

Guidance notes and procedure

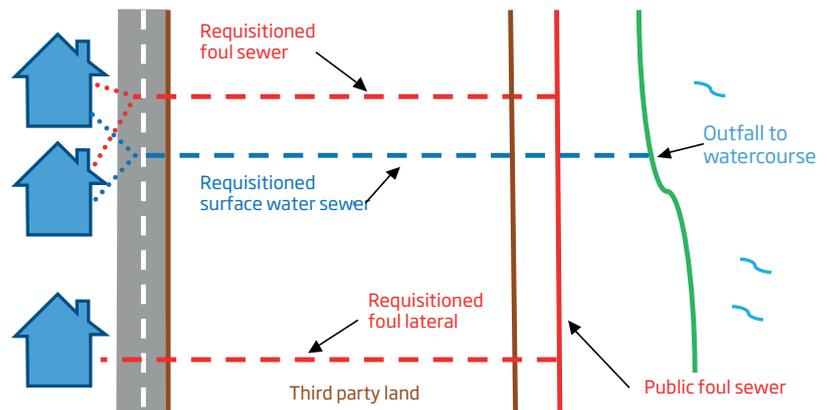
These guidance notes will assist you in completing a new sewer adoption application. You should read the notes in conjunction with the Water Industry Act 1991. The relevant section is Section 98 – duty to comply with sewer requisition.

What is a sewer requisition?

Sometimes an agreement cannot be reached between a developer and a private land owner to lay a new sewer to connect to the public system. Under Section 98 of the Water Industry Act (the Act) the developers can formally request a new public sewer to cross the land to serve the development.

Sewers are normally only requisitioned for domestic purposes, either to serve new development or as a first time service to existing properties.

The requisitioned sewer will be constructed by Wessex Water.



Who can requisition a sewer?

Public sewers and lateral drains can be requisitioned by the owner or occupier of a property, or the relevant local authority. Full planning permission must have been granted for a proposed development before sewer construction can start. If outline planning has been agreed, then appraisal can start whilst full planning is finalised.

Can a requisition be for commercial properties?

Although legislation refers to requisitioning off-site sewers for domestic purposes, any commercial development containing an element of domestic flow will be considered. Non-household flows may need trade effluent consent.

Can a sewer be requisitioned to a watercourse?

To requisition a surface water sewer, the applicant should have agreed formal discharge consent from the riparian owner of the watercourse where the outfall is to be located. However, we can obtain this by negotiation. Riparian ownership is the property alongside the watercourse. Without a discharge consent agreement in place, the sewer cannot be connected.

What happens now?

Below is part of our Code of Practice to support our works undertaken under the Act. It sets out good practice with regards to our powers and duties when we lay pipes in private land. If requisitioned by a developer, The Act requires us to do these works and lays down rules for us to undertake these works.

Planned route

Before we lay a pipe, we will consider the proposed route taking into account the cost, the disruptive effect and engineering considerations.

Consultation and notice of works

We are required to give you formal notice of our intention to carry out works on your land. The notice will be in writing and accompanied by a plan. These documents will give you information regarding:

- Where we intend to lay the pipe
- The extent of the working area.
- When we intend to start the works.
- Our contact details for the duration of the works (Engineer and Site Manager).

To lay a pipe in response to a requisition, we have a duty to undertake the works within six months and will normally give you a minimum of 21 days' notice of land entry.

During the consultation process, we will be asking for information about:

- Ownership and occupation (if different from our records)
- Any proposals you have for developing the land including existing planning consents
- Known pipes, cables, equipment or structures below ground and anything else that may affect the timing of the works
- Any other factor you believe is relevant or will affect our works and for which we may have to compensate you

Compensation

If there is a proven loss in the value of your land or property because of the presence of our pipe, you may be entitled to claim compensation. Any proven temporary loss, disturbance caused by the works or damage to your property that we have not been able to put right may also result in compensation. Disturbance compensation will only be payable for items that are directly and unavoidably incurred as result of our works. If you experience significant disturbance you will need to keep the Site Manager informed of the likely costs and keep a diary of the events.

If you or your land agent asks us in writing, we will pay 90% of our assessment of your loss, in advance, within three months of receipt of your claim, if the claim contains evidence of your entitlement.

Agents

You may feel it is appropriate to appoint a surveyor experienced in this type of work. They will act on your behalf advising you on the works and agreeing any claim for compensation. We would not usually pay legal fees unless we ask you for a formal Easement document that requires additional work.

Reinstatement

During our works we will try to do as little damage as possible and will restore the working area to its pre-start condition. If this is not reasonably possible, we will pay compensation to reflect the depreciation in the value of the land.

If the work has been in a garden, we do our best to ensure that the reinstated garden matches the unaffected garden. If necessary, we will employ an accredited garden landscaper for the reinstatement works. Where this is not practical, or if you prefer, compensation will be agreed for you to carry out the works yourself.

What is a £1 contract?

In some cases we may be prepared to enter into a '£1 contract'. This may be because of a complicated demolition and construction programme on site, timescale or resources. The use of a £1 contract is at our discretion.

In these cases we agree to the applicant designing and constructing the sewer on our behalf. We will pay the Requisitioner £1 as a nominal contract sum. We will serve statutory land entry notice but the entire costs of the works including compensation will be payable by the Requisitioner.

During a £1 contract, the applicant will be the principle contractor, but an approved sub-contractor must carry out the construction works on our behalf. Their Health and Safety Plan must comply with our requirements. We will inspect and test the works during and after completion.

How long does a requisition take?

Once an agreement is in place, we aim to start on site within six months, but this is dependent on factors such as land entry, confirmation of planning permission, tying in with the developer's on-site construction programme, operational logistics, environmental issues and any other constraints.

If a £1 contract is agreed, the timescale will depend on liaison works, and us serving statutory land entry notices. However, you will be kept informed during the process.

Complaints

When we are working on your land, we aim to cause minimum disruption and inconvenience. We expect our workers and contractors working for us to be polite, considerate and helpful.

If you have a problem, in the first instance please contact the Site Manager.

If you are unable to resolve the matter to your satisfaction, you should write to the Director of Operations and Construction at the address below.

If you have any further queries or wish to discuss any of the above, please contact:

The Senior Regional Development Engineer

Developer Services

Wessex Water, Claverton Down

Bath

BA2 7WW

Email developer.services@wessexwater.co.uk