

Policy and Guidance on Contestable and Non-Contestable

Work (clean water networks)

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It's part of our
Blueprint for Yorkshire



YorkshireWater

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Background

Historically developers requisitioned Water Companies to lay the water mains and service connections for their new development sites, but since the introduction of The Water Industry Act 1991 (as amended by the Water Act 2014) we now have a formal framework for developers to have a choice about who they select to do this work. These changes present new opportunities for both Water Companies and developers, as this allows developers to choose between either installing the assets themselves or employing a self-lay organisation (SLP) to undertake the work on their behalf. Alternatively the developer still has the option to requisition the Water Company to do the work for them.

The Water Industry Act places a number of duties on Water Companies in providing or enabling new connections for our customers. This can range from a connection for an individual property up to a large-scale development. Most importantly Water Companies must continue to safeguard the public water supply and maintain the continuity of supply to existing customer as this remains their responsibility.

Therefore there are certain elements associated with new connections services that can only be carried out by Water Companies. This such work is termed Non-Contestable by Ofwat (Office of Water Services). Other elements associated with new connections i.e. the installation of new mains and services on development sites, are open to competition. Such work is termed Contestable by Ofwat and can be undertaken by a developer or a SLP accredited on the Water Industry Registration Scheme (WIRS) operated by Lloyd's Registers.

Scope

The specific new connections services that are considered Contestable and Non-Contestable are not defined in legislation. The 'Code of Practice for the Self-Laying of Water Mains and Services – England and Wales' (latest version) sets out the current working practice in the sector.

Therefore this document aims to clearly outline Yorkshire Water's (YW) policy on which elements of the new connections service we consider to be Non-Contestable works and must be undertaken by us, and the elements we consider to be Contestable works that a developer or their SLP may elect to undertake.

This document is an addendum to 'The Code of Practice for the Self-Laying of Water Mains and Services – England and Wales' and sets out to give clear and concise guidance for developers and SLP working within the Yorkshire region.

We are committed to providing a high quality new connections service to our customers and to comply with our obligations under competition law. This is why we offer Contestable and Non-Contestable services on equivalent terms for all of our customers.

Non-Contestable Work

We are responsible for ensuring we maintain a continuous supply of wholesome water to our existing customers, protect the integrity of our water distribution network, safeguard the public water supply and complying with our legal, statutory and regulatory obligations. Any work that would directly impact on these obligations would fall under our definition of Non-Contestable Work and we will undertake these activities.

The elements we define as being Non-Contestable and remain our responsibility are;

New Connection Service

- Administer the new connections service and have the final reasonable say on all elements to do with the scheme.
 - We will willingly discuss any scheme details and will co-operate with the developer or SLP to ensure an efficient process throughout.
- Provide written acknowledgement of receipt of application for a new supply within 3 working days of receipt.
- Provide a written response to an application for a water supply within 28 days of application detailing our decision and any additional requirements. This will include;
 - Quotations for Non-Contestable / Contestable work.
 - Quotations for Asset Payment elements. We recognise that the developer or SLP is providing assets which, subject to satisfactory design and installation, will become part of our water supply network and provide us with metered water charges income. We will therefore pay the SLP an amount which properly reflects the value of these assets to us. In assessing this value, we will take into account the income stream we will derive from the properties to be served by the new mains.
- Install a new or upgraded water connection within 21 days of payment and receipt of the water supply check list. This will be dependent upon the work involved, and ensure compliance with the Water Supply (Water Fittings) Regulations 1999.

Overall Scheme Design

- Assess the capability of our Distribution Network to provide the demand required by new development and provide our regulatory obligations to existing customers.
- Specify the new connection size permitted based on assessment outlined above.
- Ensure the new connection size is suitable for the flow agreed at time of acceptance of the application for supply.
- Check all the design elements including the sizing of new on-site mains and services.
- Provide written feedback on the design submission within 10 days of receipt of application.
- Approve the final design submission.
 - This may be subject to conditions but it should not be withheld unreasonably.

Design of Off-site Mains (Reinforcement) and / or Reinforcement Works

- Design all off-site reinforcement mains and/or any other reinforcement works necessitated by the scheme.
 - If several developments are the cause of the necessary network reinforcement, costs will be apportioned fairly between the different parties.
 - Where the network reinforcement will provide more capacity than required by the new development, the proportion associated with the demands of the new development will be assigned to the SLP.

Design of On-site Mains and Off-site Mains (Non Reinforcement)

- Provide the developer with recommended sizes for the on-site and off-site water mains.
 - We may ask the developer or SLP to lay a larger main than is necessary for the current development, in anticipation of meeting future demand. In this situation, we will specify the material, size and depth of pipes and pay the SLP the reasonable extra expense it incurs by meeting these requirements.
 - We will recover oversizing costs from those developers and SLPs who connect their developments to the oversized mains under future requisitions and self-lay agreements.

Installation of Off-site Mains (Reinforcement) and / or Reinforcement Works

- Undertake the installation of off-site reinforcement mains and any other reinforcement works to our Distribution Network. This will include;
 - Diversion of our existing Distribution Network.
 - Decommissioning redundant off-site mains following a diversion.
 - There may be occasions, for example on large development sites, where it is more efficient for us to phase off-site reinforcements in line with development progress. Therefore we will estimate the full costs at the start of the project, define the triggers and timescales for phased implementation and calculate the estimated charge for the developer.
- Undertake other reinforcement works to our Network. This will include;
 - Work on a trunk or strategic mains.
 - Work on mains that are recorded as high risk.
 - Work on any assets that are within a YW building e.g. pumping stations.

Installation of On-site Mains and Off-site Mains (Non Reinforcement)

- We will identify with the developer or SLP the supervision and inspection requirements of an individual scheme (these elements are Non Chargeable):
 - Supervision and inspection of the developer or SLP undertaking main or service laying.
 - Approval of all materials used to ensure they meet YW specification. This approval is required prior to work commencing.

- Retain the right to inspect the self-lay installation on a daily or random basis to check:
 - i) Standard of workmanship.
 - ii) Compliance with YW specifications.
 - iii) Conformity with relevant regulations.
 - iv) Check meter locations are suitable.
 - v) Check an operative's authorisation and qualifications.
 - vi) Installation processes and testing methodologies.
- Inspect plumbing systems for compliance with The Water Supply (Water Fittings) Regulations 1999.
- We reserve the right to ask the developer or SLP to open up the works for inspection if YW have any reasonable concerns.
- We will report a SLP to Lloyds Register if Water Industry Registration Scheme (WIRS) approved, where they are causing reoccurring problems within the Yorkshire Water region.

Installation of Service Pipes

- As 'Installation of On-site Mains and Off-site Mains (Non Reinforcement)'.

Installation of Water Meters

- Provide the developer or SLP with our metering specification which will include preferred meter locations.

Pressure Testing, Swabbing and Sterilisation

- Carry out pressure testing, swabbing and sterilisation of any water mains we lay in accordance with our procedures.

Water Quality Sampling and Testing

- Undertake water quality sampling and quality testing of any water mains we lay.

Connection of the New Self-lay Mains to our Distribution Network

- Undertake the connection of the new self-lay mains to our existing Distribution Network in **ALL** cases. The timing of service pipe connections to new or existing mains that involve risks to existing customers.
 - We will allow a SLP to connect service connections up to and including 63mm using under pressure connections only to our existing Distribution Network. This will need approval from us prior to commencing the work.
- Undertake any work on the self-lay mains once they are live. This applies whether the work is remedial or general network operations. We must be contacted if any such work is required and on no account must the developer or SLP carry out work on the mains once they are live.

Final Approval and Adoption

- Permit final connections and commissioning of the self-lay mains after we obtain a satisfactory water sample test result.
- Upon satisfactory completion and rectification of any defects, ownership of the water mains and services laid by a developer or SLP will be transferred to us.

Non-Contestable work can only be carried out by us unless a specific agreement is reached with ourselves to deviate from this Policy.

Contestable Work

This covers the application, design and installation of the on-site mains and services to our specification. On-site mains include on-site extensions and diversions that do not affect our existing customers and this type of activity we class as 'Contestable'. Where work is identified once the scheme has commenced which will directly impact on our existing customers then this work will be deemed Non-Contestable work and we should be contacted immediately.

We expect the developer or SLP to undertake all of the Contestable elements of work. If the developer or SLP is unable to undertake any of the Contestable elements of work then, upon request, we will discuss and advise our charges for undertaking these elements of the work.

The elements we define as Contestable and are open to competition are;

New Connection Service

- The developer or SLP is responsible for ensuring the completeness of the initial application and provision of additional information within agreed timescales.
- The developer or SLP is responsible for payment of all scheme fees.
- The general day-to-day issues will be the responsibility of the developer or SLP. It will be their responsibility to liaise with YW, statutory bodies etc. regarding the elements of the work that they have elected to undertake.
- Provide recognised proof of competence. This must be submitted to us before a developer or SLP may lay water mains or services.

Overall Scheme Design

- Respond promptly to design queries and re-submissions.
- Update the overall scheme design based on feedback from us.
- Liaise with the Fire Authority regarding their firefighting requirements on self-lay schemes and include their requirement in the design.

Design of Off-site Mains (Reinforcement) and / or Reinforcement Works

- Non-Contestable element therefore not applicable to a developer or SLP.

Design of On-site Mains and Off-site Mains (Non Reinforcement)

- Design of off-site mains (non-reinforcement) to our specification.
 - Including on-site extensions and diversions.
- The pipework system must be designed to ensure that our regulated standards of service with regard to water supply pressure are maintained.
- Ensure the necessary approval is obtained from from YW prior to starting main or service pipe installation onsite. If assets are installed without approval, the SLP will need to demonstrate, at their own expense, that the installation has been carried out fully in accordance with YW requirements.

Installation of Off-site Mains (Reinforcement) and / or Reinforcement Works

- We retain the right to carry out any off-site mains reinforcement work but we may permit a developer or SLP to undertake off-site reinforcement work. This is only where we are confident such work would not impact upon existing customers during construction and commissioning. This will need approval from us prior to commencing work.
- Obtain the necessary street authority approvals/third party easements so they can install off-site water mains where permission is given by us.

Installation of On-site Mains and Off-site Mains (Non Reinforcement)

- Contact us with any deviation from the approved design and obtain approval prior to starting work.
- Obtain written approval from us prior to sub-contracting any element of the work.
- Installation of on-site mains to our specification and Technical Guidance Notes.
- Provision of the construction and main laying materials to our specification.
- Rectification of remedial work identified during our inspections.
- Responsible for obtaining all necessary permissions, easements and other legal requirements.
- Installation of off-site network extensions and the 'new' part of diversions to new development sites.
- Routine in-line water mains connections.

Installation of Service Pipes

- Installation of service pipes to our specification and Technical Guidance Notes.
- Connection of service connections once the self-lay mains are live and formally commissioned. If risks to existing customers are identified then we would classify this element as Non-Contestable work and we should be contacted immediately before progressing.
- Install a stop tap / meter boxes on the new service connections at the boundary of each property.
- Connecting service pipes using under pressure connections.

Installation of Water Meters

- Installation of water meters to our specification.
- Provide us with the correct water meter / billing details.
- Install the water meter in a suitable location to allow easy access for our staff in future.

Pressure Testing, Swabbing and Sterilisation

- We require a developer or SLP to undertake the pressure testing, swabbing and sterilisation of any mains or services they lay. These processes must be carried out in accordance with our procedures and specification.

- Detail of the pressure test and sterilisation processes must be forwarded to us for inspection and record keeping.
- The sterilisation of mains and service pipes shall be carried out in accordance with Water UK's 'Principles of Water Supply Hygiene and YW water quality requirements for new mains and services.

Water Quality Sampling and Testing

- We require a developer or SLP to undertake water quality sampling of any mains or services they lay and have the water sample analysed at our laboratory.
- Forward water sample results to us once received to avoid delays.
- The connection of the self-laid main into the water distribution system shall not be carried out until satisfactory disinfection, pressure test and water sample results have been provided, checked and approved by YW.

Connection of the New Self-lay Mains to our Distribution Network

- We will allow a SLP to connect service connections up to and including 63mm under pressure connections only to our existing Distribution Network.
- Routine in-line mains connections on-site are allowed.

Final Approval and Adoption

- Non-Contestable element therefore not applicable to a developer or SLP.

We require that Contestable work will be carried out by the Developer or an approved SLP.

Our Charges

- We may also charge for all additional work that is either requested by the developer or SLP or reasonably imposed by us.
- If the developer or SLP is unable to undertake any of the contestable elements of work then, upon request, we may discuss and advise our charges for undertaking these elements of the work.
- Abortive work through an unapproved design will be at the developer or SLP's expense.
- We will charge for any unplanned work that we undertake on a time and materials basis.

Additional Services

The developer must decide at the application stage whether to requisition us to undertake the scheme design, main and service laying work or use an SLP.

If the developer decides to use ourselves we must be contacted to discuss the scheme details and acquire quotations to undertake the work.

If we are initially requested to quote for the complete scheme design and installation and subsequently the developer then elects to self-lay, we will charge for the design, quotation and administration work that we have produced.

Defects Liability Period

The Defects Liability Period (DLP) will apply to the water mains, service connections and associated fittings. The DLP normally applies for 12 months after commissioning of mains and 12 months after the connection date for services.

During the DLP, we will expect the SLP to rectify defects notified by us in writing, except in the event of emergencies which may compromise service levels to customers or public health when we will undertake the repairs as quickly as possible and inform the SLP thereafter in writing as soon as practicable. In this situation our costs will be deducted from the surety held during the DLP.

We reserve the right to uncover and inspect any work undertaken in connection with the new mains or services at any time during the DLP. The SLP will be given seven days' notice of the intention to uncover any work. The cost will be met by us if all standards of materials and workmanship have been met, and by the SLP (either directly or from retention monies) if any work is unsatisfactory.

Prior to completion of the DLP, we will inspect the self-lay works. This will be done jointly with the SLP. The SLP will pay for any damage to service pipes, meter boxes, street furniture or marker posts prior to completion of the DLP.

If improper work, materials or variations are found, we will agree these with the SLP without delay and confirm in writing. Defects shall be remedied or substituted with the minimum of delay.

Following satisfactory inspection, completion of the DLP and rectification of any defects (if any) we will sign off the DLP and assume responsibility for the maintenance of the water main and/or service.

Under the New Roads and Street Works legislation, the liability on the SLP for highway reinstatement for pipes laid to a depth of up to 1.5m is 2 years (3 years for pipes laid to a greater depth).

Where highway defects require remedying, the SLP will be responsible for a further defects liability period in accordance with the New Roads and Street Works legislation.

The Legal Agreement

Before the commencement of the works, we will enter into a Legal Agreement with the developer or SLP for the Self Laying of Water Mains and Service Pipes.

We will not be responsible for any obligations established by contract or otherwise between the SLP and the developer.

Complaints and Disputes

If a developer or SLP is unhappy about the way we have handled any aspect of self-lay, in the first instance they should speak to the Developer Services Team.

We find that most issues can be resolved immediately but if you remain unhappy, you can have your complaint formally registered. You can do this by:

- Letter, sent to the address below:

Yorkshire Water
PO Box 52
Bradford
BD3 7YD

- Alternatively, you can phone us on 0345 1 24 24 24 to make a formal complaint
- E-mail us via the form our website at www.yorkshirewater.com/contactus.

Our complaints procedure is outlined in detail on our website at www.yorkshirewater.com/contactus.

Any disputes regarding the legal agreement should be directed in the first instance to the Manager of our Developer Services department.

In the very unlikely event that a complaint cannot be resolved through our internal complaints procedure or the matter remains otherwise unresolved, then a developer or SLP can ask the Director General of OFWAT to investigate. Their decision on the matter will be final and binding on both parties.

- The Director General can be contacted at:

Water Services Regulation Authority (OFWAT)
Centre City Tower
7 Hill Street
Birmingham
B5 4UA

Phone: 0121 625 1300
Fax: 0121 625 1400

Website: www.ofwat.gov.uk
E-mail: mailbox@ofwat.gsi.gov.uk

Further Information

Further information and guidance can be obtained from;

- Developer Services
Yorkshire Water Services Ltd
PO Box 52
Bradford
BD3 7YD
Telephone: 0345 1 24 24 24
E-mail: wbu.service.centre@yorkshirewater.co.uk
Website: www.yorkshirewater.com

- Yorkshire Water's Self Lay Policy.
 - This can be found at: www.yorkshirewater.com

- Lloyds Register Water Industry Registration Scheme (WIRS)

Lloyds Register operate the above scheme to help facilitate self-lay. It provides details of approved service providers and also outlines the procedures and requirements that an organisation must follow to gain approval and be placed on the register.

- Website: www.lloydsregister.co.uk/schemes/WIRS

- WRc/UKWIR Self-Laying of Water Mains and Services – A Code of Practice for England and Wales 2nd Edition

- This can be found at www.webookshop.com

- Civil Engineering Specification for the Water Industry (CESWI) 7th Edition.

- This can be found at www.webookshop.com

- Ofwat (The Water Services Regulation Authority) is the economic regulator of the water sector in England and Wales. Our role is to help the sector build trust and confidence with customers, the environment and wider society

- Website: www.ofwat.gov.uk

Appendix

Glossary of Terms

- **Adoption:** This is the process by which water companies take over responsibility for infrastructure such as mains.
- **Brownfield site:** A site that has previously been built upon (as opposed to a greenfield site that has never been built upon).
- **Commissioning:** The process of filling the mains with water so that the supplies are available for customers to use. This will be after the necessary quality tests have taken place.
- **Communication pipe:** That part of the Service pipe owned by the water utility (water from a main to boundary of premise).
- **Connection Point:** Where Self-lay mains are connection to Water Utility mains and made 'live'.
- **Contestable:** Open to competition.
- **Developers:** Those who organise the purchase of land, construction of new buildings and their sale.
- **Disinfection:** The process of treating water with, for example, small amounts of chlorine to ensure that it complies with water quality regulations.
- **Distribution network -** The parts of the system already in place before a SLP starts installing pipes. These will include off-site and on-site pipework, some of which may supply existing customers.
- **Easement:** A legal right of way over another person's property, which may cover the laying of pipes in that land.
- **Extension to the network:** A single pipe that is laid from the existing network to serve new customers.
- **Existing mains/existing network:** The parts of the system already in place before a SLP starts installing pipes. These will include off-site and on-site pipework, some of which may supply existing customers.
- **Live main:** A main connected to the water network and filled with water.
- **Multi-utility infrastructure provision:** This is where one SLP installs more than one utility service to a site (which could include gas, electricity, water and telecommunications), sometimes in a single trench.
- **Network reinforcement:** Modifications necessary to an existing network in order to provide the required water to a new development without compromising existing levels of service to existing customers. Network reinforcement can include such things as mains reinforcement/upsizing, booster station and service reservoir construction etc.
- **New main:** A main laid by the SLP as part of a development.
- **Non-contestable:** Not open to competition.
- **Off-site:** In the public highway or in land owned by people other than the developers.
- **On-site:** Land owned by developers.
- **Pressure testing:** Testing to make sure that the new mains have been constructed and joined correctly and that they will carry the working pressure required.
- **Piece-ups:** Pipes connecting one phase of a development site to another phase.
- **Reinforcement Works:** Work a Water Utility undertakes on its network to ensure the continuity of supply to our existing customers and supply extra water for the development scheme.
- **Reinstatement:** Work carried out to restore the surface of the ground to its original condition; for example, resurfacing a road after work to lay water mains.
- **Requisition:** Water companies must provide water mains that are sufficient for domestic purposes when required to do so by a notice under sections 41 to 44 of the Water Industry Act 1991. This is known as a requisition. Water companies must provide the mains once the financial conditions of compliance are satisfied and the water company has agreed the places for connecting the new pipes to its existing main or network.
- **Self-lay:** Where developers, or their contractors, install new water mains and service pipes instead of asking the water company to do the work.
- **Self-lay organisations (SLPs):** Contractors and multi-utility infrastructure providers laying mains for the developers.
- **Service pipes:** A pipe supplying water from a main to any premises (whether in the highway or in private land).
- **Supply pipe:** That part of the Service pipe owned by the property owner (boundary of property to exterior of premise).

- Strategic Main – a main that is a single source of supply, or a main that would cause a large no water event if it failed.
- Swabbing: A process to clear mains of dirt and materials before they are filled with water.
- Trunk Main – A large mains generally over 300mm in diameter which transports treated water from Water Treatment Works to the distribution network.
- The Water Supply (Water Quality) Regulations 2000 and any subsequent amendments: These Regulations specify the standards used to define the wholesomeness of drinking water and also specify, under Regulation 31, the requirements for using approved substances and products. The Drinking Water Inspectorate (DWI) enforces the Regulations.
- The Water Supply (Water Fittings) Regulations 1999: These Regulations are requirements for the prevention of contamination of water supplied, and it is the statutory duty of the water companies to enforce them.
- Upsizing mains: When a water company decides to lay a larger main than is needed to supply a new development. This might be because the water company considers that the demand for water will increase in the future.

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