



Land entry principles

Guidance for companies

Purpose

To enable companies to demonstrate the application of the Principles and to enable external stakeholders to have confidence in the application of the Principles

Background

Water companies¹ have the power to lay, inspect, maintain and repair and alter pipes in private land. This power is exceptional and reflects the compelling public health need to ensure the availability of water supplies and sanitation. Water companies recognise that this is a power that must be exercised responsibly and in a way that avoids as far as possible damage to the interests of land owners and occupiers.

Water companies and stakeholders have come together to produce a voluntary series of public commitments to enhance the implementation of the statutory codes of practice for pipe laying on private land ('the Code'). The Principles and this guidance do not replace these codes.

Principle

1. Water companies recognise that their activities may affect landowners and occupiers and aim to exercise their rights of entry in such a way as to limit the impact and disturbance they cause. Accordingly, as part of their initial consideration of projects, companies will consider as early as possible how these might affect land owners or occupiers.

Guidance

Companies will undertake a review by April 2019 of all relevant policies, procedures and contract provisions to assess the extent to which the Principles have been implemented. While immediate

¹ 'Water companies' means all water and/or sewerage companies

implementation may not be achievable, for example due to contractual constraints, companies will work towards ensuring that the Principles are reflected in these policies, procedures and contract provisions.

Principle

2. In planning their activities companies will engage with those who are or may potentially be affected by them and where reasonably practicable adapt their works to accommodate reasonable concerns which are expressed.

Guidance

Water companies have to be able to decide, taking account of engineering and cost constraints, the most efficient and effective solution for a scheme and/or specific works. Early, effective and appropriate consultation is key to achieving this. Water companies should be able to demonstrate that they have processes in place to ensure such engagement takes place.

Principle

3. All parties should seek to establish and maintain effective communication with each other, recognising that this is essential to a good working relationship.

Guidance

Establishing and maintaining effective communication between parties should take place at both an industry and an individual scheme level. Water UK will, on behalf of water companies, seek to maintain effective communications with stakeholder institutions such as RICS and the CAAV. Companies are encouraged to keep under review the method, nature and extent of communications with local stakeholders.

Principle

4. Companies recognise that both those who work for them and their contractors need to understand and implement the Code. They will therefore train their own employees and contractors' employees in the requirements of the Code and ensure that compliance is enforced as part of contractors' duties.

Guidance

Water companies should be able to demonstrate the steps they have taken towards ensuring that all relevant employees, contractors and sub-contractors have access to and are aware of the Code, Principles and this guidance and are provided with suitable training.

Principle

5. Companies will implement systems to monitor and report on compliance with the Code and where their activities or those of their contractors have not complied with the Code, companies will take appropriate action to help ensure future compliance.

Guidance

Each water company will publish the following:

- initial report in April 2019 on the extent to which the Principles have been implemented. Where the Principles have not been fully implemented, for example due to third party constraints, they will explain how they plan to secure this;
- this initial report will be updated by no later than April 2023 and periodically thereafter;
- an annual report (with the first being part of the April 2020 report) providing details in relation to planned works of:
 - any lessons learnt from the use of this Guidance
 - overall number of land entry notices;
 - number of referrals to Ofwat under S181 of the Water Industry Act 1991 regarding non-compliance with statutory notice requirements; and
 - numbers of references to a tribunal (Upper Tier) regarding land entry compensation issues

Principle

6. Companies will deal reasonably and promptly with claims that are made where their activities give rise to a claim for compensation.

Guidance

Water companies will ensure that all properly documented claims received are dealt with reasonably and promptly.