



Our water sector expertise

Clarke Willmott advises UK water undertakers and water retailers across the full range of legal issues affecting regulated utilities. Our team supports clients throughout the lifecycle of their assets and operations, combining regulatory insight, commercial awareness and sector experience across property, infrastructure, disputes and compliance.

Who we act for

Our water sector clients include **Water Plus Limited, Pennon Water Services and Albion Water Limited, Thames Water** and other major water companies.

How we can help you

Our areas of expertise include:

Commercial Property & Property Litigation

- Management of operational and surplus property portfolios
- Drafting and negotiating development, operating and asset management contracts
- Advice on easements, wayleaves, prescription and build over issues
- Telecoms advice, including Code agreements and Tribunal applications
- Litigation and arbitration relating to infrastructure and supply disputes

Planning, Environment & Agriculture

- Planning and compulsory purchase advice
- Flooding, mains bursts and environmental liability
- Tree Preservation Orders and enforcement
- Agricultural and environmental water schemes
- Planning support for strategic water infrastructure

Construction & Infrastructure

- Construction and infrastructure advice across project lifecycles
- FIDIC and NEC based construction contracts
- Delivery of water and wastewater assets
- Construction adjudication and enforcement

Corporate & Debt Recovery

- High volume recovery of commercial and residential water charges
- Litigation and enforcement under the Water Industry Act 1991
- Automated portfolio recovery solutions

Regulatory & Statutory

- Advice on Water Industry Act 1991
- Street works investigations and prosecutions
- Ofwat related disputes and compliance
- Regulatory and enforcement risk management

Our Experience

We have a broad and established track record advising clients across the water sector, including:

Water Plus Limited – Debt Recovery & Commercial Litigation

Acting for Water Plus Limited, one of the UK's largest non household water retailers, on bulk and complex debt recovery and commercial litigation matters. Our instructions include;

- Recovery of unpaid commercial water charges under deemed contracts pursuant to the Water Industry Act 1991;
- Disputes relating to ownership and occupier liability, multi meter and multi site billing issues, leak allowances and surface water drainage liability.

Since first being instructed, we have acted on claims totalling c.£25.6m, recovering in excess of £5m to date. We support Water Plus with both high volume automated recovery processes and more complex contested litigation, working closely with the client to ensure consistent decision making, effective enforcement and commercial outcomes.

Pennon Water Services and Albion Water Limited – Property, Asset & Regulatory Advice

Providing longstanding advice to major water undertakers including Pennon Water Services and Albion Water Limited across a wide range of property, asset management and regulatory matters. Our work includes;

- Advising on operational and surplus land portfolios;
- Negotiating and completing easements, deeds of grant and land transfers in connection with water and drainage infrastructure;
- Advising on asset disposals (including auction sales) and overage arrangements;
- Supporting utilities with telecoms and statutory land rights issues affecting operational sites.

We also advise on regulatory compliance issues arising from asset ownership and management, ensuring alignment with statutory duties and operational requirements.

Thames Water – Commercial & Debt Recovery

Providing longstanding advice to Thames Water in connection with the recovery of commercial water charges, with instructions dating back to 2010. Our work includes;

- Advising on liability for unpaid commercial water charges arising from the supply of water and associated services;
- Supporting enforcement strategies in accordance with the Water Industry Act 1991;
- Advising on disputed recoverability and proportional litigation strategies;
- Supporting Thames Water with commercially focused recovery approaches that take account of regulatory and reputational considerations.

This work sits within our wider utilities debt recovery practice, acting for regulated water companies and retailers on both high volume and complex recovery matters.

A Major UK Water Undertaker – Telecommunications & Property Advice

Acting for a major UK water undertaker in relation to telecommunications and property matters affecting its operational land portfolio. Our work includes;

- Advising on the renewal of Electronic Communications Code agreements for a portfolio of 26 sites, including both greenfield and rooftop locations;
- Advising on legal issues arising from renewal notices served by operators to strengthen the client's negotiating position;
- Supporting negotiations where operators sought to transition from legacy multi site agreements to site specific Code agreements;
- Advising on Tribunal proceedings commenced by operators in respect of individual sites, including both greenfield and rooftop assets.

This work supports the strategic management of its operational estate and ensures its statutory undertaker functions are protected whilst engaging with telecoms operators under the Code.

Water Companies – Construction & Infrastructure Projects

Advising water companies on bespoke construction and infrastructure contracts for complex water and wastewater projects, including the construction of a coastal sewage treatment plant, a deep gravity sewer and associated network connections incorporating marine outfalls.

Our work has included advising on;

- FIDIC based contracts;
- Risk allocation;
- Interface with statutory approvals;
- Delivery of critical infrastructure assets.

We work closely with clients' technical and project teams to ensure contractual frameworks support safe delivery, regulatory compliance and long term operational resilience.

Statutory (Water) Undertakers – Regulatory Investigations & Enforcement

Advising water companies in their capacity as statutory undertakers in connection with regulatory investigations and prosecutions by local authorities under the New Roads and Street Works Act 1991, often arising from works carried out by contractors on public highways. Our role includes;

- Strategic advice on interviews under caution;
- Internal investigations;
- Evidential review and engagement with local authorities and regulators;
- Representation in the Magistrates Court or Crown Court.

We have successfully assisted clients in limiting exposure by challenging the scope of charges, identifying available statutory defences, and negotiating reductions in fines. In one matter, our work contributed to a judgment that is regarded as one of the more definitive rulings on the court's approach to sentencing for these offences.

Meet our water sector specialists

Our team has in depth knowledge of the water industry and the legislative and regulatory regimes governing it, developed through long standing experience advising water companies on operational, infrastructure, property and compliance matters.



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Water Undertakers – Planning, Property & Telecommunications

Advising water undertakers on planning, property and telecommunications matters supporting the delivery and operation of strategic infrastructure. This includes;

- Negotiating Section 106 Agreements;
- Advising on land assembly and rights required to deliver infrastructure;
- Acting on telecoms matters affecting operational assets, including Code agreements, renewals and lift and shift arrangements.

Our advice is focused on balancing the water company's statutory functions with the requirements of planning authorities, landowners and telecoms operators, ensuring infrastructure can be delivered and operated without undue constraint.



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Great service... Great people...

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