

Requisition of a Watermain Internal or External to a Site

Guidance Notes

Article 76 Water and Sewerage Services (Northern Ireland) Order 2006

Application form WRI-A076 should be used for requisitioning a watermain INTERNAL to a site and including the connection in the public street up to 20m from the curtilage of the developer's land.

Application form WRE-A076 should be used for requisitioning a watermain EXTERNAL to a site

Please Note:

- You should allow adequate time for the processing of the application by submitting them a minimum of 3 months prior to any watermain being required on site.
- Prior to submitting a WRI-A076 application you should refer to the guidance notes 'Submission of Digital Format Drawings of Proposed Site Layouts in Association with New Developments' as this will indicate the process required prior to the assessment of the application being completed.
- Failure to submit the Proposed Layout in digital format and strictly in accordance with the guidance notes will result in your application being delayed until such times as it has been received correctly.
- The Requester can now apply for a 24-month Global Data Sharing Agreement (extendable by agreement) and can then make data requests against this GDSA during its effective period.
- Water Loading Units are required when the requisition is to service Commercial or Industrial properties/developments only.
- If you have already received a watermain design and are purely wanting to request part of all of the designed watermain to be laid/installed on site, you should submit an Installation Request form Winst – A076.
- NI Water will prepare watermain layout and forward the Article 76 water mains layout to the applicant, however NO watermain will be laid on site until you have applied for Article 161 agreement for the location covered by the Installation Request Form, Winst – A076

Under Article 76 of the Water and Sewerage Services (Northern Ireland) Order 2006 ('The 2006 Order'), and Water and Sewerage Services Act (Northern Ireland) 2016, it is the duty of Northern Ireland Water to provide a public watermain for domestic purposes if required to do so by certain person(s) (the requisitioner). The requisitioner may be asked to make a contribution towards the cost of providing the requisitioned watermain.

A developer (being the landowner) can only requisition the provision of a watermain in general terms. The cost, design and routing (subject to agreement under Article 78(3) of the 2006 Order) is based on a preferred technical option and best economic solution. The detailed design route selection and programme will of course take into account such matters as point of connection, expected demand and timing of connections as are reasonably necessary to the applicant.

For larger sites that may be phased or owned by different developers, it is essential that an overall

layout should be covered in the application to enable for the correct sizing of the watermain to serve the entire proposed site. For an overall site that is phased for construction / Article 161 purposes there will be a different NI Water site reference number for the watermain application / design and the subsequent Article 161 applications. If, however the initial overall proposed site layout is amended you would need to resubmit the revised layout in digital format along with a re-submission fee to allow for the initial design to be reassessed.

INTERNAL TO SITE

On site mains are provided under 'Shared Responsibility Procedures' in that the developer will be responsible for the excavation, provision and placing of bed, surround, anchor blocks, backfill and laying of the tracing tape (supplied by NIW) along the length of the main to be located on top of the pipe surround.

LOCATION OF WATERMAINS

Requisitioned watermain will be located where practical in the carriageway or dedicated open space to which each owner or occupier of premises can connect without the need to lay watermain over adjacent private land. The requisitioned watermain will be located in the footpath unless there is insufficient distance (4m) from the requisitioned watermain to the habitable dwelling or if the requisitioned watermain is 180mm in diameter or greater.

Where site conditions require the use of geotextiles in the footpath or road, the geotextile must be laid deeper than the watermain so that when the individual connections are being made or if future maintenance is required the geotextile will remain undisturbed.

Northern Ireland Water will not permit a public watermain to be laid through an archway that is less than 4m wide and less than 2.5m clear height. If there is an archway which exceeds the width and height criteria there should be provision that the foundations of the archway be at least 150mm below the invert of the proposed watermain laid at a nominal depth of 1200mm to the crown of the pipe in trafficked areas.

Northern Ireland Water will not normally lay a public watermain in private land unless it is impracticable to lay a watermain in the public carriageway or dedicated public open space or unless a pumping station would otherwise be required. In such rare cases, a legal easement must be entered into between the landowner and Northern Ireland Water.

Watermain will not normally be laid in rear gardens, unless exceptional provision is made for access for heavy excavating machinery in perpetuity, and many other operational concerns can also be satisfied completely.

You should include the following details on the hard copy drawing accompanying your application as they may affect the design process:

- **Has it been indicated as part of the planning process that there is contaminated land on the site? If so, please indicate it on the application form and provide a summary of the contaminants.**
- **Are there any structures on the site that may be considered as an obstruction that could hinder where the public watermain can be laid, such as retaining walls, proposed drainage or archways?**
- **The location you would prefer the supply for the individual properties to be marked with a red X. These locations may be taken into consideration during the design process, but Northern Ireland Water cannot guarantee that these proposed locations will be feasible.**

EXTERNAL TO SITE

Requisitioning a watermain external to site means that Northern Ireland Water is responsible for the design and construction of that watermain, including the acquisition of appropriate easements or rights over the land in which it will be laid. After construction Northern Ireland Water will be responsible for maintaining the watermain as part of the public water supply system.

The requisitioning procedure takes time to process and will be at a cost. The requisitioner should be aware of the lead-in times and make submissions at least three months before the new supply is required. If the requisitioned scheme is substantive the application for the water supply should be submitted more than three months of the date that you require the supply.

Watermains can only be requisitioned for domestic purposes and can be requisitioned for:

- existing buildings or land where it is proposed to erect buildings

Watermains may not be requisitioned for the following:

- commercial and industrial demand
- lands on which it is not intended to erect a building

Subject to separate negotiations outside the provisions of Articles 76 and 77, Northern Ireland Water may be willing to provide additional capacity within requisitioned watermains for commercial and industrial demand.

In order to assess the requisition, completion of the Water Loading Units table will also be required for Commercial properties / developments only.

Reasonable Cost Allowance

Northern Ireland Water when making an economic assessment of the requisition will appraise what reasonable cost allowance will be considered to offset the cost of the requisition. This will be detailed in our initial decision letter. Further details can be located on NI Water document “Scheme of Charges” which can be viewed on www.niwater.com.

Requisition Procedures

The requisitioning of a public water supply consists of the following key stages:

Stage 1 Initial assessment and preliminary feasibility estimate

The preliminary feasibility assessment will cover the following:

- Land and compensation (including Easements where applicable)
- Site investigation including Environmental Constraints
- Civil engineering works
- Mechanical and electrical works (only when a pumping station is involved).

Contingencies (including diversions of existing services where applicable).

- Design
- Contract management and administration
- Developer will be notified in writing of the estimated contribution required (if applicable)
- The request for a preliminary estimate does not commit the applicants to requisition a public watermain, however the requisitioner must undertake to pay reasonable costs of providing the watermain if they want to proceed.

Stage 2 Detailed design, including land negotiations

- detailed design will only be progressed when terms and conditions set out in the initial decision letter have been met.

Stage 3 Construction/Completion of the Requisition Watermain

- Following completion of the detailed design the Requisitioner will be notified in writing of our final decision including any financial conditions if applicable.
- Once the terms and conditions are met the scheme will progress to construction.

Additional Charges

In addition to the associated cost of the requisitioned watermain there will be additional infrastructure and connection charges. Details can be located on NI Water document “Scheme of Charges” which can be viewed on www.niwater.com.

Timescales and Programme

The time taken to complete the requisition depends entirely on the complexity of the scheme. Under the 2006 Order, the requisitioned public watermain must be available for use within three months of:

- **the day on which the financial conditions are met and/or**
- **the day on which the point of connection has been agreed whichever is later**
- **The date by which the requisitioned watermain is available for use may be extended by agreement.**

In certain circumstances, it may not be possible to complete the requisitioned public watermain within the three-month period.

This may be because:

- **major construction works are required, and it is not physically possible to complete the requisitioned public watermain within the three-month period.**
- **works are required in land in the ownership of undertakings protected by ‘The Order’ (eg Crown Estates, Network Rail etc) or a third party and agreement is required with them prior to our entry upon their land.**
- **land, not in the ownership of the requisitioner, needs to be purchased for elements such as pumping stations.**

Where there is a dispute the period for delivery of the requisitioned sewer may be extended by the Authority.

Financial Conditions of Compliance

The requisitioner must undertake to pay reasonable costs of providing the watermain. This will include the first 20m of the requisitioned watermain.

If insufficient units are constructed prior to construction of the watermain the requisitioner may be required to provide reasonable security in the form of a legal Agreement and guarantee bond or cash deposit. Northern Ireland Water administration and legal costs are invoiced separately, payable at completion of the requisition process, and are not included in the requisition costs quoted herein.

The reasonable cost to provide the watermain includes the cost of administration, design, construction, supervision, lands costs, compensation costs, all necessary new public watermains, etc. The cost estimate detailed in our decision letter at Stage 3 above will be the final cost to the applicant.

Securities / Bonds

Under the 2006 Order, undertakers are entitled to ask for security before installing the new watermain. This is usually provided in the form of a cash bond, however, a bond or insurance policy provided by a

guarantor is equally acceptable.

It is important to note that there may be additional costs for the requisitioner in the administration of a bond or insurance policy. Public Authorities are exempt by Statute from a requirement for security.

Rights of Connection

Private requisitioners are encouraged to obtain the participation of as many neighbours as possible, who could benefit from the new watermain, if provided.

Northern Ireland Water will complete an economic appraisal study based on positive responses; on occasion this leads to an interested few having to accept the full burden of the cost of the scheme.

Private Watermains and Service Pipes

Applicants are responsible for connecting private watermains and service pipes between their buildings and the public watermain if one is provided via the requisition.

Requisitioners should employ their own competent contractor to lay connecting service pipes or private mains. They should obtain all necessary approvals.

Connection work in public carriageways must be carried out at the point of connection, to the satisfaction of Northern Ireland Water.

Timescale for Processing Applications

On receipt of a fully completed application form and the application fee, Northern Ireland Water aims to process Applications to Requisition a Watermain Internal and External to a Site and issue a conditional response within 40 working days.

Should you require any further information or assistance please contact:

Developer Services - Servicing Team

Northern Ireland Water

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For more information on how NI Water lawfully processes personal data please view our Privacy Notice at; <https://www.niwater.com/privacy/>