refundable deposit we will check the documents and contact you should any further information be required.

Stage A will conclude with a meeting with you. At this meeting we will explain the process, discuss your scheme in detail, request any required information and provide and discuss the Outline Scheme Solution (OSS) proposal for going to Stage B. The proposal for the OSS stage will comprise an outline scope of the works, the cost for the OSS and a programme. To progress the OSS you should forward payment of the cost outlined in the OSS proposal together with any requested information.

Stage B - Outline Scheme Solution (OSS)

The purpose of the OSS is to collect and review information to enable us to prepare potential solutions, and where these are available to recommend the preferred solution to be taken forward to detailed design.

In addition, the OSS stage may include among other things the following activities:

- Data collection and review
- Initial surveys
- Hydraulic modelling to ensure that there is no detriment to the performance of the system
- Consultation with stakeholders (e.g. Local Authorities, Environment Agency Wales, Countryside Council for Wales etc)

Stage B will conclude with a meeting with you. At this meeting we will provide you with the Outline Scheme Solution Report, which will contain details of the recommended scheme solution and a “high-level” budget estimate of the total costs of the scheme.

Following agreement of the solution we will provide the DSS proposal for going to Stage C which will include a cost estimate for the DSS and a programme. To progress the DSS you should forward payment of the cost outlined in the DSS proposal.

Stage C - Detailed Scheme Solution (DSS)

The purpose of the DSS is to undertake the detailed design of the scheme and when it is completed to prepare the total estimated cost of the scheme.

The DSS stage may include among other things the following activities:

- Additional data collection
- Specialist surveys
- Obtaining detailed information from other companies including utility companies
- Land ownership enquiries
- Applying for and obtaining any necessary permissions/consents

On completion of this stage we will meet with you and provide you with the detailed design report which will include a programme and the total estimated scheme cost, which will form the basis of the offer to you.

Stage D – Offer and Acceptance

We will issue an offer letter to you, in which we will detail the total estimated scheme cost and list any qualifications.

You are required to confirm, in writing your acceptance of our offer and pay the estimated scheme cost before we can commence preparatory work or work on site. Your acceptance must include an agreement to reimburse us the actual costs incurred in carrying out the scheme.

Stage E - Construction

Following the acceptance of the estimated scheme cost we will proceed with the construction work, or where required, issue any relevant Notices. We will advise you of any significant changes to cost or programme as the scheme progresses and inform you when the scheme has been completed.

Stage F - Final Account

Approximately 3 Months following completion of the scheme, we will calculate the actual scheme costs and calculate whether a further payment or refund is due

If we have served land entry Notices on owners of private land as part of the requisition then it should be noted that landowners have up to 6 years in which to lodge their claims for compensation and up to 10 years for loss of development

value. Accordingly, and where appropriate, we will include a provisional sum in the final actual scheme costs and adjust as necessary on settlement of the claims.

3.3 Where you carry out the pipelaying and we carry out the re-connection

Where we decide that we must carry out the connections of the diverted sewer to the existing system, or any other part of the work, we will require you to enter into a S185 Agreement as above for the part of the work which you will carry out. You will be required to follow the same procedure as described above, submitting all the information described in Section 3.1.

The detailed drawings and cost estimate which you provide should cover the work you will be allowed to carry out. All other requirements listed in Section 3.1 above must cover all of the works, including that part that we will carry out.

We will design the connections using your details of the proposed diversion to tie in levels and line of the sewer. We will procure and carry out the construction and you will be required to pay our estimated costs for the design and construction in advance of starting work.

We will carry out our work on a staged basis as described in Section 3.2. In addition, we will liaise with you regarding the on-site programming of construction. In most cases there will not be a need for an Outline Scheme Solution Stage.

Construction Phase

Circumstances will dictate who will have Principle Contractor responsibilities during construction and this will be discussed between us as part of the liaison process.

We will inspect your work and issue certificates as described in Section 3.1 above, monitor the progress and liaise with you so that we can undertake our work at the appropriate time.

4. Summary of Costs

In addition to the costs outlined in Section 3.1 above, you will also be responsible for:

- Our design costs
- Our administration costs
- Our construction costs