

ICOSA WATER SERVICES LIMITED

Sewer Diversion Guidance

Guidance document for developers and contractors applying to divert a public sewer under S185 of the Water Industry Act.



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S185 Diversion of Public Sewers

Section 1 - Introduction

Whilst every effort has been made to cover all legal and technical aspects involved, there may be circumstances that are not covered by this document and further discussions may be required with Icosa Water before you proceed or apply.

S185 of the Water Industry Act 1991 provides a framework for the removal and relocation of wastewater assets from land where it is necessary to allow for improvement of that land and providing that it is reasonable to do so. The undertaker (Icosa Water) will be entitled to recover any expenses reasonably incurred in carrying out the works from the person(s) that serves the notice.

Section 2 – General Requirements

Customers, developers or contractors wishing to divert a Public Sewer on the Icosa Water network must do so by completing form WW-FO-008 S185 Sewer Diversion Application giving at least 6 weeks' notice of your intention to divert.

Icosa Water do not offer a service to design sewer diversions or undertake the work on site. The applicant should arrange for a suitably qualified designer and contractor to undertake these elements of the work. Icosa Water will approve the design and inspect works on site during construction. Icosa Water will also certify the diversion once it has been completed to a satisfactory standard.

Section 3 – Legal Arrangements

A S185 Diversion Agreement will be issued upon approval of the applicant's design.

The applicant may be required to provide surety equal to the cost of the diversionary works and this may be in the form of a cash deposit or bank guarantee. This surety will be refunded at completion of the works including any maintenance period in accordance with the terms of the agreement.

There are two different types of S185 diversion agreements:

- On-site Diversions are those that are undertaken and contained wholly within the land that is under the ownership of the applicant.
- Off-site Diversions are those that may include some element of works that are located in land owned by third parties. These types of agreement will require the undertaker to serve notice for laying apparatus in private land and is therefore subject to a different type of S185 agreement.

No diversion works should commence until the diversion agreement is agreed and authorised by Icosa Water. In addition to the authorisation the applicant must also provide the following:

- Risk Assessments & Method Statements for the planned work including how the contractor intends to deal with existing flow.



- Current competency certificates for staff undertaking work and operating plant and machinery.
- Current confined space accreditation for all staff undertaking work.
- Current certificates for plant and equipment to be used to undertake the work.
- COSHH assessments.
- New Roads & Street Works Act (NRASWA) accreditation (where necessary)

Diversions that require work in third party land should not be commenced until any notice periods for such work have expired.

Section 4 – Sewer Diversion Costs

There are 4 elements to the cost of a sewer diversion under S185 of the Water Industry Act 1991

- Approval of diversion design.
- Engrossing of S185 legal agreement.
- Supervision of construction and final inspections/approval.
- Surety for the works to be undertaken.

S185 Sewer Diversion Approval

The Technical Approval costs will be estimated on a time-related basis with a minimum of one day allowed for non-critical sewers within land owned wholly by the applicant. This cost will be advised prior to any work being undertaken and will be less the application fee detailed on the application form.

The application submission should include the following:

- Application form WW-FO-008 – S185 Sewer Diversion Application.
- Application payment payable to Icosa Water Ltd.
- A 1:1250 site location plan.
- Drainage layout to a suitable scale showing existing and proposed sewers (both under S185 and S104 where applicable).
- Site boundaries should be clearly shown on all plans.
- Individual plot boundaries should be clearly shown on all plans.
- Entitlement to land and any proof of third-party land ownership where applicable.



- Soils and borehole information.
- Any other supporting documentation to assist the application

Icosa Water will produce an estimate based on the information supplied. Any requests for further information or the need for revisions may incur additional charges.

S185 Sewer Diversion Agreement

The cost of the diversion agreement will be invoiced directly to the applicant and will be reflective on the location and complexity of the diversion sought.

S185 Sewer Diversion Supervision

Supervision and inspection costs will be 3.5% of the total construction costs based upon the Icosa Water schedule of rates. Smaller domestic diversions will be charged at £150/visit. This includes a pre-start site visit, visits during construction and a final inspection.

S185 Sewer Diversion Surety

A surety may be required depending on the location and complexity of the diversion. It is advisable that you seek Icosa Waters position on this prior to making your application.

The surety where required will be for 100% of the construction costs and this will be returned to the applicant as follows

- 80% on satisfactory completion of the sewer diversion works.
- 20% on the 12 month anniversary of satisfactory completion*.

* If a diversion is within public highway then 10% will be refunded on the 12 month anniversary and the final 10% after 2 years on expiration of the NRASWA liability

Section 4 – Other Requirements

Prior to any work starting on site the applicant must identify and confirm the status of any laterals that connect to the sewer that is to be abandoned. Any laterals that are in use can only be connected to the new sewer with the written consent of the lateral owner. All laterals affected by the diversion should continue to be drained effectively once the works are completed.

Where the diverted sewer is less than 450mm diameter and less than 3 metres deep there should be a minimum of 3 metres between the outside wall of the pipe and any adjacent building. Where sewers are deeper, or larger or abnormal ground conditions exist then please speak with Icosa Water to determine the necessary clearance.

On diversion of the flow into the new sewer the redundant sewers should be made safe by removal from the ground. In some instances, Icosa Water may allow the abandoned sewer to be filled with concrete. It will not be acceptable to merely cap the sewer with concrete at both ends.

Two sets of as constructed drawings will be required at completion of the works. These drawings should be both hard copy (pdf) and electronic copy (dwg).



Section 10 – Permissions, Authorisation and Approvals

Upon receipt of your completed application and payment, Icosa Water will consider its suitability and will respond within 14 days outlining the costs for the Technical Approval and the construction costs if they differ from your estimate.

Once costs are accepted, we will carry out the Technical Approval process within 28 days and our solicitor will provide a S185 diversion agreement.

Construction can proceed when the following have been resolved:

- Technical approval has been granted
- S185 Legal agreements are signed
- Any notices to work on third party land have expired (where necessary).
- Any laterals to be diverted are agreed with the owners (where necessary).
- Any work in public highway has the required NRASWA notice served.

Once the developer receives approval, he should notify Icosa Water of the intended start date on site as soon as it is known.

If you have any queries regarding this form or would like to arrange a meeting with Icosa Water Ltd please call: **0330 320 0762** or e-mail: **developerservices@icosawater.co.uk**.

