



SEWER DIVERSION GUIDELINES

Introduction

Should you wish to divert a public sewer you are required to make an application to Anglian Water under Section 185 of the Water Industry Act 1991 by completing the attached application form and submitting a payment of £192.00. This fee will be deducted from the supervision fee.

This section of the Act allows Anglian Water to divert public sewers at the request of the applicant and to recharge associated costs, however, we generally allow the applicant to enter into a Section 185 diversion agreement, which grants formal approval for the applicant to design and construct the works under Section 30 of the Anglian Water Authority Act 1977 on our behalf.

What you need to do to make an application

In order to commence the process you are required to complete the application form using our online portal **InFlow** - <https://inflow.anglianwater.co.uk>

The upfront administration fee of £192.00 can be paid online by credit or debit card when submitting the form, or by choosing the offline option and paying by personal banking/BACS or by telephoning our Income Team on 0345 60 66 087, Option 3, option 2.

How we process your application

Once we are in receipt of your application we will technically assess the diversion to ensure the design is acceptable and you will receive our initial comments within 28 calendar days. We will liaise with you throughout the design vetting stage and when we consider the design to be acceptable, we will formally offer you a Section 185 diversion agreement.

The Section 185 diversion agreement

The Section 185 diversion agreement provides formal approval for the applicant to divert the sewer on behalf of Anglian Water and under the terms of the agreement you are required to provide the following:

- Supervision fee equal to 4.5% of the cost of the diversionary works, (minimum fee £1,100.00).
- Legal agreement fee (for details see our current charges leaflet www.anglianwater.co.uk/developing/help-and-advice/services-and-charges/)

You are also required to provide a surety equal to the total cost of the diversionary works and this surety, which may be a cash deposit or bank guarantee, will be refunded with interest in accordance with the terms of the agreement. Please be aware that a Bond Waiver facility cannot be used for a sewer diversion.

The estimated cost of the works will be determined by Anglian Water in accordance with our standard schedule of rates.

Under the terms of the agreement, the applicant designs the diversion and appoints a contractor to carry out the works on their behalf. The design and construction costs are also met by the applicant.

There are three different forms of Section 185 diversion agreement, one for on-site diversions and two for off-site. The on-site agreement is used to authorise diversionary works contained wholly within land under the ownership of the applicant and the off-site agreements are used to authorise diversionary works located partly within land under the ownership of a third party.

One of the off-site agreements allows the applicant to utilise Anglian Water's statutory pipe-laying powers to lay the sewer on third party land. Once the agreement is in place Anglian Water will serve notice on the landowner/occupier and once the notice periods have expired, the applicant can lay the diverted sewer. With this arrangement Anglian Water's Land Agent manages the interface with the landowner/occupier and agrees and pays the statutory compensation. The compensation payments and any Land Agents fees (the landowners and Anglian Waters) are recharged to the applicant under the terms of the agreement.






The other agreement precludes the need for Anglian Water's statutory powers to be used and allows the landowner to be party to the agreement. With this arrangement the applicant negotiates with the landowner to agree entry to carry out the works without Anglian Water's involvement.

Draft copies of these agreements are available on request.

When you can legally commence diversionary works

The diversionary works must not commence until the diversion agreement is authorised by Anglian Water.

In addition to the authorisation of the agreement, your Principle Contractor must ensure the following documentation is in place before work commences:

-  A satisfactory site-specific Risk Assessment and Method Statement/safe system of work
-  Current certificates of competence for staff operating plant and machinery
-  Current certificates for plant and equipment
-  COSHH assessments
-  Other Risk Assessments as required

Should the diversionary works involve work on third party land and Anglian Water's statutory powers are utilised, works must not commence until the relevant notice periods have expired. If works are involved within an adoptable highway or a private street then Anglian Water are required to serve the relevant notices under the New Roads and Street Works Act 1991. Again, works must not commence until the notice periods have expired.

Please note that you will be liable for any costs incurred after the application has been received even if you later decide not to proceed with the diversionary works.

Your nominated contractor

Whilst you are responsible for appointing the contractor, they must be able to meet certain requirements.

The construction of the diversionary works may involve entry into Anglian Water confined spaces and therefore the contractor must be able to demonstrate current proof of City & Guilds 6150 medium risk confined space training for a minimum of two people.

If relevant, the contractor must also be licensed to work in the highway and be able to carry out all highway works in accordance with the current requirements of The New Roads & Street Works Act and the Traffic Management Act. The contractor must also display a courtesy board indicating their details and a 24-hour contact number, throughout the duration of the diversionary works.

Non-compliance with our requirements

It is an offence under Section 174 of the Water Industry Act 1991 to divert a public sewer without formal authorisation from Anglian Water, so please ensure that all of the above requirements are met before work

commences. Should a public sewer be diverted without our authorisation, we reserve the right to reinstate the original sewer and re-charge the cost of doing so to the offending party.

Please be advised, that Anglian Water is under no legal obligation to allow the applicant to design and construct the diversion themselves, however, this is normally permitted to enable customers to maintain a degree of control over the cost and timing of the works. If, however, our requirements are not adhered to we reserve the right to design and construct future diversions in-house and re-charge all costs to the applicant.

Should a contractor be implicated in any breaches of our requirements they may lose the right to work on Anglian Water's sewerage infrastructure in the future.

General requirements

Existing connections

Existing connections to the sewer that will be abandoned must be reconnected to the diverted sewer or an alternative part of the public system and the design must indicate exactly how this will be achieved.

Should the connections form part of a privately owned system you are required to obtain approval from all of the owners to modify their system and written proof of approval must be provided to Anglian Water. Please be aware that the modification of a private system is a private matter and that Anglian Water is unable to intervene should approval not be forthcoming.

The abandoned sewer

The sewer that is abandoned as a consequence of the diversion must be either filled with concrete or removed from the ground. It is not acceptable for the abandoned sewer to be sealed at both ends and left in place.

Design requirements

The new sewerage adoption arrangements became mandatory from 1 October 2020, standardising the process across the country. Sewers for Adoption has been replaced by the '[Design & Construction Guidance](#)'. Included within is provision for Sewerage Undertakers to adopt SUDs facilities. We strongly encourage Developers to contact us to discuss this further, prior to making new applications.

Primary hazards

Anglian Water has established a generic list of primary hazards you may encounter when undertaking work. This is not an exhaustive list and additional hazards could still be present. A suitable and sufficient Risk Assessment and Method Statement must be completed prior to commencing works.

You must tick the box in the declaration to confirm that you have read the hazards listed below.

HAZARD/RISK	RISK CONTROL MEASURES / COMMENTS
Excavation Safety	<ul style="list-style-type: none"> • 500mm - 1.2m deep every Excavation must have a Risk Assessment for Trench Support • Greater than 1.2m Suitable Trench Support is mandatory • Spoil location to be away from the excavation at a distance at least as far as the excavation is deep • Plant to be used at Safe location not to impair the excavation/cause collapse • Excavation must have safe and suitable access and egress e.g. Secured Ladders • Excavation must be left safe and secure to prevent unauthorised access and appropriate hazard signage displayed
Services Electric, Gas, Water, Sewage, Data cables	<ul style="list-style-type: none"> • Check for presence of Underground and Overhead Services • Service Drawings can be used as a guide but can prove to be inaccurate • CAT Scanner and Genny should be used to identify the location of services • Tell-tale signs e.g. ground scarring, service marker posts and fixed assets could indicate presence of underground services • Safe digging procedures should be followed e.g. hand dig only if services are within 500mm of excavation • Safe working procedures should be implemented for working around overhead

	<p>services e.g. Goalposts, Barriers (See HSE Guidance GS6)</p> <ul style="list-style-type: none"> • Adequate support of exposed underground services must be completed
Confined Spaces	<ul style="list-style-type: none"> • Personnel must be trained and competent to City & Guilds 6150 (<i>6150-02 medium risk training as a minimum</i>) • Risk of Toxic Gases (e.g. Hydrogen Sulphide/Methane/reduced Oxygen/Carbon Monoxide) may be present and suitable gas monitors should be used for atmosphere testing • Risk of Drowning - Flows should be controlled • Risk of Collapse/Entrapment - Ensure the excavation/manhole/confined space is supported if needed and checked, along with Safe Access/Egress • Risk of Surges/Flows - Flows controlled • Open manholes need to be suitably guarded/protected to prevent falls.
Hazardous Substances	<ul style="list-style-type: none"> • Asbestos / Trade Effluent / SHARPS / Septic Waste all could be present or occur during operations • Suitable controls could include: Surveys, Flow control, PPE, Good Hygiene Procedures, Training • Potential of fly-tipping and other unauthorised discharges into the sewage system should be considered
Working in the highway	<ul style="list-style-type: none"> • New Roads and Streetworks Guidance • Need to ensure suitable signing, lighting and guarding in place • Personnel have appropriate NRSWA training