

Under Section 159 of the Water Industry Act 1991 (the Act), Water Companies such as Dwr Cymru Welsh Water (DCWW) have the powers and duties to lay or carry out work on pipes in private land. Section 159 of The Act specifically states "(1) Subject to the following provisions of this section, to section 162(9) below and to the provisions of Chapter III of this Part, every relevant undertaker shall, for the purpose of carrying out its functions, have power—

(a) to lay a relevant pipe (whether above or below the surface) in any land which is not in, under or over a street and to keep that pipe there;

(b) to inspect, maintain, adjust, repair or alter any relevant pipe which is in any such land;

(c) to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b) above.

Implementation of the above is provided by way of a statutory notice served upon the relevant Landowner/Occupier subject to a prevailing notice period, notice periods for the purpose of Section 159 vary depending on the severity of work required. In this instance for proposed pipelaying works all Landowners/Occupier will be provided with a 3 month notice which allows suitable time for 'DCWW' to undertake Landowner engagement and consultation regarding its proposals.

For the purpose and justification of legal entry for works to 'Dewater' DCWW would rely on wording covered within (1)(c) of Section 159 which specifically states that DCWW have legal powers under the act to carry out works requisite or incidental to the purposes of works falling within paragraph (a) which outlines its powers to lay pipes. Dewatering works are necessary works required to be undertaken for successful installation of a pipe and as such DCWW propose to carry out Dewatering works in accordance with its statutory powers.

DCWW are in the process of establishing Landowner & Occupier details for the land parcels that will be affected as a result of the scheme and will be issuing notice as soon as reasonably possible.

In light of above we trust that this satisfies the requirement to demonstrate evidence or legal authorisation to access the land to 'dewater' in connection with a statutory undertaker undertaking pipelaying works.