

Kirkbymoorside Town Council
FAO To Whom It May Concern
The Shambles
Crown Square
Kirkbymoorside
York
North Yorkshire
YO62 6AY

Yorkshire Water Services Limited
Livingstone House
Chadwick Street
Leeds
LS10 1LJ,

T 0344 848 1099

E LandEntryNotices@yorkshirewater.co.uk

23 December 2022

Dear Sir Or Madam,

Scheme: YW.202351.03 AMP7 WINEP - Frequently Spilling Storm

1. Formal Notice of Works

Further to my letter of 16 December 2022 I enclose Yorkshire Water Services Limited's Statutory Notice of the intended works on your land together with a further copy of the "Code of Practice for the Exercise of Pipelaying Powers on Private Land".

2. Persons involved on behalf of Yorkshire Water Services Limited

The contractors are IETG LTD on Tel: 0113 201 9717. The works are designed by Yorkshire Water Services Limited, Livingstone House, Chadwick Street, Leeds, LS10 1LJ (0344 848 1099) and their construction will be supervised by Paul Farquharson of IETG Ltd, Cross Green Way, Leeds, West Yorkshire (Tel: 0113 201 9717). If you have any queries please contact Paul Farquharson (Tel:0113 2019717) who is the representative of the supervisory body.

Valuation matters will be handled by the Delivery Services Team, Livingstone House, Chadwick Street, Leeds, LS10 1LJ to whom a copy of this letter is being sent.

Should you have difficulty in contacting the above, please telephone Yorkshire Water's Help Line on Tel: 0345 1 24 24 24.

3. Scheme Details

In order to record asset data and confirm the condition of the water mains/public sewers, it is necessary to undertake survey work around your property. The proposed work will entail carrying out an inspection survey of the water mains/sewers and access will be gained through existing manholes.

Please see enclosed plan for further details.

4. Access

The contractors will only require to lift the existing manhole cover to gain access into the chamber. The contractors will rely on you to point out any special needs you may have for access across the area to avoid putting land out of use, and you are asked to make a specific request to the site representative if such access is needed.

The contractors are required, prior to entering land of any occupier, to give at least one weeks notice of the intended entry, stating the expected period of occupation.

As stated in paragraph 28 of the Code of Practice, access will normally be provided to the Works over the working area. If access by any other route is required it will, except in emergency, be arranged following consultation with the occupier. However the contractors have also been told that if they wish to use access to the working strip across other land, or if they want facilities or temporary occupation involving other land, they must make their own arrangements with the owner and occupier concerned at their own responsibility and cost. In doing so they are expressly to inform the owner and occupiers by letter on the basis of the arrangement, namely that the arrangement is made in the contractor's own name and any claim will lie against them and not against Yorkshire Water Services Limited.

5. Reinstatement and Compensation

Before works start a schedule of the condition of your land will be made: see paragraph 20 of the Code of Practice.

After the restoration of the land is completed, the contractor may invite you to accept the reinstatement is satisfactory so far as can be ascertained. This would be done with our consent. I feel sure that you will be prepared at that stage to inspect the land with the contractors and give them clearance if you are satisfied. Obviously this will not prejudice any claim which you have for other damage.

As explained in my previous letter, the Statutory Notice will establish Yorkshire Water Services Limited's liability for payment of compensation in accordance with the law. If you have it in mind to appoint a valuer, I suggest you do so at once, before work starts. If you appoint a valuer to act on your behalf, Yorkshire Water Services Limited will pay his reasonable and proper charges in relation to any negotiation and settlement of any proper claims. See paragraphs 19 and 54 – 57 of the Code of Practice.

6. Human Rights Act 1998 ("the 1998 Act")

Yorkshire Water Services Limited may fall within the definition of a "public authority" for the purposes of Section 6(3) of the 1998 Act. The Company has considered the potential application of the European Convention on Human Rights ("the Convention"). Yorkshire Water Services Limited does not consider that either section 159 or 168 of the Water Industry Act 1991 are incompatible with the Convention. The express purpose served by these provisions is the carrying out of the undertaker's statutory functions, namely the provision of water and sewerage services to the population, which serve an important social objective and as such amounts to a fair and proportionate interference with landowners' rights. Further and in any event both statutory powers contain a number of procedural safeguards, such as the requirement for notice and statutory compensation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Killworth', written in a cursive style.

Sophie Killworth
Project Manager

Enclosures:

Notice
Amendment form
Plan
Code of Practice
Pre-paid Envelope

cc: YWS Delivery Services Team, Livingstone House