Principles regarding the transition to the new sewerage adoption regime

**Introduction**

 Ofwat has set 1 April 2020 as the date on which the Sewerage Sector Guidance (SSG) and related documents will come into force. The SSG has been prepared to meet the requirements of Ofwat’s Code for Adoption Agreements. The SSG and related documentation can be found [here](https://www.water.org.uk/technical-guidance/developers-services/codes-for-adoption/)

 The Code itself merely says the SSG will apply to all new pre-development enquiries and applications after the commencement date and that applications submitted before that date may *by agreement* (our emphasis) be dealt with under the new arrangements (see para B1.4 and 1.5 of the Code)

The code does not therefore address a number of commonly-encountered situations:

* existing S104 agreements may be in place for many years-with works being offered for adoption both before and after the commencement date. Will current procedures and processes apply indefinitely to adoptions after the commencement date?
* Schemes frequently take some years to finalise before they are presented to the water and sewerage companies (WaSCs). It would seem inequitable to require developers to revise schemes prepared before the commencement date to meet the standards applying after that date. On the other hand, WaSCs have a legitimate interest in only running one set of procedures and standards and in avoiding parallel running of old and new adoption arrangements.
* a developer may wish to revise a scheme currently being prepared in order to take advantage of new approaches offered by the SSG which were not permitted by Sewers for Adoption

Water companies have therefore developed a number of principles to guide their approach to these kinds of situations. The application of any of these principles can be altered by agreement between the WaSC and the developer. In each case, where an “application” is referred to, it is assumed that the application is complete and complies with the relevant requirements of the WaSC.

This document has been provided to the HBF and HBA before its publication. Neither organisation has raised any objection to these principles.

**Principles**

**Applications before 31 March 2020**

1. All applications and projects initiated before 1 April 2020 and including those designed to meet the standards in force before the implementation of the SSG will be progressed after 1 April 2020 using the new procedures where practicable and agreed between the parties
2. All applications received up to and including 31 March 2020 and designed to pre-SSG standards will be accepted and processed in accordance with the standards and procedures applicable at that time, ie, even where delivery and adoption are after that date.
3. After 1 April 2020, water companies will work with any developer seeking to vary any schemes that have previously received technical approval in order to take advantage of the specifications set out in the DCG. (They will otherwise proceed under the old regime.)

**Applications and enquiries on or after 1 April 2020**

1. All pre-development enquiries and applications made on or after 1 April 2020 will be dealt with under the procedures of the SSG, whether or not the Design and Construction Guidance (DCG) and Model Sewerage Adoption Agreement are used. See further principles 5 and 6.
2. All applications received on or after 1 April 2020 will be processed under the substantive requirements of the SSG unless the following principle applies.
3. Applications received on or after 1 April 2020 and designed to the standards applicable before 1 April 2020, can continue to be accepted until 1 October 2020.

**Applications involving SuDS**

1. Despite principle 6, all applications submitted after 31 March 2020 seeking adoption of a SuDS will need to comply with the DCG.
2. Where applications before 31 March 2020 seek adoption of SuDS it will normally be advantageous to come to an agreement to follow the requirements of the DCG.

**Agreement follows standards**

1. The agreement used will follow the standards in use on the scheme, ie, DCG or Sewers for Adoption.

Water UK

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