

# Code for Adoption Agreements

## Sewerage sector documents: Change proposal (Ref 018)

<b>Modification proposal</b>	Sewerage Sector Guidance Appendix C – Design and Construction Guidance: Uniformity of plastic pipe design requirements
<b>Independent Water Adoption Panel Recommendation</b>	The Panel recommended rejecting the proposed change
<b>Decision</b>	Ofwat has rejected the proposed change
<b>Publication date</b>	26 March 2024
<b>Implementation date</b>	N/A

### Background

John Davidson Pipes Limited (**JDP**) submitted this change proposal to the Independent Sewerage Adoption Panel (**the Panel**) on 22 September 2023, with the Panel publishing the proposal on its website on the same day. The function of the Panel is to consider change proposals to the [sewerage sector guidance and model sewerage adoption agreement](#) (**the Sewerage Sector Documents**) which apply to companies operating wholly or mainly in England. These documents were developed by companies as required by the [Code for Adoption Agreements](#) (**the Code**) and came into effect in April 2020. A change proposal is defined in the Code as a proposed change to the sector guidance or the model adoption agreements.

The change proposed by JDP concerns the guidance in the Sewerage Sector Documents Appendix C – Design and Construction Guidance (**DCG**) relating to plastic sewer pipes. Specifically, it addresses JDP's concern that the DCG allows for the installation of inappropriately low strength pipes.

## The change proposal

JDP considers that the DCG leaves open the possibility of the installation of lower strength pipes which do not have a British Standards Institute (**BSI**) Kitemark<sup>1</sup> or equivalent in adoptable sewer systems. JDP points out that section E2.22 of the DCG ‘Thermoplastics Structured Wall Pipe’ specifically requires that “Pipes shall be BSi Kitemarked or have equivalent third party certification”. Whereas, section E2.21 of the DCG ‘Thermoplastics Solid Wall Pipes and Fittings for Gravity Sewers’ does not include such a requirement. Additionally, section E2.22 contains specifications around the maximum allowed length of pipe and ring stiffness, while section E2.21 does not include such detailed requirements.

JDP considers that the current section E2.21 is ambiguous and lacks detail. JDP proposes that section E2.21 is expanded to include more detailed requirements, similar to those which are included in section E2.22, in order to address this issue.

## Consultation and assessment

In submitting its recommendation, the Panel confirmed that it met the Code requirement<sup>2</sup> to assess the change in terms of:

- The need for change, for example, is it a service improvement or is it needed to address a particular issue?
- Consistency with the principles and objectives of the Code, and any relevant statutory requirements; and
- The impact of the change (be it positive and/or negative) on customers and on water companies.

In considering the change proposal, the Panel has:

- discussed the proposal at two meetings; and
- instructed the Water Research Centre (**WRc**) to review and advise on the proposal.

## Panel recommendation

On 19 January 2024, the Panel recommended to Ofwat, by unanimous agreement, that we reject the proposed change to the sewerage sector documents. In reaching its decision, the Panel stated that it has considered the following issues:

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<sup>1</sup> [Build Confidence and Trust with the BSI Kitemark | BSI \(bsigroup.com\)](#)

<sup>2</sup> See paragraph 3.8.11 of the Code.

- The Proposal highlighted an inconsistency between the standards requirements of E2.21 relating to thermoplastics solid wall pipes and E2.22 relating to thermoplastics structured wall pipes. This could potentially result in pipes of differing strengths being used and the DCG should clearly identify the minimum standards for pipes. Addressing obvious inconsistencies is desirable to maintain the consistency of the DCG.
- However, it was also possible that E2.21 and E2.22 had been drafted in order to give users of the DCG some flexibility in specifications.
- In a report requested by the Panel, the WRc reviewed the relevant standards and products currently available on the UK market. In section 5 of its report, the WRc considered the incorporation of the requirements of E2.22 into E2.21. For each, it was of the view that this would either be problematic or of no effect.
- In particular, the Panel noted the WRc's view that:
  - Although E2.21 is shorter than E2.22 the direct reference to standards is clear and unambiguous.
  - Inclusion of a minimum ring stiffness requirement of 8 kN/m<sup>2</sup> (SN 8) would preclude the use of almost all solid wall pipe products of DN/OD 160 mm and above as these are manufactured with a ring stiffness of 4 kN/m<sup>2</sup> (SN 4).
  - The maximum length requirement in clause E2.22.4 is included as the wall structure of structured-wall pipes only increases the ring stiffness not necessarily the longitudinal stiffness of the pipe. However, since Water Industry Specification (**WIS**) WIS-4-35-01<sup>3</sup> includes a requirement for longitudinal stiffness, any additional requirement would be a duplication.
  - Inclusion of a reference to the requirements of WIS 4-35-01 into E2.21 is not feasible as the scope of this is limited to structured-wall pipes.
- The WRc proposed alternative wording for the Panel to consider, in order to promote uniformity between the relevant sections. Any changes to the DCG could not contradict the relevant standards. The Panel was not persuaded to recommend this alternative wording for the reasons set out below. Furthermore, the Panel considered that the recently published Civil Engineering Specification for the Water Industry 8 (**CESWI 8**)<sup>4</sup> had not deemed such changes necessary. The Panel concluded that while the alternative wording might be permissible, it is not necessary.

The Panel stated that the proposal should be rejected on the basis that it did not provide a compelling reason to amend the DCG and that doing so would be disproportionate in this instance. While uniformity across the DCG is desirable and the Panel noted WRc's suggested alternative wording in this regard, the Panel was not persuaded that this alone was a sufficient reason to recommend either the change contained in the Proposal or WRc's suggested alternative wording. In particular, the Panel noted WRc's comments on the

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<sup>3</sup> [Water Industry Specification WIS-4-35-01 \(water.org.uk\)](https://www.water.org.uk)

<sup>4</sup> [Introducing CESWI 8 | WRc \(wrcgroup.com\)](https://www.wrcgroup.com)

technical aspects of the standards requirements and the potential for duplication or contradiction if the Proposal was accepted.

## **JDP response to the Panel's recommendation**

On 26 January 2024, JDP responded to the Panel's recommendation to Ofwat making the following points:

- The PVC adoptable sewer pipe market is currently mostly comprised of products that would be listed under DCG part E2.22, SN8 Kitemarked Structured Wall Pipes. Leaving part E2.21 unchanged would result in a market shift to lower strength SN4 pipes into adoptable projects.
- Unlike solid wall pipes the structured wall pipes can be made with recycled material. A market shift towards solid wall pipes would also have an environmental impact with a greater emphasis on virgin material.

On 30 January 2024, JDP contacted Ofwat directly to make the following further points:

- Regardless of the BSI Kitemark, JDP questioned why, in adoptable applications, solid wall pipes would be acceptable to SN4 but structured wall pipes have to be SN8.
- The WRc report said the wording between E2.21 and E2.22 of the DCG could be made uniform, but the panel deemed this unnecessary. JDP questioned why the panel came to this conclusion.
- SN8 structured wall pipes are currently used in most adoptable applications. The Panel's comment about 'changing E2.21 to SN8 would preclude most solid wall pipe' is a little confusing. As a manufacturer, JDP is able to produce solid wall pipes and structured wall pipes in both SN4 and SN8. JDP's proposal was made in order to avoid the DCG being unclear rather than to preclude any other manufacturers. Without this clarity, JDP is unsure what it should be producing for future adoptable work.
- Following on from the above point, left unchanged JDP believes this would mean that all utilities would have to accept SN4 pipes under the recommendation of the DCG. It believes that SN4 pipes will not be acceptable to all utilities which will cause further confusion as an important point of the DCG is to align all utilities.
- As it stands JDP fears an influx of lower strength, and possibly even lower quality, pipes will feed into adoptable applications as the BSI Kitemark is also not required under the current wording of E2.21.

## **Our decision and reasons**

We have considered the above issues and all supporting documentation provided to us by the Panel and JDP, and have decided to reject the proposed change.

We agree with the Panel that, while there is benefit to having consistency across the DCG, we do not consider that sufficient evidence has been presented to show that there is a widespread issue that needs to be addressed. We have not seen evidence that pipes with inappropriate specifications are being installed or that this is causing problems for wastewater companies or their customers. We also note that the WRC's view that the incorporation of the requirements of E2.22 into E2.21 would either be problematic or of no effect, and that there is a technical rationale for including additional requirements for structured walled pipes that are not specified for solid walled pipes.

With the above in mind, we consider that there is insufficient evidence to support the proposed change to section E2.21 of the DCG and implementation of the proposed change could be problematic. We have decided to reject the change proposal. This is consistent with the Code principle of being fair and proportionate and avoiding unnecessary complexity.

### **Decision notice**

In accordance with paragraph 3.9.4 of the Code Ofwat rejects this Change Proposal.

**Emily Bulman**

**Director, Charges, customers and developer services**