

# Requirements for Easements & land transfers

Codes for Adoption local practise

Severn Trent

May 2021

WONDERFUL ON TAP



# Severn Trent Local Practice for Easements & land transfers

## Introduction

This document acts as our local practise for easements and land transfers, as allowed for in the Codes for Adoption (“The Codes”) & Sewerage Sector Guidance (SSG). It is a supplementary addendum to Appendix C, effective from 21st September 2021.

The document outlines the Severn Trent requirements for easements for surface water discharges to watercourses or other bodies of water including SUDs features, as well as for sewers not located in adoptable or adopted public highways. It also informs when Severn Trent will require a land transfer.

The requirements will need to be met before we can adopt new sewerage assets.

## What is an easement?

An easement is a legal right affecting land which will allow us to guarantee our future rights to inspect, maintain, repair, renew or replace sewers within private land. The easement will further place restrictions on what can be done within the easement strip in order to protect the sewer.

Severn Trent have no legal rights to discharge flows from a public sewer onto or into a third parties’ land. This extends to watercourses and all other bodies of water. Severn Trent will therefore require a completed deed of easement over all surface water outfalls of this type to guarantee our rights to discharge.

## Severn Trent’s approach Sewers in third party land

Severn Trent are able to rely on our statutory powers for most sewers installed outside of adopted or adoptable public highways. However, for certain types of critical assets such as flow control chambers, storage pipes/tanks or assets within sensitive locations we will require an easement. The width of which will depend on the size & depth of the sewer. The below table illustrates our easement size requirements in these instances. It can also be used as a general guide on the level of standoff we expect to see from proposed sewers that are within third party land.

**Table 1: Easement minimum distances from buildings/structures from centre line of the sewers**

	Sewer Diameter (mm)	< 150	150-299	300-449	450-600	601-749	750-924	925-1124	1125-1399	1400 +
Depth to Invert (m)	< 3.0	2.5	2.5	2.5	3.5	3.5	4.0	5.0	5.0	5.0
	3.0 to 4.0	3.0	3.0	3.0	4.0	4.0	5.0	5.0	5.0	5.0
	4.0 to 5.0	4.0	4.0	4.0	5.0	5.0	5.0	6.0	6.5	6.5
	5.0 to 6.0	5.0	5.0	5.0	6.0	6.0	6.5	6.5	6.5	6.5
	6.0 to 7.5	6.0	6.0	6.0	6.0	6.0	6.0	6.5	6.5	6.5
	7.5 +	4.0	4.0	4.0	4.0	4.0	5.0	5.0	5.0	6.0

Severn Trent maintain a standard template deed of grant of easement and this can be provided on request by our Design Technician. The completed easement template and plan must be provided to Severn Trent for approval, prior to it being registered by the developer with the land registry. We will not be able to adopt the sewers until confirmation of easement registration is confirmed.

## **Sewer discharges to watercourses**

Severn Trent have no statutory right of discharge to assets other than public sewers. To adopt a surface water system where the discharge is into a watercourse or similar, Severn Trent require a deed of grant of easement to secure our right to discharge onto the land (watercourse) in perpetuity.

Where the developer has kept ownership of the watercourse at the discharge point, our standard unilateral deed of grant of easement can be used. The developer will need to complete the supplied easement template and provide a plan that would be suitable for registering the easement with the land registry. Once Severn Trent have reviewed the signed easement and plan, the developer will need to register the easement with the land registry and then provide proof of this to Severn Trent.

Where the discharge point is outside the developers' land, the standard deed of grant of easement needs to be completed with the developer and the landowner. Again, the deed and plan need to be agreed by Severn Trent before the developer registers it with the land registry and forwards proof to Severn Trent.

Severn Trent can place a site onto maintenance in advance of the deed of grants being secured, however they are an essential item prior to adoption.

The only exception to the easement requirement is where the waterbody is maintained by the CRT. In this case, prior to adoption, Severn Trent will add the discharge to our existing omnibus agreement with the CRT. However, the developer must ensure that prior to construction or entering into the S104, they arrange and enter into any necessary agreements with CRT.

In addition, if the discharge is into a watercourse maintained by a third party, for example the Canal and Rivers Trust (CRT), The Environment Agency (EA) or an Internal Drainage Board, then their consent to undertake the works will also be required. This separate consent does not constitute the rights to discharge which will still be required.

## **Sewer discharges to SuDs**

Where sewers proposed for adoption discharge into a SuDs feature, Severn Trent require a SuDs easement to secure our rights to discharge and access the land. There are a number of rights granted to Severn Trent and grantors covenants within a SuDs easement that are not contained within the standard deed of grant of easement that are essential for our future use and rights of the SuDs feature. Where the feature is being offered for adoption in line with the principles within appendix C of the Codes for Adoption, the deed will detail the maintenance duties of the respective parties. Please see our position statement on SuDs adoption for more details.

Severn Trent can place a site onto maintenance in advance of the SuDs easement being secured, however they are an essential item prior to adoption.

An undertaking for our external counsel is required to progress this type of easement. Please contact your Design Technician to discuss.

## **Land Transfers**

Where there is a pumping station on the system, we will require a freehold land transfer of it and where necessary an access easement free of any encumbrances. An undertaking for our external counsel is required to progress this type of easement. Please contact your Design Technician to discuss.