

Information notice

IN 20/02 March 2020



This is a formal document that alerts our stakeholders to a change in the way that we regulate the water sector in England and Wales.

Revising the Code for Adoption Agreements

This information notice is a statutory notice given under sections 51CC(1)(a) and 105ZE(1)(a) of the Water Industry Act 1991 (**the Act**). Those sections allow us to make minor revisions, for which consultation is unnecessary, to the code issued by us under sections 51CA and 105ZC of the Act (**the Code for Adoption Agreements**). The Code for Adoption Agreements deals with the adoption of water and sewerage infrastructure and applies to companies whose areas of appointment are wholly or mainly in England.

What have companies done so far?

The Code for Adoption Agreements requires companies to work with their customers to develop, agree and maintain guidance setting out the processes by which parties can enter into adoption agreements and a model adoption agreement for both the water and sewerage sector. The sector guidance and the model adoption agreements must reflect the overarching principles set out in the Code for Adoption Agreements.

On 26 March 2019, companies submitted draft sewerage sector guidance and a draft model sewerage adoption agreement for our approval. In July 2019, we confirmed to companies that we were, subject to some minor revisions, satisfied with the sewerage sector guidance and model sewerage adoption agreement. Companies subsequently addressed those minor revisions and these

documents now form part of the Code for Adoption Agreements. The sewerage sector guidance and model agreement will come into effect on 1 April 2020.

This information notice relates to a minor revision to a requirement set out in the sewerage sector guidance.

Why is a revision of the Code for Adoption Agreements required?

The approved sewerage sector guidance contains several appendices including Appendix C: Design and Construction Guidance (**the DCG**). Section E2.21.1 of the DCG sets out that:

‘Thermoplastics pipes, joints and fittings for gravity sewers shall comply with the relevant provisions of BS EN 1401-1 (PVC-U), BS EN 1852-1 (PP), or BS EN 12666-1 (PE) as appropriate. **Pipes and fittings shall be made**

from the same material and the same short term ring stiffness class’.

Companies confirmed that the requirement in the last sentence of this paragraph was inserted primarily due to a concern raised by a stakeholder that fittings were being used with plastic pipes that were not compatible with the pipes and that this could lead to failure of the pipe when it deformed under load.

The purpose of the sentence was also to address a concern about inappropriate fittings and jointing resulting from a lack of experience on the part of both ground workers and water companies in using such pipe materials, and an incomplete understanding of relevant standards.

However, following our approval of the DCG, companies have identified that although the sentence was intended to provide helpful guidance to companies and customers, it failed to take proper account of current product standards which, to an extent, already address these concerns.

Companies have provided a report which sets out two problems with the sentence above. Firstly, due to fundamental mechanics, fittings tend to be stiffer than pipes and it is very difficult to make fittings that have the “same” stiffness as the pipe. Secondly, the requirement for the fitting to have the “same” stiffness as the pipe is not in line with European Standards.

What revision are we making?

We consider the most appropriate way to address this issue is to make a revision to the DCG by removing the sentence at issue.

Companies have informed us that options for a replacement sentence will be submitted to the sewerage sector Panel as a change proposal for the Code, providing further opportunity for stakeholders to comment on appropriate wording.

We consider our revision to remove the sentence in the meantime falls within sections 51CC(1)(a) and 105ZE(1)(a) as it is a revision for which consultation is unnecessary due to its minor nature.

We are therefore giving notice that the above mentioned sentence has been removed and paragraph E2.21.1 now reads as follows:

‘Thermoplastics pipes, joints and fittings for gravity sewers shall comply with the relevant provisions of BS EN 1401-1 (PVC-U), BS EN 1852-1 (PP), or BS EN 12666-1 (PE) as appropriate.’

Companies have raised no objections and have informed customers about the intention to delete the sentence. We have not been informed of any stakeholder objections to the removal of the sentence.

What is our expectation on companies?

We expect companies to make the necessary amendment to the DCG and bring the revision to the attention of stakeholders. This is in accordance with part 4 of the Code for Adoption Agreements, which requires companies to publish the most recent version of the sector guidance, highlighting any recent revisions.

More information

Code for Adoption Agreements

Ofwat (The Water Services Regulation Authority) is a non-ministerial government department. We regulate the water sector in England and Wales. Our vision is to be a trusted and respected regulator, working at the leading edge, challenging ourselves and others to build trust and confidence in water.

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