

Casework – Adoption Codes Discussion
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Dear Sirs

Agreements for water and sewerage companies to adopt infrastructure – a discussion paper

Thank you for the opportunity to comment on this consultation. Our responses to your consultation questions are given overleaf; they are in relation to adoption agreements for water and sewerage.

We are aware that the 2014 Act includes provisions to issue new codes for adoption with powers to intervene on request, make specific orders or variations to agreements and associated matters.

We assume that the existing guidance documents and publications, such as Sewers for Adoption, will remain to support the new codes and therefore our preferred approach would be that the codes only cover high level principles and are formulated to operate at an industry level as a framework.

We trust that you find our comments helpful. Should you have any further questions or require any clarification please do not hesitate to contact us.

Yours sincerely



Dave Ogborne
Planning Liaison Manager



Q1. Which parts of the procedures for making an adoption agreement under section 51A or section 104 WIA91 should be included in the code(s)? These might include or differ from those set out above. For each, please explain why and what benefit its inclusion in the code(s) could deliver.

The existing arrangements operating under the current guidance for mains and sewers appear to satisfy most circumstances for both developers and statutory undertakers. We receive very few complaints relating to the adoption process and believe that the principal elements stated in para 3.2 are fundamental. The proposed codes can form a high level framework with supporting guidance kept under review through industry participants at regular intervals.

Reference is made to the existing procedures illustrated in “Code of Practice for Self Lay water Mains & Services” and “Figure 1.1 Sewers for adoption 6th Edition” for process flow chart.

Principal elements for the code:

- Application form triggers the process with supporting information. - Specify minimum requirements for submission
- Acceptance or rejection of the application
- Technical compliance with design codes
- Associated fees and bond to instruct agreement
- Ancillary provisions for easement/wayleave or conveyancing
- Inspection/pressure test/chlorination/maintenance period and cctv survey
- Vesting declaration – release of security
- Reference to appeal provisions

We seek to retain a balance between the principal actions and requirements of the adoption process and prescriptive detail within guidance documents

Q2. Which parts of the procedures for making an adoption agreement under section 51A or section 104 WIA91 should not be, or are unnecessary to be included in the code(s) and why?

All steps need not be detailed throughout the process within the codes – the principal actions only should be retained. Referral to appeal process should be defined.

Q3. Should the code(s) set out a common procedure applicable to all water and sewerage companies, or should it set out key principles that companies' own processes and procedures should comply with? Why?

We believe that a uniformity in the codes with a common procedure has benefited all parties in the past. A common approach means that all designers, developers and undertakers are familiar with requirements across the industry. These provide for

efficient resource planning and fees/costs associated with securing adoption arrangements for development sites.

Q4. If the code(s) were to include details of the procedures to be followed by Ofwat in issuing an order for a water or sewerage company to enter, vary or terminate an adoption agreement, what in particular would it be useful for the code to include?

- Appeal provision – clarify grounds for appeal
- Order and timescale of process

The proposed codes should include the grounds/reasons for making any specific order and where possible default provisions.

Q5. To what extent would it be helpful for the code(s) to set out details of what type of works it is or is not appropriate to be done by a person other than the water or sewerage company? Are there particular types of work where such clarification would be beneficial?

It would be helpful if there was clarification about certain types of work e.g. connections to live mains can only be done by a water undertaker.

Types of work where clarification would be beneficial include:

- Exclusions for works and connections on live mains and sewers and ancillary apparatus should remain, with undertakers making any exceptions under controlled circumstances.
- Detailing the scope of works for pipelines and pumping/booster stations needs careful consideration.
- Disputes on the selection of materials

Q6. Are there certain terms or conditions that should be mandatory for all water and/or sewerage adoption agreements? Please outline which and why.

- Lawful development activity and associated approvals - Avoiding risk of prosecution/unlawful works.
- Adoption subject to satisfactory completion of works/obligations under the agreement – to ensure appropriate standards and vesting arrangements for purchasing customer.
- Certified completion, maintenance period and vesting – customer assurance.

Q7. Are there particular areas in which it would be unnecessary or unhelpful for the codes to set out mandatory terms and conditions? Please outline which and why.

Mandatory provisions in proposed codes should relate to the high level actions and requirements between parties.

Q8. Are there certain areas where it would be useful to have standard terms and conditions for adoption agreements, even if they were not mandatory? Please outline which and why.

Standard terms and conditions for the principal requirements across the industry will provide a uniformity of process for all stakeholders and participants in delivery.

Q9. Are there particular areas in which it would be unnecessary or unhelpful for the codes to set out standard terms and conditions? Please outline which and why.

There are some areas where compatibility is desirable e.g. pumping stations and mechanical and electrical operating systems (control software and telemetry systems). These may vary between undertakers.

Q10. Are there circumstances in which the code(s) should make different provision for different persons? If so, please outline in what circumstances and why.

We are not aware of the need or circumstances to make differences in provision for the proposed codes.

There are areas where circumstances for resilience provisions may lead to higher technical/design standards. However these will apply to all applicants for the site.