# Building over a Public Sewer





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### Welcome

Welcome to our building over a public sewer guide. Here you will find information on what you should do to request permission for building over or near to a public sewer, along with helpful scenarios and frequently asked questions.

This guide only focusses on building over public sewers or drains. We do not allow building over water mains.

If you are planning a new development or extending an existing property and believe you may be in close proximity to or building over a public sewer then our Wastewater Developer Services team are here to help!

There may be situations where building over a sewer is not possible however this guide aims to give you all the relevant facts and information you need before enquiring about building over.

Don't worry, everything you need is in this guide!

# Why do I need permission to build over or near to a public sewer?

If your development is subject to national building standards (outlined in H4 Building Regulations) you will need our permission to build over or within 3 metres of the centreline of a public sewer.

If this is the case your appointed building control body (either an independent Approved Inspector or an inspector from Local Authority Building Control department) will contact us. This is usually quite late on in the development process (after planning permission has been granted) and therefore we would encourage you to speak to us early so that there are no hold ups when you apply for your building regulations approval.

We're responsible for public sewers in our area and many of these cross private land. We need to be sure that your proposals will not affect or our ability to operate and maintain the sewer and there will be no impact to the customers who are served by it.

# What else should I consider if I want to build over or near to a public sewer?

#### **Protective strip**

A protective strip is the area 3 metres either side of the centreline of a sewer pipe as detailed in Building Regulations. The size and depth of the pipe and the size of your development will determine if you need our permission to build in this area.

In all cases, consideration should be given to avoid building in the protective strip.

#### **Easements**

Some pipes are protected by legal 'easements'. If an easement exists on a pipe that crosses your land this should be included in your property deeds and you should have been made aware of this when you purchased your property.

Easements exist to make sure we can effectively operate and maintain our pipes. The terms of the agreement will usually detail any conditions associated with building within the easement area. It is United Utilities policy to honour the terms of such agreements.

#### **Diversions**

Diverting a public sewer is usually more desirable than having a building constructed over it. This means that the sewer can always be accessed for maintenance and repair should a defect occur and also reduce the impact on your building.

A land owner has the right to request that a sewer is diverted from their land to facilitate their development however they would be responsible for all costs associated with the diversion.



For further information on sewer diversions then please visit: unitedutilities.com/sewer-diversion.aspx

#### **Build over agreements**

If we agree to you building over or within 3 metres (of the centreline) of a public sewer, then the permission will be subject to certain checks, conditions and possibly a legal 'Building Over Agreement' between the land owner and United Utilities.

A Building Over Agreement is a legal document which is usually put in place to protect our larger or deeper sewers. This is not a legal requirement but is a condition of our permission when the development might have a more significant impact on our pipes and therefore makes sure that we can access the pipe if something goes wrong. A build over agreement will place onerous conditions on the land owner and independent legal advice should be sought before entering into such agreements.

There are legal and administration fees associated with entering into a "Building Over Agreement". Details of these charges can be found on our charges page.



## Who is responsible for the sewers that cross my land?

From 1 October 2011, changes to the law meant that United Utilities, along with all other water and sewerage companies across England and Wales, took on responsibility for the majority of private sewers and lateral drains (drains located outside the boundary of your property) laid and being used before July 2011. Previously, these pipes were the responsibility of the owners of the property to which the pipes were connected to.

The aim of the transfer was to remove the burden of costly maintenance and confusing responsibilities from our customers whose homes are served by these sewers and drains.

If you think there might be a pipe crossing your land we recommend you contact our Property Searches team on **0370 751 0101** to understand what it is. Please be aware that due to the private sewer transfer, not all sewers will be displayed on the maps.

The diagram on page 5 should help to explain who is responsible for the sewer pipes.

Alternatively you can review our sewer records at your Local Authority offices, or you can book an appointment to view our sewer and water records at our offices at Lingley Mere Business Park, Lingley Green Avenue, Warrington WA5 3LP.

#### What am I responsible for?

You are responsible for the pipes, gutters and drains in and around your home, including the drains from your property up to your boundary. If you have a problem with these, you'll need to call a plumber (it's worth checking your insurance first as you may be covered for the cost of repair). If your property was built after June 2011, it's likely that United Utilities will only be responsible for the red sewers shown on the map below.

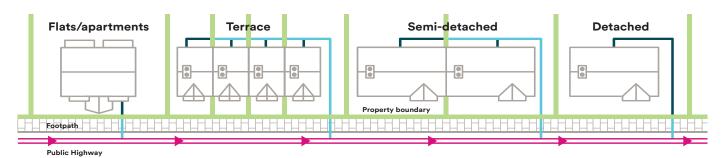
#### What is United Utilities responsible for?

If your property was built and occupied before July 2011 then the pipes that are highlighted in light blue on the diagram below will be the responsibility of United Utilities. These pipes usually drain more than one property and connect the private sewers and drains to the public sewer network.

#### What is your local authority responsible for?

Local Authorities are responsible for road gullies; small grate-covered openings at the edge of roads, used to drain surface water from the highway.

#### Typical sewer pipe responsibilty



#### Key

Private drain (responsibility of home owner)

Shared sewer pipe/pipe beyond the property boundary (responsibility of United Utilities if the property was constructed and connected to the public sewer prior to 1st July 2011)

Public sewer (responsibility of United Utilities)

Boundary

You can find more information on sewers and drains at our website unitedutilities. com/sewers-and-drains-explained.aspx

#### **Working with Building Control Bodies through** our 'Building Over Protocol'

#### What is our Protocol?

We are dedicated to delivering exceptional customer service and following the private sewer transfer in 2011, we teamed up with the majority of local councils (see map opposite for information) and Approved Inspectors to create our Protocol to offer customers a a faster, more efficient service when they come to build.

Our Protocol gives building control bodies the authority to approve potential build overs on our behalf; within specific criteria (see figure 1). We are currently the only water company in the UK that offers this service.

During and after construction a building control body is required to confirm that the work complies with national building standards (outlined in H4 Building Regulations). The customer can choose whether to use a Local Authority Building Control (LABC) department or an independent Approved Inspector to make this assessment.

#### Am I in a 'protocol' area?

If your council is listed opposite, they are not in our Protocol so you will need to contact us directly using the enquiry form (page 15).

Not all local councils are in the protocol with United Utilities, but most are. You can check the map opposite to see if your local council is or, if you have chosen to use an independent approved inspector then they will be able to tell you if they are in the protocol or not.

If the council or approved inspector is not in the protocol then they will just have to consult with us with your plans of how you intend to protect the public sewer and your building from the sewer (should it ever collapse).

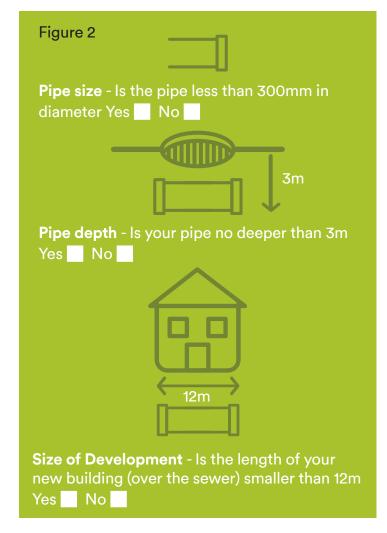
Council areas that are not in the Protocol



- Eden
- Copeland
- South Lakeland
- Barrow
- Tameside
- High Peak
- Staffordshire Moorlands

### Is my development covered by the Protocol?

Your development will be covered by the Protocol agreement if you can answer 'yes' to all of the questions below.



If you have answered 'no' to any of the above questions you will need to submit an enquiry to us (see page 8 for guidance). Your build will not be covered under the Protocol.

If you can answer 'yes' to all of these questions all you need to do is simply apply for your building regulations with your LABC department or Approved Inspector. Information regarding building control bodies can be found either in the Yellow Pages or via an internet search.

When you work with building control; if they are satisfied with your proposals and it fits our criteria, they will approve this on United Utilities' behalf and you will not have to contact us for further approval.

Due to the transfer of private sewers not all sewers are mapped on the public records. The protocol allows the building inspectors to deal with most of the types of pipes that you would expect to find around your house however, you or your builder may come across a larger or deeper pipe that is outside of the criteria (see figure 2). If this is the case they will notify United Utilities who will attend your site within 48 hours to discuss the proposals with you and the next steps. It is likely that further investigation and design work will be required (at your expense) to determine its exact location condition and to ensure that your proposals will not affect it.

## My building is exempt from building regulations, what should I do?

Some structures are exempt from building regulations however we recommend you still talk to us about your plans. We will offer advice and ask that where possible your structure complies with the Building Regulations as we see this as good practice which should help you avoid damaging a sewer.

If a pipe is not protected properly, even from a small conservatory or garage then any damage to it could cause your new structure to move or subside. Furthermore, you may be liable for the damage to the sewer if your new structure is deemed to have caused it. If we ever need to repair a defective sewer, this could even mean removing the structure or gaining access (digging) through it.



For more information on which buildings are exempt, please visit the Government Planning Portal by going to www.planningportal.gov.uk/buildingregulations

## Enquiring to build over or near to a public sewer

If your building isn't covered by the Protocol (see page 6) you will need to apply directly to us.

Your enquiry might not be covered under the protocol if the pipe is too big, too deep or a significant amount of the pipe will be covered. It might also be as simple as your chosen Building Control Body (Local Authority or Approved Inspector) has not signed up to our Protocol.

If you need to contact us directly for us to assess your enquiry, you should complete the following actions:

### **STEP 1:** Fill in building over enquiry form (see page 15)

Please answer all questions on the enquiry form

#### STEP 2: Locate the exact position of the sewer

You may need the services of a specialist drainage contractor who will be able to locate and trace the line of the sewer for you. This information can then be passed to your Architect or Engineer to refine your design proposals and make sure that they comply with Building Regulations.

You can review our sewer records at your Local Authority offices, or you can book an appointment to view our sewer & water records at our offices at Lingley Mere Business Park, Great Sankey, Warrington WA5 3LP. Viewings are strictly by appointment only. Please call **0370 751 0101** to book an appointment.

Alternatively if you would like a hardcopy drawing of our asset map you can order and pay for this service on the Property Searches website searches.secureunitedutilities.co.uk/mapservices/

Please be aware that these records will only give you an indication of the presence of a sewer, as you are considering building over or near to a sewer you will need to determine its exact position (depth and proximity to your proposed building).

#### **SAFETY IN SEWERS**

The Health and Safety of workers on the Public Sewer Network is our number one priority. All work on public sewerage apparatus must be agreed in writing by United Utilities. Your contractor should contact our call centre on 0345 672 3723 to request an Access Certificate from the Network Engineer for your council area. As a minimum requirement, workers carrying out sewer construction on the public sewer must hold a current City and Guilds or SQA standard or CABWI Level 2 Award Certificate for Working in Medium or High Risk Confined Spaces in the Water Industry. In addition, those carrying out the work must be suitably experienced.



Only **Intrinsically Safe** CCTV equipment can be used in public sewers

You cannot produce a full design or plan until you know the exact location of the sewer.

You cannot build over a sewer that is in poor condition. Therefore you must provide a CCTV survey and copy of the report provided by the surveyors when you submit your enquiry to build over or close to a public sewer.

It is likely the same specialist drainage contractor who locates and trace the line of the sewer will also provide this service for you.

#### Example of a a drainage survey



Pipe in good condition no defects or cracks, water flowing freely

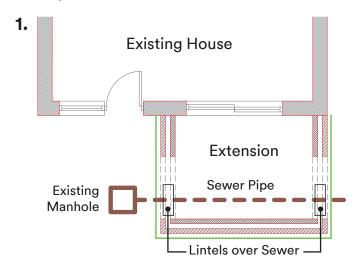


Pipe in poor condition, cracks, collapsing change in shape. This cannot be built over or near to

Please note, United Utilities do not currently provide a sewer location or sewer CCTV service.

#### **STEP 3:** Produce location and foundation plans

You may need the help of an architect or a consulting structural or civil engineer so that we can clearly see on a plan what protection measures you have considered for the sewer and your building. This will help you make sure that your proposals meet the requirements of the Building Regulations which include guidance on how to protect the sewer (Part H4) and how to protect your building from the sewer, should it ever fail (Parts A2 & A3). They should be familiar with the regulations and be able to help you make a compliant submission.



Plan showing proposed building work

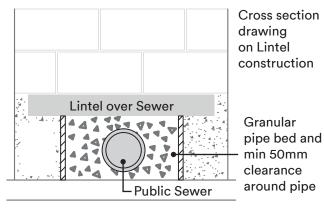
Please note, United Utilities do not currently offer a sewer design service.



Location Plan (not to scale)



Photo of Lintel over sewer pipe



Cross section through foundations and sewer showing protective measures

The plan must be drawn to scale, showing the building outline and the exact position of the public sewer(s) in relation to it.

The plans must comply with the guidance that supports the relevant Building Regulations, specifically the foundation details and how the sewer and building are protected from each other. A cross section of the sewer and buildings also needs to be provided.

#### **Build Over Submission Check List**

Enquiry Form		CCTV survey	
Site location and foundation plan (a further survey will be required after construction if permission is given)			

Larger and/or deeper sewers may require more information to support your foundation design, which we will request from you following your initial enquiry. This information may need to be sent to our Civil/ Geo-technical Engineers and any fees associated with checking this information will be charged 'at cost'.

Please submit all the above information with your build over enquiry form either by email;



Wastewaterdeveloperservices@uuplc.co.uk



Or by post to; Developer Services, Windermere House, Lingley Green Avenue, Great Sankey, Warrington WA5 3LP.

## FAQ's

## Why do I need an agreement with United Utilities?

United Utilities own all public sewers in our region. As we are responsible for maintaining our sewer network we need to make sure that building work does not restrict our ability to do this or cause damage to our sewers.

The extra weight of a new building near to a sewer can cause the sewer to collapse resulting in damage to the building and interrupting drainage to existing properties. This can cause sewer flooding both internally and externally to customers properties. In these circumstances we would need access to our sewer in order to repair it which could result in the building being demolished.

The consultation of the sewerage company is in Building Regulations 2010 Part H4. Building Inspectors may ask to see a copy of your agreements before they will sign off your completion certificate.

Copies of this document can be viewed at:

www.planningportal.gov.uk/ buildingregulations/approveddocuments/ downloads

#### What is a public sewer?

A sewer is a pipe that carries wastewater from more than one property. They can be on private or public land however they're mostly in the ownership of the local Water and Sewerage Company.

#### What is a lateral drain?

A drain is a pipe that carries wastewater away from one property. Drains belong to the owner of the property they are connected to.

A drain is the property owner's responsibility until it connects to either someone else's drain or a sewer, or if it passes into somebody else's land. Please see page 5 of this document for examples.

Nearly every property is connected to its own private drains, and the property owner is responsible for maintaining and repairing them. Some properties have shared drains, such as a block of flats. Owners of these properties are jointly responsible for their drains.

A lateral drain is the part of a drain which lies outside the property boundary, and in some cases, can be located under someone else's land or a road. Before 1 October 2011, lateral drains were the responsibility of the individual property owner.

## What is a Build Over Agreement?

There are some circumstances when we will need to arrange a formal 'Building Over Agreement'. This is a legal document which is put in place to protect the sewer/drain and makes sure that we can access the pipe if something ever goes wrong.

In some circumstances we may issue a retrospective Building Over Agreement if work has already been carried out over or close to a public sewer. This is by exception only and where all our criteria has been met.

## What happens if I do not apply?

The absence of a Completion Certificate which is issued by your building control body at the end of your build, can cause some problems when trying to sell your property. If you have not sought the proper permission from United Utilities then the building control body will not be able to issue this Certificate.

# I am not sure if I am building within three metres of a public sewer what do I need to do?

You may need the services of a specialist drainage contractor to determine if your build falls within 3 metres of a sewer.

They will usually undertake a 'probe and mark' with a sonar device to plot the line of the sewer at ground level and establish its depth.

United Utilities doesn't currently offer this service however private contractors can be found using an internet search.

# When will building over or close to a United Utilities asset not be allowed?

We will not agree to the following being built over:

- Pumping/Rising mains
- Manholes
- Most brick, masonry or pitch fibre sewers
- Strategic Sewers (usually large diameter, deep sewers)
- Water Mains

## When would your enquiry be refused?

- The Build Over enquiry form is either incomplete or information is not clear.
- No location plans have been submitted with the enquiry form.
- Plans do not show the exact location of the sewer (we need to see the position of the sewer and the flow direction in relation to the existing building and the proposed building work before any assessment can be made).
- Plans show that you wish to build over a manhole or inspection chamber.
- The enquiry is for a new dwelling built over a sewer. We would expect existing sewers to be diverted around new buildings.
- No cross section drawings have been submitted. We require this drawing if the building is over or within 3m of the sewer as we need to see how the foundations will be constructed. Cross section drawings must show the foundation in relation to the sewer, with clearance marked and any bridging detail specified.
- Minimum clearance has not been achieved between the foundations and the pipe.
- Foundations have not been taken below the invert level of the sewer.
- Plans show that the sewer is surrounded in concrete. Pipes must be surrounded in pea gravel unless agreed otherwise.
- The proposal includes a plan to remove a critical access point or change of direction manhole.

### Can I build over a manhole?

We will not grant permission for new buildings (or extensions to buildings) to be built over existing access to public sewers.

## Can I start work before permission is received?

Building work shouldn't start until approval has been granted. If following our assessment (or after assessment by an Inspector) your design plans need to be amended, it is more difficult to do if building work has begun. This is also likely to mean that you could incur more cost that could be avoided.

Often a pre-construction CCTV survey will need to be completed to check the condition of the sewer.

## What happens if the sewer is in poor condition?

We will not agree to building over or near to any sewer that is in poor condition and reserve the right to withhold permission to build over until all defects are rectified.

We have a responsibility to carry out repairs to defective sewers, however this work would be prioritised according to customer impact, risk and business needs. Therefore the time scales involved in arranging any works may not be conducive to your building works.

In certain circumstances, to facilitate the building works and only where we classify the defects as no immediate risk to customers, we may grant permission for you to appoint a competent contractor to carry out a repair. This will be at your own expense and any permission to carry out works would be assessed on a site by site basis.

#### Can I divert the sewer?

We would prefer a sewer to be diverted rather than built over (if this is feasible) so that we can easily access the sewer if ever needed for maintenance and repair. You need permission to divert a public sewer and more information, including an enquiry form can be found on our website unitedutilities.com/sewer-diversion.aspx

# The sewer from my property drains from my property only. Do I need permission from United Utilities?

See page 5 for information on sewer responsibility.

#### Is there a Fee?

There are associated legal and administrative costs payable, information on our charges can be found at unitedutilities.com/builder-developer-wastewater.aspx

## What does the Building Regulations have to do with a sewer?

The building regulations is the legislation which states that you need the permission of the sewer owner (in this case United Utilities) to build over or within 3 metres of it.

Your building will have to meet these regulations in order for your appointed building control body to issue with your 'completion certificate' when you finish your works. Upon receipt of your enquiry, you should keep a copy of this response to your appointed building control inspector or the Local Authority.

We ask that your submission complies with the building regulations guidance as it offers good advice around protecting drains and sewers from buildings and also protecting buildings from drains and sewers should they ever fail.

It is essential that we see that you have fully considered the sewer and how to protect it from your building in line with these regulations this helps us make the right decision whether we can grant permission or not for your development to be built.

#### Working on or entering the public sewer (including CCTV survey work, altering the public sewer or public sewer manholes)

Prior to any of the above works taking place - your appointed contractor will need to obtain an Access Certificate from United Utilities. They will need to submit their Risk Assessments, Method Statements and City & Guilds Confined Space Certificates to the Network Engineer in order to obtain this permission. They will need to call our call centre and ask for the Network Engineer for your Local Authority area in order to gain work authorisation, the number to call is **0345** 672 3723.

All of United Utilities wastewater assets fall under the 'Dangerous Substances and Explosive Atmospheres Regulations' (DSEAR) and as such all sewers are classed as 'zone 2'. This means that any CCTV survey equipment used within the sewers needs to be intrinsically safe (Ex rated) as to not cause ignition or spark in a potentially explosive atmosphere.

#### **Glossary of Terms**

Foul Water Drain/Sewer	A pipe that carries waste water from the property eg toilet, bath, shower, dishwasher etc. Surface rain water should not be discharged into a foul sewer
Combined Sewer	A pipe that carries waste water and surface water away from the property
Surface Water Sewer	A pipe that carries away rainwater from the property. Foul water should not be discharged into this pipe
Manhole	A Large chamber allowing us physical access to our sewer network. Only authorised personnel can have access
Inspection Chamber	A small chamber which is used to rod and jet the sewer if there are any blockages
Y Junction	A Pre formed junction pipe used for new connections
Property Drain	This is a private drain which will only serve the one property
Lateral Drain	A pipe serving one property which is located on third party land. This is owed and maintained by United Utilities
Rodding Eye	A small entry into the sewer to allow access for rodding in case of blockages
Invert Level	The level of the sewer or drain which can be measured from the inside of the bottom of the pipe
Soffit Level	The most highest point inside the pipe
Cover Level	The measurement taken from the highest point of the manhole cover

## Building over a public sewer enquiry



Section 1: The applicant					
Name					
Company's name (if applicable)					
Home or company address (including postcode)					
Daytime telephone number (a mobile number is fine)		Email			
Section 2: The site owner (if different	ent from the applicant)				
Owner's name					
Owner's address (including postcode)					
Daytime telephone number (a mobile number is fine)		Email			
Section 3: Site details					
Site name					
Site address (or nearest main road)					
Nearest postcode					
Contractor's name					
Contractor's daytime telephone number (a mobile number is fine)		Email			
Is the site accessible? e.g. locked go	e accessible? e.g. locked gates			□No□	
Proposed start date on site	D D M M Y Y				
Development type (Please tick all that apply)	New building ☐ Side extension ☐ Rear extension ☐ Basement ☐ Single storey ☐ Two storey ☐ Additional storey (above existing extension) ☐ Conservatory ☐ Other ☐				
Details of sewer proposed to be built over	Size of sewer	Depth of sewer	Total length of ser		
Foundation details	Existing foundation type (if known)		Depth of existing foundation (if known)		

Section 4: Planning						
Is the development exempt from planning regulations		Yes 🗆 No 🗆	If yes, please state why			
Does the site	Full	Yes ☐ No ☐ Application Submitted ☐ Planning reference number (if applicable)				
have planning permission?	Outline	Yes ☐ No ☐ App	Yes ☐ No ☐ Application Submitted ☐ Planning reference number (if applicable)			
Section 5: Building re	gulations					
Is the development exempt from building regulations?		Yes 🗆 No 🗆	If yes, please state why			
Have you applied for building regulations?		Yes □ No □ Application Submitted □ Reference number (if applicable)				
Section 6: Inspector ( (Local Authority Buildi		independent Approv	ved Inspector?)			
Who is inspecting the	site?	Local Authority Bui	ilding Control 🗌	Independ	dent Approved Inspector	
Name of Local Author company name for Ap Inspector						
Inspector's name						
Inspector's daytime to number (a mobile num						
Inspector's email						
Section 7: Please confirm all supporting information is attached with your enquiry  Nb. We cannot respond to your enquiry without the information listed below						
Site location plan (sca	le 1:1250)					Yes 🗌 No 🗍
Site plan (scale 1:100) clearly identifying: Site boundary edged green, proposed building edged yellow, foul sewer coloured brown, surface water sewer coloured blue, combined sewer coloured red and position of existing manholes					Yes □ No □	
Dimensional section t	hrough propo	osed building, indica	ting the position (	of founda	tions relative to sewer	Yes 🗆 No 🗆
Dimensional plan showing position of sewer relative to the building				Yes 🗆 No 🗆		
Copies of drawings submitted to Building Control for approval			Yes 🗆 No 🗆			
Section 8: Declaration						
I understand that the submission of this form is to be treated as a preliminary enquiry and the information may be subject to change.  In particular, I understand that the information United Utilities Water Limited provides in response is valid only in conjunction with the information provided in relation to this enquiry, any changes to regulation or development layout will invalidate our response.						
Name (please print)			Sigr	ature		
Company			Date	9		
		Fo	or United Utilities	use only		
Date received			UUV	V Ref no:		

Please return this form to: United Utilities Developer Services, Windermere House, 1st Floor, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington WA53LP

BC0414



#### **About us**

United Utilities is the North West's water company. We keep the taps flowing and toilets flushing for seven million customers every day. From Crewe to Carlisle, we work hard behind the scenes to help your life flow smoothly.