



Department
for Environment
Food & Rural Affairs

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Consultation on national build standards and automatic adoption of new gravity foul sewers and lateral drains

Summary of Consultation Responses

November 2012

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Consultation information and coverage

This consultation ran from 20 December 2011 until 31 January 2012. It presented our proposals for implementing Section 42 of the Flood and Water Management Act 2010 on the automatic adoption, by the statutory water and sewerage companies, of newly built sewers and lateral drains connected to the public sewerage system in England.

Introduction to the policy

Sewers and lateral drains are the pipes that take foul sewage (waste from toilets, bathrooms and kitchens) and/or surface water (rain water) away from properties. Sewers take this sewage and water away from more than one property. Lateral drains perform the same function for a single property, but lie outside of that property's boundary.

Until 1 October 2011, private sewers and lateral drains that were connected to the public system were generally the responsibility of the owner of the property. Unless a problem occurred, private sewer owners were often unaware of their responsibility for a private sewer especially where it extended beyond their own property boundary. The consequences of private ownership led to a high level of consumer dissatisfaction, the perception that the system was unfair, environmental risks, ambiguity as to responsibilities, and resource implications for local authorities.

To address this the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 provided for all existing private sewers and lateral drains which were connected to the public system on 1 July 2011 to transfer to the Water and Sewerage Companies (WaSCs) on 1 October 2011.

The subject of this consultation is the second stage of action to deal with the issues caused by private sewers, and is designed to avoid the accumulation of a new legacy of private sewers and all the problems which led to the 2011 transfer. It concerns the implementation of Section 42 of the Flood and Water Management Act 2010. Implementation will result in the right to connect new sewers and lateral drains to the public sewerage network, as provided for in Section 106 of the Water Industry Act (1991), being amended to make it dependent upon meeting certain conditions. Section 42 of the Flood and Water Management Act also provides for the Secretary of State to publish standards. Specifically, Section 42 makes it a condition that anyone wanting to connect a new sewer or lateral drain to the public network must first enter into an adoption agreement with a WaSC, as provided for in Section 104 of the Water Industry Act (1991).

In the consultation we asked specifically for views on:

- Proposals to make the necessary transition from current to the new adoption arrangements;
- Draft national build standards for newly-built gravity foul sewers and lateral drains;

- Draft Regulations to ensure that the adoption process is completed; and
- Evidence in the Impact Assessment which supports our proposals.

Responses received: a summary

We received a total of 64 responses to the consultation. We wrote to key stakeholders advising them of the date of consultation launch and the detail on how to respond, but the consultation was open to anyone to submit a response.

The breakdown of responses is as follows:

Sector	Responses	Percentage
Construction	27	42
Local Authority	11	17
Water and sewerage companies	12	19
Other	14	22
Total	64	100

Summary of responses for each question

Question 1: Is the adoption process envisaged under Section 42 of the Flood and Water Management Act (2010) clear? Is further guidance required?

58 responded to this question.

24% of respondents agreed that the process is clear.

3% of respondents agreed that the process is clear, and that no further guidance is required.

28% of respondents agreed that the process is clear, but that further guidance is required.

9% of respondents said that the process is unclear.

36% of respondents said that the process is unclear, and that further guidance is required.

We will consider the responses to this question.

Question 2: The transitional arrangements that we propose are detailed in Annex A and paragraph 4:14 in this document. We believe that these provide workable arrangements. If you disagree, please provide evidence.

46 responded to this question.

76% of respondents agreed that these provide workable arrangements.

24% of respondents disagreed, saying that these do not provide workable arrangements.

Some respondents provided additional comments, which we will consider.

Question 3: Is the point at which the first bill is issued to customers, in respect of newly connected properties served by newly built sewers, the appropriate time at which the adoption process is deemed to be completed?

49 responded to this question.

19% of respondents said yes.

12% of respondents said yes, with qualifications.

69% of respondents said no.

We will consider the responses to this question.

Question 4: Are the Secretary of State's national build standards appropriate, given the linkage to the detailed guidance contained in Sewers for Adoption 7 (SFA7), as agreed between developers and the water companies?

54 responded to this question.

50% of respondents said yes.

37% of respondents said no.

13% offered comments, but felt unable to agree or disagree.

We will consider the additional comments provided.

Question 5: Are the standards in the guidance published in SFA7 by WRc and the water companies appropriate to secure an appropriate standard of construction and maintenance, as the basis for automatic adoption?

53 responded to this question.

45% of respondents said yes.

34% of respondents said no.

21% of respondents offered comments, but felt unable to agree or disagree.

We will consider the additional comments provided.

Question 6: The draft national build standards for gravity foul sewers and lateral drains, and the detailed supporting guidance to be contained within future editions of Sewers for Adoption, do not refer to jetting resilience. However, a minimum resilience threshold for foul sewers and lateral drains to withstand a jetting pressure of 4,000 psi (256 bar) is being considered for the future. In this context:

Question 6a: Do you support the concept of having pipes specified by resilience to jetting pressures for foul sewers and lateral drains in future versions of the national build standard and guidance? Please answer YES or NO

50 responded to this question.

68% of respondents said yes.

32% of respondents said no.

Question 6b: If your answer to Question (a) is YES, do you consider that 4000psi is the correct limit? Please answer YES or NO and support this with further explanation as appropriate

30 responded to this question.

50% of respondents said yes.

40% of respondents said no.

10% of respondents neither fully agreed or disagreed.

There was no clear consensus in response to this question. We will consider the responses to this question.

Question 6c: If your answer to Question (a) is YES, and you indicate a preference for 4000psi or above at Question (b), when do you consider that such a standard should be introduced, and what other considerations would you like to see in place. Please support your views with justifications.

15 responded to this question.

A small number of respondents provided additional comments to this question. There was no clear consensus in response.

Question 7: Do you support the evidence we have on costs in the Impact Assessment? Please provide evidence to support your views.

24 responded to this question.

33% of respondents said yes.

67% of respondents said no.

Around half the average number of respondents in this consultation replied to this question. Of the respondents disagreeing with the information on costs in the Impact Assessment, nine provided additional comments for consideration. We will consider these comments during the revision of our Impact Assessment.