



Building Over or Adjacent to a Sewer: Guidance notes



Building over or close to a public sewer guidance notes

The granting of planning permissions or building regulation approval does not give consent or permission to build over or close to Northumbrian Water assets. Failure to obtain formal approval from ourselves may jeopardise the future sale of your property.

What you should do and how we can help

Northumbrian Water has a duty to collect wastewater from homes and businesses across the North East of England. We are legally responsible for over 30,000km of public sewers and shared drains which run underground all across our operating area in streets, gardens, road and fields so it is likely that an extension to an existing property will build over or lie close to our sewer network.

That is why it is important to let us know if you are planning to extend your home so that we can make sure your home and our pipes are protected during and after the build. So, if you are planning an extension that will be built over or within 3 metres of one of our sewers or drains you will need to let us know so that we can consider your proposal and advise you accordingly.

We will accept single story extensions, domestic garages, conservatories and two story extensions to residential properties to be constructed over or close to a sewer, subject to certain conditions described below:

- Any drains in our ownership are in good condition and any necessary repairs can be carried out by us (at our expense) before the building over takes place
- The drains are properly protected during construction to avoid future maintenance issues for both our drains and your property
- A formal building over or money in lieu agreement is in place where needed to show that you have followed the necessary procedures to protect our drains and your home (and to protect your interests in any future sales of your property)

So, before you start any works on site please check your grounds for any evidence of sewers or drains nearby. If there is pipework on your land it could affect the position, size and design of your extension. Building over or near a sewer or drain could damage the asset and / or your home in the long term so it is important we work together to find out what pipework is underground.

Identifying drains or sewers on your land

You may be able to see physical signs of drains or sewers such as manholes or inspection covers like the ones shown in the photographs. If there are no physical signs of sewers or pipes on your land or you are unsure of whose responsibility they may be, simply contact us and we will arrange a free of charge visit.

As you are proposing to develop over or close to one of our sewers then it is important to ensure that:

- any pipes in our ownership are in good condition and any necessary repairs can be carried out by us (at our expense) before the building work takes place
- the pipes are properly protected during construction to avoid future maintenance issues for both our pipes and your property
- formal building over agreements are in place where needed to show that you have followed the necessary procedures to protect our drains and your home (and to protect your interests in any future sales of your property)

Build Over Process

If there is a sewer within 3 metres of your proposed works you should first consider one of the following options;

- Modify your plans to avoid the sewer, so that the buildings are at least 3 metres away. This is often the cheapest and easiest option.
- If the plans cannot be modified, we would usually require the sewer to be diverted. Please refer to our diversion guidance and application form for further details which can be found on our website: www.nwl.co.uk/developers/adoption-diversions-closures.aspx

Under no circumstances will building over be allowed where;

- The sewer is a pressurised pumping main
- An existing or proposed manhole would be located inside the building
- The development is a new detached development or redevelopment
- The sewer has a formal easement preventing build over
- There is an existing water main

If having considered the alternatives your only option is to apply to build over, or close to a public sewer, you should do so using the appropriate application form.

Before you begin

It is our policy, as recommended in Building Regulations, that we inspect the condition of a sewer prior to allowing any building to be placed over it. This is to make sure any defects are repaired and to protect any future damage to your extension. This also helps to protect our customers from the risk of flooding due to the sewer failing directly under the extension. This can be established by exposing the length of pipe which will be built over or on the completion of an internal CCTV survey.

As the CCTV survey is required as a result of your proposed building works, you are required to pay for this. The CCTV survey is essential to safeguard customers served by the sewer and we must therefore recover these costs. **As a general principle OFWAT expects that new development activity is self-financed by developers including work such as this where property owners are seeking to improve their homes.**

Your CCTV survey will normally be carried out within 15 working days of us receiving your completed application form back in our office.

Please note: If building works have started on site when we carry out our initial site visit and surveys and/or repair works are required this can result in delays or disruption to building works.

Arranging a Site Visit

We are happy for you to contact us and arrange a site visit by a member of our team. This site visit is free of charge and we will try to determine the location of any sewers or drains and advise you on what needs to happen next. We will also attend the site, if your builder discovers any pipe work or manholes after the works have started. Please contact **Northumbrian Water** on **0191 4196643** or email buildingregulations@nwl.co.uk to arrange this with us.

As part of the application process, it may be necessary for us to carry out further site visits for the following reasons:

- To advise your builder on any protection measures specific to your proposals i.e. such as where sewers cross beneath any load bearing walls
- To determine the requirement of any necessary minor alterations to the existing sewer.
- To help us provide you with any estimated costs for minor alterations on the existing sewer where we have not give permissions for your builder to carry out the works.
- To inspect works that have been carried out to protect existing pipe work.

The charges for these site visits are included within the application charge, although there is an additional charge for us to inspect and approve minor alterations to our sewers that we have give your builder permission to carry out.

We recognise that there may be a need for you to request a site survey to try and determine the location of any pipe work on land which you do not own as part of a conveyancing process. We are willing to carry out such a site survey although there will be an additional charge for this service and we will need to be satisfied that you have the consent of the land owner. Please refer to our charges scheme.

Getting consent to build over or close to a sewer or drain

There are 3 steps to getting consent to build over or within 3 metres of a public sewer or drain:

Step 1 – Review our Build Over Sewer consent criteria:

The consent criteria are listed in the next section of this guidance note and explain the situations where you'll need consent to build over or close to a sewer or lateral drain and the criteria you must meet to go ahead with your build. Once you have read through the consent criteria you can move on to one of the following four options:

Step 2 – Complete and submit the required information

On reading the consent criteria, your build will need to fit into one of the four following options:

1). My proposed build does satisfy all of the listed criteria and I do not need to alter any part of the public sewer network – For this option, please complete and return the Declaration of Works form available in this guidance or on our website. The consent criteria should help you to be able to answer all of the questions in the Declaration of Works.

Or

2). My proposed build does not currently satisfy all of the listed criteria but it will if some minor alterations are made to the public sewer network - For this option, if repositioning an existing inspection chamber or replacing defective pipework will allow you to meet the consent criteria, then you need to complete and return the Declaration of Works form providing us with details of the minor alterations which you intend to make to our network. Further information on the minor alterations process can be found latter on in this guidance.

Or

3). My proposed build falls in the range of criteria which requires consent to be issued via formal agreement – For this option, please submit to us detailed information that relates to your extension and its proximity to the sewer or drain which you are building over or close to. A full list of the information you need to include can be found on the Application for Agreement form.

Or

4) My proposed build falls in the range of criteria which requires consent to be issued via formal agreement and requires some minor alterations to the public sewer network– For this option, please submit to us detailed information that relates to your extension and its proximity to the sewer or drain which you are building over or close to and detail of the minor alterations you intend to make on our network. A full list of the information you need to include can be found on the Application for Agreement form.

Step 3 – Submit your Declaration of Works and / or other information

Once you have reviewed the consent criteria and completed your Declaration of Works form and / or any other information you are required to provide us with, please send it to:

Northumbrian Water Ltd, Leat House, Pattinson Road, Washington, Tyne & Wear, NE38 8LB

We aim to respond to your request for the consent within 15 days.

If your build does not meet the requirements set out here it is unlikely that we will be able to grant consent to build over or close to our sewers. This is to protect both our network and your property. However, we can advise on alternative solutions such as amending your building proposals or diverting sewers and drains which could help enable your development to proceed.

Our Consent Criteria

This section will help you fill out the Declaration of Works form. In most cases consent to build will be provided by letter. In some instances consent will need to be given by formal legal agreement.

You will need to tell us....	We will say yes if....	We will say no if...	We will discuss and advise further...
The type of building works	Your development involves a single or double storey residential extension, conservatory, annexe or garage which is attached to the existing property	Your development involves the construction of a new residential property, the extension of industrial and commercial property or any detached ancillary buildings or structure	<p>We cannot permit a build over/close to for the following:-</p> <ul style="list-style-type: none"> X New residential properties X Extensions of industrial and commercial properties X Detached ancillary buildings or structure X If the pipe to be built over/close to is found to be defective and not repaired X The size of the pipe is greater than 225mm in diameter X The pipe diameter, direction, material or gradient changes beneath the area of the proposed build and cannot be replaced/removed X If you are unable to relocate the access point, i.e. access is on junction of sewers or a change of direction X Your proposal involves an infill structure from one boundary to another where there are already structures on both sides X Pressurised pipes such as rising mains and water mains
You are not aware of any historic blockages, flooding, odour or other operational issues with the sewer/lateral drain	You are not aware of any historic blockages, flooding, odour or other operational issues with the sewer/lateral drain	You have had reason to contact Northumbrian Water or another drainage professional as a result of problems with the sewers or lateral drains within your property within the last 12 months and these have not been repaired	
Are you aware of the presence of an easement or restrictive covenants which prohibit building?	You are not aware of easements or covenants which relate to the pipework which you propose to build over/close to	You are aware of easement/covenants which relate to the pipework which you propose to be built over/close to	

Pipe Condition (where the pipework is not being replaced)	Pipe is in good condition. This can be established by exposing the length of pipe which is being built over or close to, or the completion of an internal CCTV survey	The pipework is found to be defective and is not repaired	This can be resolved if the pipe is repaired or replaced.
The sewer or lateral drain is a gravity flow pipe	The pipe freely flows and is not pressurised	The pipe is a pressurised main	This can potentially be resolved if the sewer can be diverted and the customer is prepared to enter into Sewer Diversion Agreement in accordance with S.185 Water Industry Act 1991. Please see the Developer Services Section of our website for more detail
Depth of the pipe from the existing ground level to the pipe channel (invert)	2m or less	Greater than 2m	Consent for building works over or near sewer and lateral drains which are deeper than 2m, will be issued via agreement or money in lieu. Please fill in the Agreement Application
The pipe's internal diameter. These typically relate to standard sizes, 100, 150, 225mm or the equivalent 4, 6, 9 inches	If the pipe has an internal diameter of 150mm (6 inch) or less	If the pipe's internal diameter is larger than 225mm (9 inch)	If the pipe has an internal diameter of 150mm (6 inch) or less, consent will be issued via letter, if approved. If the pipe's internal diameter is 225mm (9 inch), consent will be issued via agreement, if approved
The pipe material	Clay, plastic	Pitch fibre, brick, asbestos cement	This can potentially be resolved if the pipework is replaced before building works begin
The pipe consistency under the new building	The pipe does not change in diameter, direction, material or gradient beneath the proposed new building	Diameter, direction, material or gradient clearly changes beneath (or close to) the proposed new building	This can potentially be resolved by carrying out agreed minor amendments before building works begin.
Existing access points This relates to manholes, inspection chambers and rodding eyes	Your building will not be over the existing access point and is a minimum of 500mm from the new build	You are unable to meet the minimum 500mm clearance requirement or the existing access will be under the new building	This can be resolved if the affected access can be repositioned or the shape of the build/extension is adjusted to meet this requirement.
Overall length of pipe (sewer / drain) with no external access	You do not intend to build across the full width of your garden. If you do, external access to the sewer is available via the adjacent neighbour's garden	You intend to build across the full width of your garden and your neighbours have also done the same.	If you intend to build full width of the garden and there is no external access to the sewer then consent will be issued via agreement. Any existing access points will need to be maintained by carrying out agreed minor alterations.
The type of foundation which you intend to use	Your building relies on traditional strip or trench fill foundations.	Your building will use another form of foundation design e.g. pad, piling, raft, cantilever, etc.	A detailed assessment of the foundation and its impact may be needed. Consent issued via Agreement
Foundation positioning Distance between the pipe and foundations	The foundation design protects the pipe where it passes nearby. The foundations which support the wall which do not cross the sewer, must have a minimum 500mm horizontal clearance between the edge of the new foundations and pipe	Your foundation design cannot achieve 500mm clearance from the pipe.	This can potentially be resolved after a detailed assessment of the foundation and its impact on the pipe. Consent issued via Agreement
Depth of your foundation in relation to the pipe	Your foundations are designed to be at least 150mm below the pipe when located within 1m (horizontally) of the pipe.	Required foundation depth cannot be achieved	Alternative foundation proposals will require a consent issued via Agreement
Protecting the pipe where walls/foundation are built and cross over.	Your foundation design complies with the Standards set out within H1 Building Regulations and Welsh Water.	The minimum lintel requirements cannot be achieved	
Distance between the floor of the new building and pipe	Your design incorporates a minimum of 300mm headroom between the underside of the new floor slab and the pipe.	Your design cannot provide 300mm of headroom between the underside of the new floor and the pipe.	This can potentially be resolved if the sewer can be diverted and the customer is prepared to enter into Section 185 Sewer Diversion Agreement Water Industry Act 1991

How much is this going to cost

All applications are subject to an initial application charge of £186, which covers the following:

- Administration of the application process
- Site inspection if necessary
- Technical support
- Liaison with the Local Building Control department or your chosen approved Building inspector
- Issuing a consent letter or Building Over Agreement

If CCTV survey work is required additional charges are as follows based on pipework diameter and depth:

Sewers upto and including 150mm	£84.00
Sewers over 150mm and upto and including 375mm diameter	£258.00
Sewers over 375mm diameter	£359.00
Administration / inspection of minor alterations made by private builders	£108.00
Building Over Agreement (Indemnity Undertaking)	£361.00

Building Over Agreements or Payment of Money in Lieu

A building over agreement or money in lieu payment will be required where your build does not meet the consent criteria even after carrying out minor alterations on our network.

The purpose of a building over agreement is to set out the terms for allowing you to build over our sewer, the liabilities upon each party with regard to future damage to the building or sewer and agreeing the rights of access to repair the sewer in the event of a collapse.

The terms of this agreement can be viewed as quite onerous by some of our customers so we also offer an alternative. Customers can pay a sum of money which insures them against any future failure of the sewer and in this case, all repairs to the sewer and any damage to your property would be covered by Northumbrian Water.

Option 1 - Building Over Indemnity Undertaking (Building Over Agreement)

This provides you and future purchasers of your property reassurance that you have followed the correct procedure in order to protect your property and our sewer during your building over process. **Such an Undertaking gives Northumbrian Water the option to move all or part of the building, if the sewer requires future repair or replacement, without paying compensation.** This is a formal legal agreement which is needs to be signed, witness and returned to us. The fee for the building over indemnity undertaking is **£361.00**.

Option 2 - Payment In Lieu (Money In Lieu)

Such an Undertaking gives Northumbrian Water the option to move all or part of the building, if the sewer requires future repair or replacement, and Northumbrian Water will fully reinstate the building at their cost.

The following charging bands for Option 2 Payment in Lieu are based on the floor area used for building regulations purposes:

Building Size (m²)	Single Storey	Two Storey
Buildings under 6m ²	£505	£840
Buildings 6m ² or over and under 10m ²	£592	£1,011
Buildings 10m ² or over and under 15m ²	£704	£1,178
Buildings 15m ² or over and under 20m ²	£808	£1,347
Buildings 20m ² or over and under 30m ²	£908	£1,515
Buildings 30m ² or over and under 40m ²	£1,013	£1,685
Buildings 40m ² or over	£1,558	£2,536

Minor Alterations and new Connections

Under no circumstances will building over be allowed where an existing or proposed manhole would be located inside the proposed building. Where feasible manholes should be removed and piped through or re-located on the line of the sewer outside the limits of the building.

Northumbrian Water are prepared to allow your builder to carry out any necessary minor alterations on plastic manholes and pipes up to 225mm in diameter which are less than 1.05 metre deep. This will be subject to an additional administration and inspection charge to ensure the works meet the required standards.

For any minor alterations necessary on our assets which are greater than 225mm in diameter or deeper than 1.05 metres, all works should be carried out by one of Northumbrian Water approved contractors, at your own expense. Costs will be given and agreed with you before work commences.

If your proposals require a new connection to a public sewer, you will need to make a separate application to us. Please refer to our new connection guidance and application form for further details which can be found on our website:

www.nwl.co.uk/developers/new-connections.aspx/business/dev-sewerage-services.aspx

Foundation Design

Foundations that are located above or within the vicinity of a sewer must be designed to ensure that no loads are imposed on the sewer, and to allow the sewer to be re-laid in the future, without the excavation undermining the building.

Where the sewer is to be built over and is passing through the wall of the building, the foundation must bridge the sewer with a suitably designed reinforced lintel. There must be a minimum of 150mm between the underside of the lintel and the sewer, with some form of compressible material placed between the sewer and the lintel. The foundations on either side of the sewer must be constructed to a minimum level of 150mm below the sewer, and the foundation must be adequately separated from the pipe surround/bedding material.

Where extensions or buildings are erected wholly to one side of a public sewer the foundation should be placed at an appropriate depth so no load is transferred to the sewer, where the load transference line is assumed to be forty five degrees from the underside of the foundation. When considering the depth of foundation an allowance should be made for the trench width and for any possible future maintenance requirements, which will depend on the size and depth of the sewer.

Where a sewer is small diameter and one metre deep or less it should be possible to place the foundation as close to the sewer as practicable by placing a filler board/compressible filler between the foundation and the sewer. Any foundation placed within one metre of a sewer should be placed at least to invert level.

Where sewers are greater than 1.80m deep the above will apply but a structurally designed reinforced concrete raft foundation or a piled foundation may also be suitable alternatives.

Should you require any further information or assistance relating to foundation designs please contact us on: **0191 4196643**

Planning Permission and Building Regulations

Please be aware that whilst you may have already obtained planning permissions and may have applied for building regulations approval for your proposed works, you still require our formal approval to carry out works within 3 metres of a public sewer

The legislation that allows us to control the building over or close to a sewer is the Water Industry Act 1991 which imposes a duty on us to maintain all public sewers.

Part H of the Building Regulations 2000 (2002 as amended) sets out the conditions that must be adhered to in order for the Building Control Authority or Approved inspector to allow the construction of a building over or close to public sewer.

We work closely with both the local planning and building control authorities to determine our requirements. As part of our building over process, we will liaise with these authorities to keep them updated on the progress of your application.

Filling in your application form

- The address which you would like us to use for all communications
- Please let us know whether the best way to contact you is by post or e-mail
- In the 'other details' section please confirm details of the existing drainage arrangements if known. This is something that our Clerk of works can help you with during a site survey
- If you are aware of any access issues to your property that may affect our contractors ability to carry out the CCTV survey can you please note these on the form
- Using the information in the minor alterations section please indicate if there is a requirement for alterations giving a brief description of what is required and your preference to who will carry out this work (Please remember that you only have a choice if the excavation work is no greater than 1.05 metres to the bottom of the manhole or pipe work)
- If there is a requirement for a formal building over agreement, please indicate whether you intend to enter into a building over agreement or whether you would prefer to make a payment of money in lieu of this agreement
- Please indicate the method of payment you have chosen and provide us with your signature

If you prefer to e-mail your application form to us then please e-mail our New Development team at **buildingregulations@nwl.co.uk** and we can send you electronic forms for completion.

How to contact us

Should you require any further information or assistance relating to building over or close to sewers please contact us on: **0191 4196643** or you can write to:

Building Control Team
New Development
Northumbrian Water Limited
Leat House
Pattinson Road
Washington, NE38 8LB

Alternatively you can e-mail us at: **buildingregulations@nwl.co.uk**