

Application Pack 4

How to apply for the Alteration or Removal (including Diversion) of an existing Water Main or Associated Apparatus

Guidance Notes

The provisions of the Water Industry Act 1991 (WIA91) take precedence over these notes. You may wish to refer to the WIA91 to obtain fuller information regarding this.

We recommend that you read the guidance notes before making an application.

Terms used in this Application Pack are explained in our Glossary which is on our website

1. Introduction

Anyone with an interest in any land which contains a water main or associated apparatus has the right to request the alteration or removal, including diversion (generally referred to throughout this document as diversion) of that apparatus to accommodate proposed improvement of that land. This right is granted by Section 185 of the WIA91, and extends to anyone with an interest in adjacent land where the presence of water mains or apparatus would hinder proposed improvement. This does not apply to water mains in any public highway.

'Improvement' to any land includes any development or change of use but does not include an improvement with respect to the supply of water to any premises.

Any alteration to ground levels over or near to a water main is also covered by this provision and you will require our permission before carrying out such works.

You can request us to alter, remove or divert apparatus by serving a formal Notice, which is included with the Application Form. We have a duty to consider such a request except to the extent that the request is unreasonable. Any request which would result in a reduction in the performance of the apparatus, or would render it unusable or inaccessible, would normally be considered to be unreasonable. We don't allow building over any water mains or associated apparatus.

The diversion process is managed by us on a staged basis which is set out in these notes. We will design, construct and commission the water main and any other associated apparatus.

Under the provisions of the WIA91, we are entitled to recover the costs we reasonably incur in providing a diversion scheme. This includes, among other things, the reasonable costs of design, labour, plant, materials, reinstatement, land purchase (if applicable), compensation, and quality testing, inspection, supervision, administration and overhead costs.

We will require such security as may reasonably be required, in line with our Financial Security Policy.

2. General Requirements

In order to make an application you must complete the Application Form which includes the formal Notice in accordance with Section 185 of the WIA91.

The Notice included within the application also confirms that you will pay our costs in relation to the diversion.

To enable us to carry out any work we will require an undertaking from you stating that you will reimburse to us all the costs that we have incurred in relation to the request, should you withdraw the Notice at any stage or if the process becomes dormant for a period in excess of 3 months.

Statutory Notice periods will apply where we are required to lay water mains in highway or private land and these periods will be included in our estimated programme of works.

Once the diversion scheme is constructed and commissioned, the water main and any associated assets will automatically vest with us. We are then responsible for their future operation and maintenance.

You will need to make a separate application if you require new water connection(s) by using Application Pack 1 – *‘Connection to a Water Main’*. If you need to requisition a new main for your development you will also need to submit Application Pack 2 – *‘Requisition a Water Main’*. There are separate charges for both of these.

Where we propose to construct water mains in land owned by third parties, we obtain the rights to access, maintain and repair those mains. In the case of assets other than mains, (e.g. pumping stations, service reservoirs etc.) we will also obtain ownership of the land the assets occupy.

Please note that we do not have statutory powers to serve Land Entry Notices on certain types of landowners e.g. Crown Land and this may cause a delay.

In most cases pipes\apparatus will become redundant as part of the scheme and you will be charged the costs for this abandonment. If we decide that you can deal with the redundant pipe/apparatus we will agree these arrangements and you will be responsible for paying our costs.

3. The Diversion Process

The diversion process is illustrated on the flow charts at the end of these Guidance Notes. We have included the flow charts to clarify the sequence and actions that are required in order to progress the diversion in an efficient and timely manner.

The sequential steps in the process are:

- Stage A - Making your Application
- Stage B - Detailed Scheme Solution (DSS)
- Stage C - Offer and Acceptance
- Stage D - Construction
- Stage E - Final Account

We will manage each of the above stages and at the end of each stage we will discuss the recommendations with you and agree how you wish to proceed. Should you not progress with the scheme within 3 months of the end of any stage between A and C, the application will be archived and you will be required to pay all of our costs.

In the event that you re-activate the same scheme after it has been archived, you may incur our additional costs for reviewing and updating the scheme.

You are able to terminate the process at any time for stages A to C unless you have formally accepted the offer in Stage C.

Stage A - Making your Application

The diversion process starts by you giving us Notice that you require a diversion. This must be done by completing the Notice for the Alteration or Removal (including Diversion) of a Water Main or Associated Apparatus which is included as part of the application form, either by and sending it to us on line or via post. The Notice will also include a statement that you will reimburse our costs in relation to the diversion.

With the Notice you must also submit:

- A completed application form (which is available to complete on line or downloadable via our website).
- Proof of land ownership, legal occupancy or option to buy
- Planning Approval including conditions, where applicable
- Location Plan showing the site boundary, clearly indicating the development and route(s) of any water mains and your proposed alteration or diversion (scale 1:2500)
- Detailed site layout (scale 1:500 – our preference is for this to be provided electronically in CAD format)
- Site Geo-technical report
- Payment of the non-refundable deposit in the sum of £2,400 (which includes VAT). This deposit will finance the administration of your application and the preparation of the DSS proposal.

If you require any further assistance please contact us at:-

Dŵr Cymru Welsh Water
Developer Services
PO Box 3146
Cardiff
CF30 0EH
Tel: 0800 9172652
Fax: 02920 740472
E-mail: developer.services@dwrwymru.com

Upon receipt of the Notice, application form, supporting information and non-refundable deposit, we will check the documents, and contact you should any further information be required.

Stage A will conclude with us sending you a proposal which will include the costs of carrying out the DSS and a programme for the completion of the DSS. A meeting will be held with you if necessary to discuss your scheme in detail.

If we are unable to comply with your request for the diversion, we will notify you at this stage and advise you if a refund is due.

To progress the DSS you should forward payment of the cost outlined in the proposal together with any requested information. The payment will be subject to standard rate VAT; you can pay the upfront deposit on line, via our telephony system or providing payment in the form of a cheque.

Stage B – Detailed Scheme Solution (DSS)

The purpose of the DSS is to undertake the detailed design of the scheme and when it is completed to prepare the total estimated cost of the scheme.

The DSS stage may include among other things the following activities:

- Data collection and review
- Initial surveys
- Hydraulic modelling to ensure that we provide the most efficient solution
- Consultation with stakeholders (e.g. Local Authorities, Highway Authorities, Environment Agency Wales, Countryside Council for Wales etc)
- Specialist surveys
- Obtaining detailed utility company information
- Land ownership enquiries
- Assess costs for obtaining any necessary planning permissions and/or any other consents
- Public relations

If we find following our detailed studies that we are unable to comply with your request for the diversion, we will notify you at this stage and advise you if a refund is due.

On completion of this stage we will provide you with the detailed design report which will include a programme and the total estimated scheme cost.

Stage C – Offer and Acceptance

Upon receipt of your approval of the detailed design report, we will issue to you an offer letter which will include the estimated scheme cost. We will require payment of the estimated scheme cost in line with our Financial Security Policy. Any payments made following the formal Notice being served will be taken into consideration at this stage and reconciled accordingly.

Stage D - Construction

Following payment of the estimated scheme cost, we will proceed with the construction work or where required issue any relevant Notices etc.

The start of work on site will be subject to:

- a) Serving Notice on landowner(s) in order to enter upon any private land
- b) Obtaining Highway Authority permission to work in the public highway.
- c) Lead in times.

We will advise you of any significant changes to the cost or programme as the scheme progresses. At the end of the construction period we will inform you when the scheme has been completed. Upon completion of all works including commissioning, the redundant main must be removed or grouted up in accordance with the detailed design report.

Stage E - Final Account

Approximately 3 months following completion of the diversion scheme, we will calculate the actual scheme costs and assess whether a further payment or refund is due.

If we have served land entry Notices on owners of private land as part of the diversion then it should be noted that landowners have up to 6 years in which to lodge their claims for compensation and up to 10 years for loss of development value. Accordingly, and where appropriate, we will include a provisional sum in the actual scheme costs and adjust as necessary on settlement of the claims.

VAT

Depending on the nature of the project VAT may be added to the whole or part of the charges.