



Resourcing the world



# S185 GUIDANCE NOTES

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For the Diversion of Veolia Water Projects Assets

April 2020

## S185 Guidance Notes

### Guidance Notes relating to Application for Diversion of VWP Assets.

Veolia Water Projects Ltd (VWP) provides water and sewerage services to domestic and commercial customers in the Tidworth, Ludgershall and Perham Down areas.

#### Legislation

Section 185 of The Water Industry Act 1991 (The Act) sets out the Legal provisions for the diversions of public water mains and/or sewers.

In summary, any person who has an interest in land in which Veolia Water Projects apparatus is installed, may give notice to the Company to alter or remove that apparatus to enable that person to carry out improvement of the site or land in which they have an interest.

Improvement, in relation to any land includes any development or change of use but does not include any improvement with respect to the supply of water or sewerage services to any premises.

Where a notice is served, Veolia Water Projects has a duty to comply with the requirement contained in the notice except to the extent that the requirement is unreasonable.

No such duty arises where the affected apparatus is located in, under or over any street. Where the requirement to divert apparatus arises as a result of works undertaken by or on behalf of the Highway Authority in an existing highway, the processes and procedures associated with Appendix C of the New Roads and Street Work Act Code of Practice, Measures Necessary where Apparatus is affected by Major Works (Diversionary Works) should be followed.

#### Who will carry out the work (Water Mains)

Veolia Water Projects Ltd is entitled to carry out the design and construction of any diversionary works itself and to recover any expenses reasonably incurred in doing so from the applicant.

In certain circumstances Veolia Water Projects may consent to the self-lay of water mains which are to be the subject of a diversion agreement.

Under section 51A (1) of the Act, water companies can enter into agreements with developers constructing or proposing to construct new water mains. If the pipes are constructed in accordance with the terms of the agreement, the water company has the existing duty to connect distribution the newly network and constructed take over responsibility for them (adopt).

A code of practice relating to the Self-Laying of water mains and services has been produced by the Water Industry, detailing the requirements for the works and specifying the roles of the developer, self-lay organisation and Water Company.

#### Who will carry out the work (Sewers)

Veolia Water Projects Ltd will design and supervise the diversion and employ an approved contractor to carry out the works when:

- The route of the diverted sewer passes through third party land, and/or
- The sewer to be diverted is a critical sewer (this includes all rising mains) or there are specific operational requirements
- The sewer to be diverted is a Bonded Asbestos Cement Pipe. This includes pipes described as Asbestos Cement (AC) and Fibre Reinforced Cement (FRC)

However, Veolia Water Projects Ltd may permit the developer to carry out the work providing that:

- The apparatus to be diverted is categorised as non-critical and
- The route of the diversion remains entirely within the boundary of the developers' land.

The legal and financial requirements will differ depending upon whether it is Veolia Water Projects Ltd or the developer carrying out the works.

Where the route of the diversion will remain entirely within the development site boundary and the sewer is classified as non-critical, Veolia Water Projects Ltd will allow your consultants to design the diversion and for your contractor to carry out the works. The design should be carried out as per the specification contained in the current edition of \*Sewers for Adoption - a design and construction guide for developers.

The design drawings will need to be sent to this office for vetting in a similar manner to a Section 104 Water Industry Act 1991 adoption.

The vetting and administration fee will be estimated on a time-related basis (minimum of eight hours).

The supervision fee will be 2.5% of the construction cost. Both the vetting and administration and the supervision fees will be payable prior to any instructions being given to our legal representative for the preparation of the Agreement.

We will require a cash sum as a surety equal to the estimated construction cost of the works which will be payable prior to, or at the same time that the Diversion Agreement is signed.

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Your contractor will carry out the works at no cost to Veolia Water Projects Ltd and we will refund 80% of the cash sum once the works have been substantially completed to our satisfaction. The remaining 20% plus any accrued interest will be refunded 12 months following the substantial completion and making good of any defects. (If the diversionary route passes through the public highway only 15% will be refunded at the twelfth month following completion the remaining 5% being retained for another two years).

It should be noted that no works on the public sewerage system will be permitted until the Deed of Grant of Easement is in place, Agreement signed, fees paid and surety lodged.

Prior to you commencing any work on site, you must identify the positions and operational status of all laterals connecting to the section of the sewer which is to be abandoned.

Should laterals be found you must obtain the written consent and authority of the owner of the lateral to reconnect their property to the new sewer.

You must ensure that the premises served by the lateral continue to be drained with at least equal effectiveness once the works have taken place.

These approvals should be included in your initial submission.

We will also require a method statement detailing how you are intending to deal with existing flows during the course of the works.

**Please Note: It is not permissible to discharge foul sewerage into road gullies, surface water sewers, ditches, the trench or watercourses. Nor should ground water be discharged into any public sewer or surface water discharged into the foul water system without the express permission of Veolia Water Projects Ltd.**

Buildings should be located a least three metres away from the diverted sewer where the depth from ground level to invert level is less than three metres. In circumstances of greater depth, large diameter sewers, unusual ground profile or material a greater distance may be required.

On completion of the works the redundant section(s) of the existing public sewers must be made safe by removing them from the ground.

Upon being notified of substantial completion of the works the Developer shall supply to Veolia Water Projects Ltd two sets (or more if requested) of operating instructions/maintenance manuals for any pumping stations associated with the works.

Three full sets of as constructed drawings showing the diversion works and the Health and Safety File, as may be required by the Construction (Design and Management) Regulations 1994 will also be required.

### Scope of Guidance Note

The following guidance notes relate to an application for a water main or sewer diversion to be undertaken by Veolia Water Projects Ltd and are provided to assist in completing Veolia Water Projects Ltd's form which can be found on our website.

Applications will be processed by the Developer Services Team who will prepare a preliminary design / budget cost to relocate the affected apparatus.

**We would draw your attention to the preliminary nature of this initial estimate, which may alter significantly, after the detailed survey and design have been completed.**

If a diversion is possible you will be able to enter into a Sewer or Water Diversion Agreement with Veolia Water Projects Ltd.

A design fee will be required to carry out the detailed design. This fee will be advised as part of the completed preliminary design package. Upon receipt of the fee we will commence the detailed design and prepare the final estimate.

The offer will be open for acceptance for three months.

The timescale for the provision of the budget cost estimate will depend upon the extent and complexity of the diversionary works.

Providing as much information as you can at this stage will help us to respond to you in a timely and accurate manner.

### Section A: Applicant details

Provide details of the person or company applying for the diversion. These details will be used for all correspondence relating to the application.

### Section B: Site Details

Provide a brief description of the development proposal along with the address and postcode (where known) together with the reason for the relocation of Veolia Water apparatus. This information will assist us in preparing the preliminary design / budget cost for the diversion.

### Section C: Developer/ Contractors Details

Provide details if different to Section A.

### Section D: Owners Details

The owner or occupier of land or premises is entitled to request a water main or sewer diversion and contact information is required in this section if different to any of the previous sections.

### Section E: Former use of Land

Information provided in this Section and Section H will help us determine the likely soil conditions on the site. This information will be used to review any risk to projects and in the case of a water mains diversion the impact on the water distribution network to ensure that the pipes used for the diversionary works are suitable for the ground conditions that are likely to be encountered.



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### Section F: Tree Details

The location of trees that are to remain upon completion of the development will assist in planning the route of the diverted water main. In general, it is not recommended to excavate a trench within the plan area of a tree canopy.

### Section G: Easement Strip

A suitable easement strip must be available to locate the diverted pipe.

### Section H: The Construction, Design and Management Regulation 2007

Under the terms of the COM Regulations 2007 you have a duty to provide information regarding any hazards or risks that may affect the diversionary works.

### Section I: Contaminated Land Check

In the case of a water main diversion, we need to assess whether there is a risk of contaminants in the ground that could result in contamination of the drinking water supply and also to ensure that the pipes used for the diversionary works are suitable for the ground conditions that are likely to be encountered.

### Payment

Please do not send any payment with the application form. You will be notified of costs in due course.

### How long will it take?

#### Veolia Water Project Ltd Water Diversion

Whilst we use our best endeavours to keep costs and timing within reasonable bounds, diversions that encroach into third party land have, by their nature, cost and time commitments not applicable to the developers own site work and the applicant must accept this.

One such commitment is the requirement to give Notice where the route of diverted pipe(s) pass through third party land.

Veolia Water Projects Ltd have a commitment to:

- Make contact with all owners and occupiers
- Ascertain whether they have any existing or future development proposals that are likely to be affected by the works
- Establish the correct information about the ownership and occupation of the land likely to be affected by the works
- Give owners and occupiers information about the proposed programme of the works including the nature, route and timing
- Provide the owner and the occupier with a record of the condition of the working area.

The notice period specified for laying a new length of pipe work is three months.

You should make allowance for this when programming your site works.

### Developer Diversion

You should provide all the information detailed in these guidance notes, as it is upon this that the estimate will be based. Any subsequent requests for additional or alternative routes or revised estimates will be subject to further charges.

Upon receipt of this information we will consider the options and inform you within 30 working days if your proposals are acceptable. At the same time we will provide you with our estimate of the cost of works (if different from your own) and the fees that will be required.

You should be aware that any deviation from the standard form of agreement may affect the works programme and anticipated costs.

**Please note: All legal fees will be separately invoiced by Veolia Water Project Ltd's solicitor and must be paid before the Agreement is engrossed.**

### Declaration

Check that you have supplied all the information requested on the application form and provided any other information that may be relevant to the proposed works. Failure to provide all the required information will mean that we are unable to process your application.

Please ensure that the application is signed and dated.

Completed applications should be returned to:

**Veolia Water Projects Ltd**

**PO Box 3920**

**Swindon**

**Wiltshire**

**SN5 1BW**

Telephone: **(0345) 1482909 - Option 3**

### What happens next?

Following receipt of your application you will be informed as to whether a diversion will be possible and the estimated cost of producing a preliminary and/or detailed design.



## Telephone

Operations and billing enquiries:

**08451 482 909\***

Mon-Fri 8:30am-4:30pm

A 24 hour emergency service operates outside of these hours please call: 08451 482 909

\*Calls may be monitored or recorded for training purposes.

## Email

Billing: **[tidworth.billing@veolia.com](mailto:tidworth.billing@veolia.com)**

Operational: **[tidworth.operations.vesuk@veolia.com](mailto:tidworth.operations.vesuk@veolia.com)**

## Website

**[www.veoliawaterprojects.co.uk](http://www.veoliawaterprojects.co.uk)**

**Veolia Water Projects Ltd**, PO Box 3920, Swindon SN5 1BW  
**Registered office:** Veolia, 8th Floor, 210 Pentonville Road, London N1 9JY

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