

Introduction

Under Section 185 of the Water Industry Act 1991 (S185) where any public sewer, lateral drain or disposal main is situated in private land, any person(s) with an interest in that land or in adjoining land can, by giving notice, require Severn Trent Water (STW) to alter or remove that pipe. A request to alter or remove a pipe can only be made if that request is necessary to enable a person to carry out a proposed improvement of the land in which he has an interest.

STW will not be required to comply with the notice if:

- the requirement to divert the sewerage asset is unreasonable
- the development is a small domestic extension to existing residential property such that STW is willing to consent to building over or close to the public sewer or lateral drain in the case. (Please contact STW to discuss this further.)

STW will determine whether or not the relocation of pipes are required following the receipt of a notice.

We may consider the requirements contained in a notice to be unreasonable where, for example:

- no technically acceptable diversion route exists
- diversion would prevent proposed improvements by other parties
- the request relates to sewers wholly located within a street.

STW is entitled to recover all reasonable costs that it incurs in carrying out the diversions as required by a valid S185 notice. Before any works are carried out, STW will take security in the form of a cash deposit to cover the costs of pipe alterations. Interest is paid on any sums that are deposited as security (if works are completed under self construct agreement - see later).

Section 1: Submission of a notice under Section 185 of the Water Industry Act 1991

If you wish to serve notice on STW to relocate a sewer you can do so by sending us a completed copy of form *Application for the diversion of a Severn Trent Water sewerage asset (SD1)* together with relevant supporting documentation and a security deposit (as detailed in the New Connections Charges leaflet).

Section 2: How will we progress your application?

2.1: Application process

Upon receipt of an SD1 form we will check your application documents and determine whether your notice is valid. If the notice is invalid or we consider the request unreasonable we will inform you by letter. The letter will confirm why we consider the notice to be invalid/ unreasonable. It may be possible to address our concerns by provision of additional information.

If your request is valid we will then evaluate the extent to which your development proposals require an alteration to our pipes. In some cases it will be necessary to undertake hydraulic modelling to determine the impact of the diversion on our sewerage system and determine the specification of the diverted pipework. We will inform you if modelling is required and supply you with contact details of our sewerage modelling service.

Once an indicative design has been established we will determine the process by which the sewer diversion can be constructed. All sewer diversions must be carried out under the control and/or supervision of STW. There are currently two alternative methods to secure diversions and these are:

1. Design and construction by STW.
2. Design and construction by applicant or applicants contractor subject to the completion of a self construct agreement prepared by STW.

The effect of the self construct agreement is that STW employs the applicant as its contractor to construct the diverted sewers.

Although the applicant can indicate a wish to carry out the construction under a self construct agreement, it is wholly within STW's discretion as to which method will be used. However, please note that it could take considerable time for STW to deliver a sewer diversion scheme. This may have an impact on your proposed programme of works. Therefore, it is advisable to submit your SD1 application at the earliest opportunity.

2.2: As a guide Severn Trent Water will carry out design and construction if:

- There is a high impact on or risk to STW or the environment should any problems occur
- The sewers are off site, on land out of the control of the developer – please note a land ownership check will be carried out
- The sewers are located in the highway
- The work is outside the capability of the applicants designer/Contractor (as determined by STW).

2.3: Severn Trent Water may offer a self construct agreement, on request, if:

- There is a minimal impact or risk to STW or the environment should any problems occur
- The sewers are of small diameter
- Foul water or combined sewer not exceeding 300mm
- Surface water sewer not exceeding 600mm
- The sewers are entirely on land owned and occupied by the applicant
- The applicant agrees to comply with the requirements of STW through the completion of a self construct agreement
- The applicant pays all of the associated fees required
- The designer and the developer or their Contractor is approved by STW using our standard methodology, including financial vetting
- The developer/the Developer's Contractor carries out the diversion under the supervision of STW acting as STW's Contractor.

Section 3: Fees

Irrespective of the method of construction, security will be taken to cover the cost of the diversion. Full details will be provided during the course of processing the application, once method of securing the diversion has been determined.