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Summary of responses to the consultation: Private Sewers Transfer – Implementation Options: July – October 2007

March 2008



Llywodraeth Cynulliad Cymru
Welsh Assembly Government



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<http://defra.gov.uk/corporate/consult/sewers/index.htm>

Published by the Department for Environment, Food and Rural Affairs

Background

The Private Sewer Implementation Options consultation forms the latest part of the Government's review of private sewer ownership. On 22 February 2007 the Government¹ announced that existing private sewers and lateral drains (laterals) in England and Wales, which connect to the public sewerage network, should be transferred into the ownership of the ten statutory Water and Sewerage Companies (WaSCs) in England and Wales. The Government stated that it would consult on ways to implement the transfer and to prevent the proliferation of new private sewers. This consultation, published on 25th July 2007, took forward that commitment.

The announcement followed an extensive review of current ownership arrangements. Transfer of ownership to WaSCs was the strategic option favoured by respondents to a consultation undertaken in 2003, entitled Review of Existing Private Sewers and Drains in England and Wales (available at: <http://defra.gov.uk/corporate/consult/sewers/index.htm>). A Government Response Paper published in 2004 (<http://defra.gov.uk/corporate/consult/sewers/index.htm>) undertook to examine the case for transfer in more depth and, having done this, the Government concluded that transferring ownership to WaSCs represented the only comprehensive solution to the problems caused by existing private sewers and laterals, namely the lack of integrated management of the sewerage system as a whole and the difficulties experienced by private sewer owners. A Regulatory Impact Assessment (RIA) covering this decision can be viewed at (<http://defra.gov.uk/environment/water/industry/sewers/existing/pdf/sewers-drains-ria/pdf>).

The decision to transfer ownership was based on an assessment of the costs and benefits of an automatic overnight transfer of assets. This form of transfer was assessed because it would appear to provide the most comprehensive solution to the range of problems presented by existing private sewers and laterals. It would also provide the most clarity in terms of where ownership rests and be the most straightforward to implement. However, overnight automatic transfer is likely to incur front-loaded costs, and the Government acknowledged that there are other ways of implementing transfer with the potential to reduce or spread these costs (albeit with reduced benefits) and that a consultation should be held on these. The Government continues to attach considerable priority to keeping water and sewerage bills affordable, including for those on low incomes; minimising the burden on water and sewerage charges will therefore be an important factor when considering how best to take forward the transfer. A significant amount of work was done with stakeholders to understand implementation issues and to develop other forms of transfer that might spread or reduce the costs given their uncertainty.

Composition and number of consultation respondents

The consultation was announced in press releases dated 25th July and was sent to 113 organisations, plus all local authorities in England and Wales and all statutory water and sewerage companies. It was also available on the Defra and Welsh Assembly Government websites, in the Defra library and copies were placed in the Houses of Parliament libraries. 119 individual responses were received, of which 2 requested confidentiality. Responses were received from statutory Water and Sewerage Companies (WaSCs), Local Authorities, Independent Drainage Contractors, Government Departments and Regulators, Professional Bodies and Trade Associations. In addition, 68 letters from Dyno-Rod franchisees were received in support of Dyno Group's response and 26 identical letters were received endorsing a letter from a local resident. A copy of all responses is available from the Defra library. The respondents were categorised as follows:

	Number	Percent
Drainage contractors	6	5%
England and Wales Water and Sewerage Companies (WaSCs)	10	8%
Local Authorities	52	44%

¹ Unless otherwise stated all references to the Government in this paper mean Central Government in England and the Welsh Assembly Government.

Statutory Bodies/Government (includes Ofwat, Environment Agency, CC Water and Other Government Departments)	6	5%
Private Individuals/Residents Associations	19	16%
Others (includes trade associations and professional bodies)	26	22%

The following analysis of responses gives a summary of views given in response to each question and an indication of the number of those who responded to each question. The total number of respondents includes all those who made comments relating to the question, regardless of whether they specifically answered the question. Percentages given show the proportion of those who responded 'yes' or 'no' of the total who responded to each question.

Analysis of responses to questions

Q1 Do you think that the transfer of private pumping stations should be done on a 'worst condition first' basis, 'best condition first' basis or should pumping stations serving the highest number of people be transferred first? Please give reasons for your answer.

Number of respondents: 83

	Number	Percentage of Q1 respondents
Worst	25	30%
Best	5	6%
Highest number	28	34%

1. Of those respondents who did not support any of the options, many (including most WaSCs) supported an "on application" approach for pumping stations, whereby those serving the highest number but requiring the least remedial work would be transferred first.
2. WaSCs were generally neutral on the method of prioritisation for those pumping stations that require bringing up to standard, though there was support for a period where WaSCs could make assessments and prioritise those requiring work based on environmental impact, flood risk, on a cost/benefit basis or on those serving the highest number of people.
3. Amongst Local Authorities, there was fairly widespread support for an automatic transfer (i.e. no phasing). Of those that supported phasing, Local Authorities were split between those favouring a worst condition first transfer (on grounds of public health or flood risk) and those favouring transfer of the highest number first in order to benefit more people earlier.
4. Other respondents commented that should phasing be chosen as the preferred method, there may be those in the latter stages of transfer who see an increase in their bill without seeing the benefit of transfer of their assets.
5. It was also noted that where pumping station owners are aware of transfer, there will be no incentive to maintain or repair the pumping station in the interim.

Q2. Do you think pumping stations should be transferred over a short period (e.g. 10 years) or a longer period (e.g. 30 years)? Please give reasons for your answer.

Number of respondents: 81

	Number	Percentage of Q2 respondents
shorter than 10	20	25%
Short	54	67%
Long	0	0%
15-20	6	7%

1. A large number of respondents (including most WaSCs) commented that as the condition of private pumping stations is largely unknown, assessments would be required, which would be expensive and time-consuming. A number of respondents also noted that the time required may increase if it is necessary to acquire easements.
2. It was acknowledged that there will be an impact on costs if WaSCs take on pumping stations.
3. Those supporting transfer over a very short period (including a number who supported an automatic overnight transfer) suggested that a quick transfer would reduce uncertainty for householders and lessen the inequitable effect of some householders benefiting from transfer of responsibility before others, without an allowance for this in bills.
4. The benefits for reducing pollution and flooding and protecting health and safety were also cited as reasons for transferring over a very short period.
5. A number of comments were made regarding the lifetime of a pumping station, which may be less than 30 years, which would make transfer of pumping stations over a longer period ineffective.
6. Ofwat suggested that upon the expiry of the transfer period, all pumping stations that have not been transferred should be automatically transferred, otherwise, there may be a disincentive for WaSCs to find and deal with pumping stations during the transfer period.

Q3 Do you think that the transfer of private sewers and laterals should be done on a 'worst condition first' basis, 'best condition first' basis or should assets serving the highest number of people be transferred first? Please give reasons for your answer.

Number of responses: 88

	Number	Percentage of Q3 respondents
Worst	12	14%
Best	0	0%
Highest number	31	35%

1. WaSCs and many local authorities suggested that not enough was known about the condition of private sewers and laterals to transfer on the basis of condition. The work associated with carrying out an assessment of condition of private sewers would be disproportionate.
2. Reasons given in support of transfer en masse included: clarity for householders; fairness for customers whose bills will increase regardless of whether ownership of their sewers are transferred and the resultant more integrated sewerage network.
3. One respondent suggested that phasing could be determined on a geographical basis.
4. It was noted that it is difficult for local authorities to serve notice relating to sewerage problems where the sewer serves a large number of people, suggesting that transferring those serving the highest number of people should be a priority to avoid these difficulties.
5. Some respondents suggested that it is most important to transfer those sewers presenting the greatest risk of flooding in support of transfer on a worst condition first basis.
6. CCWater was opposed to any phasing, instead advocating an overnight transfer with a prioritisation formula for the delivery of remedial work once sewers have been transferred, whereby a prioritisation score would be given to sewers and drains for remedial work to be carried out.

Q4 Do you think that the phasing of transfer for private sewers and laterals should be performed over a short period (e.g. 10 years) or a longer period (e.g. 30 years)? Alternatively, if you think a different time period is best, please indicate this. Please give reasons for your answer.

Number of responses: 88

	Number	Percentage of Q4 respondents
No phasing	49	56%
Short (10)	31	35%
Long (30)	3	3%
15-20	1	1%

1. Most WaSCs indicated that they did not support any phasing option – stating that the administrative costs associated with phasing would outweigh the costs of transferring overnight.
2. Many of those (including WaSCs) supporting automatic transfer requested an exception for sewers upstream of pumping stations, suggesting that these should be transferred with pumping stations.
3. Drainage companies were amongst those who supported a longer period of transfer to allow both WaSCs and drainage contractors to adapt to new responsibilities and the change in market (respectively).
4. Ofwat also supported a longer period to take into account considerations of affordability - advocating flexibility so that the eventual timescale for transfer can be influenced by considerations of environmental need, affordability and the prevailing economic climate, with pilot schemes to help to identify the most appropriate timescale.
5. All private individuals responding to this question supported the quickest possible transfer of private sewers primarily on grounds of fairness for customers and alleviating flood risk.

Q5 What might a 'serviceable standard' comprise?

Number of responses: 82

1. Most respondents stated that customers should not be required to bring the sewers or pumping stations up to standard before they are adopted, but offered comments on what a serviceable standard could comprise.
2. Existing publications that respondents proposed as the basis for a serviceable standard were: Sewerage Rehabilitation Manual 4th Edition (to meet Structural Grade 3 or better); Building Regulations (Part H); Protocol on Design, Construction and Adoption of Sewers in England & Wales and The Drain Repair Book. The majority of WaSCs and Water UK supported the use of the Sewerage Rehabilitation Manual.
3. More specific criteria suggested by respondents for sewers and drains to meet a serviceable standard included:
 - Capable of providing satisfactory drainage of the building.
 - Have not been subject to action by the Local Authority in the preceding year.
 - WaSCs to have access rights to land and up/downstream manholes/inspection chambers.
 - Suitable for connection to a public sewer.
 - Not polluting watercourses or aquifers or interfering with public health.
 - Leaktight.
 - Adequate gradient, size and flow.
 - No intrusions, obstructions, interruptions or blockages.
 - Sound construction and of durable material, with no structural defects.
 - Visual internal condition assessment by CCTV, pipe construction and adequate bedding materials, structural loading and hydraulic capacity calculations.
 - Access points to be provided for maintenance and inspection.
 - Should be robust and require minimum maintenance.
 - Should not admit subsoil water.
 - Pipework to be made of material in accordance with BS:65 and work to be carried out in accordance with BS: 8301.

For pumping stations, different criteria were suggested to reach a serviceable standard. These included:

- Unimpeded and safe access for maintenance crews and tankers.
- Sustainable rights for power and telemetry cables.
- Electrical safety – conformity with IEE regulations.
- Flow shut off valves.
- Maintainable components removable or safely accessible.
- Adequate storage compatible with WaSC reasonable response times.
- Structurally sound (above and below ground), leak-tight chambers, kiosks and buildings.
- Adequate site security.
- Freehold of the site to be transferred to WaSC.
- Consent required from EA and watercourse owner for any emergency overflow and any associated equipment needed for compliance (e.g. screens) must be functioning.
- No surface water sources connected to systems intended for foul sewage only.

Q6 Do you think that any of the alternatives to an automatic overnight transfer of private sewers and laterals offer a workable solution to the problems caused by these assets? Please give reasons for your answer.

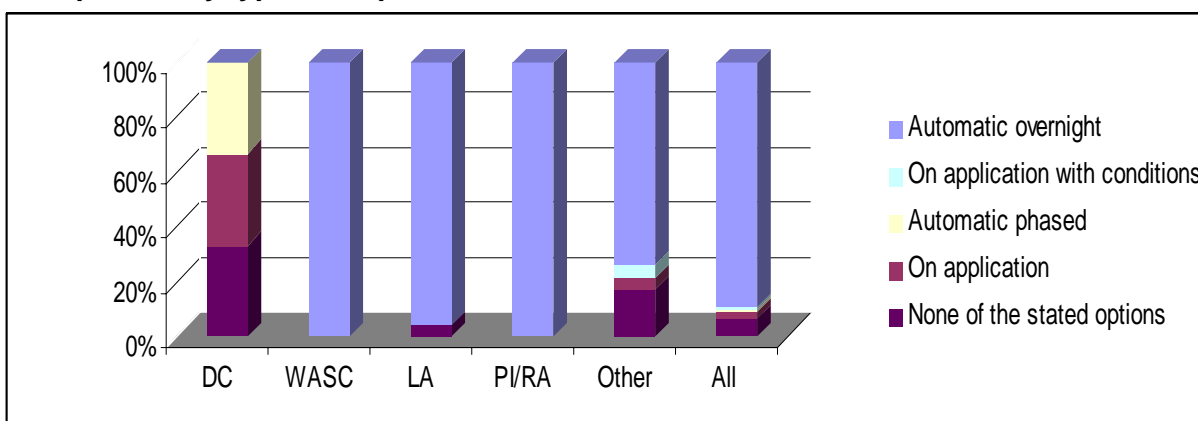
The alternatives are:

- Automatic phased transfer
- 'On application' transfer
- 'On application' transfer, with conditions

Total (number of responses: 101)

	Number	Percentage of Q6 respondents
Automatic overnight	90	89%
Automatic phased	1	1%
On application	2	2%
On application with conditions	1	1%

Responses by type of respondents:



DC: Drainage Contractor
WASC: Water and Sewerage Company
LA: Local Authority
PI/RA: Private Individual/Residents' Association

Drainage Contractors- number of responses: 3

	Number	Percentage of Q6 respondents
Automatic overnight	0	0%
Automatic phased	1	33%
On application	1	33%
On application with conditions	0	0%

WaSCs – number of responses: 10

	Number	Percentage of Q6 respondents
Automatic overnight	10	100%
Automatic phased	0	0%
On application	0	0%
On application with conditions	0	0%

Local Authorities – number of responses: 50		
	Number	Percentage of Q6 respondents
Automatic overnight	48	96%
Automatic phased	0	0%
On application	0	0%
On application with conditions	0	0%
Private Individuals/Residents' Associations – number of responses: 15		
	Number	Percentage of Q6 respondents
Automatic overnight	15	100%
Automatic phased	0	0%
On application	0	0%
On application with conditions	0	0%

1. The majority of respondents supported automatic overnight transfer – with possible exceptions for sewers upstream of private pumping stations. Some WaSCs suggested that legal questions regarding local authority sewers may also need to be considered.
2. Of those respondents who did not support the automatic overnight transfer, drainage contractors suggested that phasing over more time, or by application, would allow time for drainage contractors to conform to WaSC requirements and/or diversify their trade, and at the same time provide sufficient time for WaSCs to adapt to their increased responsibilities.
3. The British Property Federation also advocated an on application (without conditions) method of transfer on the grounds that this would best allow owners of private sewers and lateral drains to make informed decisions about the need to transfer their assets based upon the requirements for their property or business, especially for large organisations, which may have contracts for sewer management.
4. The National Sewerage Association proposed phasing by District Council/ drainage area boundaries as an alternative to other forms of phasing, suggesting that phasing within a WaSC's area would be problematic.
5. Dyno-Group suggested that instead of an overnight transfer, phasing could be based on asset type whereby private sewers would be transferred initially and laterals would be transferred at a later date.
6. Ofwat supported an 'on application' transfer, with conditions, for reasons of fairness, whilst acknowledging the extra administrative burden of this approach (which could be tested through pilot schemes). Of the two automatic options, Ofwat favoured the phased transfer as this would have the benefits of integrated planning and simplicity and allow an overnight transfer in more manageable areas, in effect acting as pilots for later phases. At the same time, Ofwat suggested that this method would ease the likely adverse impact on small drain repair companies.

Q7 Should ownership of non-household private sewers (including sewers that serve mixed premises and entirely non-household premises) be transferred to WaSCs? Please give reasons for your answer. If you disagree, please also explain how you would practically identify and exclude such properties.

Number of responses: 87

Non-household private sewers to be included?

	Number	Percentage of Q7 respondents
Yes	70	80%
No	1	1%

1. The majority of those who supported the inclusion of non-household properties, did so on grounds of clarity and integration, also noting that it may be difficult to identify non-household sewers and that householders who are upstream of an industrial estate would be excluded if non-household sewers were not transferred.
2. A number of respondents gave examples where use of the premises may change and cause confusion in sewer ownership.
3. Of those who neither agreed nor disagreed, respondents suggested that there is less urgency for non-household sewers as management arrangements are often already in place. There was also a suggestion that non-household sewers should be included as it would be more difficult to exclude them than to include.
4. One respondent commented that the inclusion of non-household sewers would increase costs for WaSCs as restaurants and chemical works can pose particular challenges for the drains.

Q8 Should these owners [of non-household private sewers] be able to exclude their systems on request or appeal, particularly where there are no residential properties involved and unlikely to be, and where satisfactory maintenance arrangements are in place?

Number of responses: 85

Right of appeal?

	Number	Percentage of Q8 respondents
Yes	63	74%
No	8	9%

1. Of those respondents supporting a right to appeal a number entered caveats that for example, those owners should be able to prove that no residential properties drain to their sewers or that they should be maintained to the same standard as those that have been adopted. Respondents also felt that those requesting exclusion should be made aware that they continue to be liable for prosecution for any pollution incidents.
2. WaSCs noted that the Water Industry Act, 1991, already allows for owners to object to adoption by a WaSC.
3. Some respondents felt that where owners choose to opt out during the transfer period, a subsequent request for adoption should be subject to assets being brought up to adoptable standard to prevent owners keeping hold of assets until major repairs are required and then requesting transfer.
4. All those opposed to a right of appeal were Local Authorities; the principal reason given was that it would present a challenge to the integration of the network and would not resolve confusion and complexities in the same way as a transfer of all assets would. Difficulties with enforcement were also noted.

Q9 Should ownership of non-household private lateral drains be transferred to WaSCs? Please give reasons for your answer. If you disagree, please also explain how you would practically identify and exclude such properties.

Number of responses: 87

	Number	Percentage of Q9 respondents
Yes	70	80%
No	7	8%

1. Of those respondents opposed to transfer of non-household lateral drains, reasons given included: (i) the bill impact on the generality of customers to support the maintenance of industrial or commercial drains and (ii) the disincentive to look after drains (not using them to dispose of fats etc.) by putting responsibility for maintenance on WaSCs. Some respondents also indicated a general opposition to the transfer of laterals.
2. Those respondents favouring the inclusion of non-household private laterals did so predominantly for reasons of simplicity and integration. Respondents also felt that distinguishing between those that are truly non-household and those that are mixed use would be very difficult (e.g. flats above the terraces of retail outlets) and including non-household laterals would prevent problems in the future where buildings change use. Respondents also commented that laterals of this type in third party land account for a very small percentage of transferable assets.
3. Other respondents commented that there is less urgency in transferring those in commercial ownership as there are often maintenance agreements in place.

Q10 Do you think that private surface water sewers that drain to watercourses should be included in transfer? Please give reasons for your answer. If you do not think these assets should be included, please suggest ways of resolving the perceived problem in excluding them.

Number of responses: 89

	Number	Percentage of Q10 respondents
Yes	78	88%
No	6	7%

1. Of those respondents opposed to the inclusion of surface water sewers draining to watercourses, reasons given included: customers in this position do not currently pay a surface water charge; this issue should be covered by review of floods; it is a separate issue and as these sewers are not connected to the public network, it does not affect the integration of the network. Many respondents were not aware that these sewers pose a major problem.
2. Ofwat considered that an equivalent document to the 'Protocol on Design, Construction and Adoption of Sewers in England and Wales' (2002) should be produced for surface water sewers, as this would set down standards, compliance with which would help to prevent any past problems with surface water sewers from being repeated.
3. Those supporting this proposal did so on grounds of integration, clarity of ownership and responsibility, and improving control and maintenance of urban drainage.
4. The Environment Agency strongly urged the adoption of surface water sewers because of the problems that they bring including threats to water quality and flooding; the requirements of the Water Framework Directive and the need to increase resilience to urban flooding and to adapt to climate change all require the improved co-ordination that the EA suggested common ownership would bring.
5. Those who neither agreed nor disagreed questioned whether the watercourses themselves would be adopted by the WaSC as they would then form a part of the sewerage network, and whether other non-piped drainage solutions would also be transferred to WaSCs. There was also a recommendation that the decision on surface water sewers should be left until reviews of the 2007 flooding are complete as this may lead to the establishment of a stormwater authority.
6. Particular issues raised by WaSCs in relation to surface water sewers:
 - The right to discharge in perpetuity (at the existing rate) would also have to transfer.
 - A period of grace (suggested as 6 months) ought to be granted to allow WaSCs to deal with any problems without facing prosecution for pollution etc.
 - If transfer of surface water sewers is not automatic, then an 'on application' option should be chosen, which would require publicity encouraging owners to apply. WaSCs would then judge on criteria such as cross connections, oil interception, discharge consents and licence changes.
 - Where there is confusion or error over ownership (for example where the outfall of a problematic surface water sewers is unknown) , this would have to be dealt with in the same way as existing mistakes or under a new Code of Practice.

Q11 Do you think that a minimum standard for the construction of future sewers and drains is required? Please give reasons for your answer.

Number of responses: 94

	Number	Percentage of Q11 respondents
Yes	83	88%
No	1	1%

1. Those in favour of a minimum standard felt that it would prevent pollution, prevent an increase in costs to WaSC customers, address flood risk management, mitigate the impact of climate change and prevent the future proliferation of private sewers.
2. Respondents felt that there should also be a minimum standard for pumping stations and SUDs.
3. A number of those responding to this question noted that there are already build standards contained in Building Regulations, and suggested that this should be sufficient as a build standard.
4. It was also suggested that a minimum standard could work in a similar way to s104 or Building Regulations Part H.
5. Respondents suggested that a minimum standard should be based on one or a combination of the following: Building Regulations (2002 Edition); Sewers for Adoption; Civil Engineering Specification for the Water Industry; Protocol on Design, Construction and Adoption of Sewers; BS EN 753, BS EN 752 or BS EN 1610.

Q12 Do you think developers should be required to provide a significant security bond to guarantee the adequate design and construction of new sewers? If your answer is 'no', please explain why and suggest an alternative incentive. If your answer is 'yes', at what level should the bond be set, would a 100% bond be appropriate?

Number of responses: 84

	Number	Percentage of Q12 respondents
Yes – bond required	70	83%
No – bond not required	7	8%
100% or more	36	43%

1. A number of respondents suggested that the bond should be above 100% as the cost of rectifying problems may be greater than the cost of the construction of the sewer.
2. HBF noted that the current bond of 10% (under Sewers for Adoption) has only been called in on very few occasions, when a developer has gone into liquidation. HBF suggested an incentivised option (similar to practice in Scotland) where developers are paid on a plot basis when the sewers are vested by the WaSC in order to prevent the current situation whereby there are a large number of unadopted sewers constructed under Section 104 Agreements.
3. There was recognition from some respondents that it may be difficult for developers to find this level of bond.
4. Those opposed were concerned that it would cause market failures and drive small companies out of business.
5. One respondent suggested that instead of a bond, there should be a requirement for registration of contractors with WaSCs.
6. Some developers suggested that WaSCs may over-inflate costs in order to secure a bond at a higher level, noting also that the WaSCs receive sewerage infrastructure at the developers' costs and without any cost to the WaSC.

Q13 If you do think that a minimum standard is required, how do you think that it could be made mandatory under current legislation? Does the power available to WaSCs under section 106(4) (b) to refuse connection to a public sewer if the ‘mode of construction or condition of the drain or sewer does not satisfy the standards reasonably required by the undertaker’ provide sufficient sanction?

Number of responses: 85

	Number	Percentage of Q13 respondents
Yes	16	19%
No	28	33%

1. Those respondents who felt that s106 (4) (b) does not provide sufficient sanction felt that the wording is not strong enough and that it only works as a veto. Some noted that s106 is intended to protect the integrity of the existing network and that connection could not be denied on grounds of manhole design or location of sewers etc.
2. Some respondents considered that s106 could be used if it were strengthened by guidance from Ofwat, or if Sewers for Adoption were incorporated into Building Regulations and made compulsory through s106.
3. Ofwat noted that they have been asked to determine adoption appeals under s105 of the Water Industry Act (1991) that relate to recent developments - suggesting that s106(4) does not provide sufficient sanction.
4. It was also suggested that the code should include the requirement for developers to enter into a more contractual form of arrangement with the WaSC to ensure that the system is installed to the required standard, be time bound, and to enable WaSCs to resolve sub-standard work and recoup the costs from the developers.

Q14 If you think that a minimum standard is required to prevent the construction of future (sub-standard) private sewers and drains, do you agree that a consistent build standard in England and Wales is the best way to achieve this? Please give reasons for your answer and, if you disagree, do you think that either of the existing documents might be suitable? Please give reasons for your answer.

Number of responses: 86

	Number	Percentage of Q14 respondents
Yes	55	64%
No	1	1%

1. The majority of respondents agreed that some standard should be imposed to prevent the construction of sub-standard sewers and drains. Most respondents agreed that without a minimum standard the problems posed by private sewers would not adequately be addressed.
2. There was opposition from one respondent to the idea of a national standard on the grounds that regional variations would be preferable to a national standard.
3. The majority of those supporting a national standard suggested that it should be based on Sewers for Adoption (without regional variations) and incorporated into Building Regulations Part H.
4. Construction Industry Specifications for the Water Industry (CESWI) for adoptable sewers was also cited as a possible basis for a national build standard.

Q15 Do you anticipate any additional costs (financial or administrative) being incurred if a consistent standard for the construction of future sewers and drains was introduced in England and Wales and, if so, who would incur these costs?

Number of responses: 85

	Number	Percentage of Q15 respondents
Yes	53	62%
No	8	9%

1. Respondents cited WaSCs, Local Authorities and developers as those most likely to incur costs through the introduction of a consistent standard. A number of these also suggested that these costs would ultimately be borne by WaSC customers or house-buyers.
2. It was suggested that increased costs would be incurred through the need to meet higher build standards (developers), increased administration (WaSCs), changes in inspection requirements (Local Authorities/ Building Inspectors) and changes to staff training requirements (developers).
3. It was suggested that some of these costs (particularly WaSCs') would be offset by the improved standard of the sewerage network.
4. Some respondents also felt that as certain standards are already required by Building Regulations, the costs of constructing to a standard are already absorbed by builders and the introduction of a national standard would not affect these costs.
5. Of those who did not anticipate additional costs some suggested that uniformity in the construction of sewers and drains may actually reduce costs; suggesting that uniform specification would essentially spread the cost of the development of new products across WaSCs and introduce benefits of both scale and volume required.

Q16 Do you think that pilots should be run to test methods of implementing transfer? Please give reasons for your answer and if your answer is yes, how you would select statistically representative pilot areas?

Number of responses: 87

	Number	Percentage of Q16 respondents
Yes	18	21%
No	61	70%

1. On the question of pilots, respondents were split between drainage contractors and Ofwat who supported the use of pilots, and all private individuals (except one) who did not. A minority of Local Authorities also supported the use of pilots.
2. Ofwat's support for pilots was based on the perceived need for more information to be gathered on the extent of private sewers and the costs associated with the transfer.
3. Respondents in favour of the use of pilots gave reasons including: a current lack of awareness of the extent of problems that will occur with private sewer transfer; pilots would help to identify initial problems and iron these out ahead of overall transfer; the need to establish the impact on small drainage companies; in the case of an "on application" method, pilots would help to ascertain take-up rates and feedback from pilot studies would supply information that would assist in identifying additional resource requirements.
4. The majority of respondents were opposed to running pilot schemes, primarily on the basis that they would delay implementation of transfer and that there are too many difficulties associated with finding a representative area, especially as there are such a large number of variables: weather, geography, age of buildings etc. in order to overcome all of these possibilities, the pilots would have to run for a number of years, which would be costly, delay implementation and be confusing for customers. It was also noted that there may be perceived inequalities with some customers or areas being part of a pilot scheme whereas others are not and if pilot schemes failed, there would be increased costs in terms of feedback and analysis.
5. In order for an area to be representative, respondents suggested a number of criteria that areas should meet:
 - Part of the scheme should include parts of London (due to the use of different types of material from the majority of the country).
 - A large pitch fibre system should be included.
 - There should be a mixture of rural and urban settings from random locations around England and Wales.
 - Random development sites should be used.
 - Discrete sewerage systems should be included.
 - Areas that carry a mix of properties of varying ages, and have a significant proportion of unadopted properties.
 - Areas where the WaSC has a detailed, and recent, knowledge of the whole sewerage system including those parts which are regarded as unadopted.
 - There should be a good liaison between the WaSC and other agencies involved in sewerage (Environment Agency, Highways and local councils) in the area.
 - A variety of landscapes should be included.
 - A highly populated old industrial area should be selected.
 - WaSCs should determine areas so that they are based on drainage rather than political or geographical boundaries.
6. Some local authorities proposed particular districts within their areas that would be suitable as a pilot scheme.

Additional/supplementary comments (number in brackets indicates the number of respondents who made each comment).

<p>Comments on Small Firms: Impact on; percentage of work undertaken in/outside curtilage; no. of contractors contacted/ operating.</p>
<ul style="list-style-type: none"> • On application or phased transfer would be of least harm to independent drainage contractors – it would allow time for them to adjust. (1) • Water UK and some WaSCs commented that it is likely that WaSCs would prefer to enter contracts with larger firms, leaving small private drain work for the smaller companies. (3) • A drainage contractor commented that a WaSC had indicated that there will not be an opportunity for small contractors to take on any of the increased work as existing contractors will be used. (1) • Respondents questioned the number of drainage contractors; suggesting that there are more than stated by Defra. (2) • Smaller drainage contractors may have invested a great deal of money in equipment but aren't large enough to compete in gaining WaSC contracts. (1) • Small (internal) drain work may be sufficient to support small contractors. (1) • There will be job losses. (3) • WaSC will become default for any drainage problem leading to further loss of business for drainage contractors. (4) • The same amount of work will need to be undertaken post-transfer. (1) • Contracts are likely to be taken up with private drainage repair contractors. If the number of contractors decrease, competition reduces and so the prices increase. It would therefore be in the interests of WaSC to ensure that the existing contractor base is included. (1) • Drainage contractors will seek compensation for loss of business. (2) • Few drainage contractors were made aware of transfer or realised the impact that it would have on them. (1)
<p>Costs: additional costs as a result of transfer; estimates of additional costs to WaSCs; identifying non-residential premises. The consultation paper also asked for estimates from stakeholders on how much it would cost to identify non-residential premises served by private sewers.</p>
<ul style="list-style-type: none"> • The associated cost for a team of 2 to visit the site, carry out an investigation, lift manholes etc to gain an understanding of the sewerage system and carry out a series of dye tests to confirm would be £5 per metre with a minimum of £60 per property. (2) • Costs are £60 plus vat for a drain clearance 24 hrs 7days a week. (1) • Applying for transfer will increase costs to WaSCs due to administration. (3) • Who would meet the costs for upgrading pumped systems before transfer and if these were to be paid by the owner, who would be responsible for enforcing the upgrade? (1)
<p>Funding/ OFWAT: duties; funding mechanisms; appeals function</p>
<ul style="list-style-type: none"> • Requests were made for an indication of the funding mechanism for financing the adoption of private sewers. (5) • Water UK and WaSCs will map a preferred funding mechanism (e.g. include in PR09, logging-up at PR14, or symmetrical notified item) and include in forthcoming Periodic Review discussions with Ofwat. (5) • Concern that companies will be exposed to material increase in risk and uncertainty. (1) • Would like reassurance that Ofwat will make adequate allowance for costs (e.g. bringing assets up to standard and additional maintenance costs) (e.g. at PR09). (3) • One respondent sought company-specific central cost estimates rather than average costs which discriminate against WaSCs in high-cost areas. (1) • As it does not appear to be a high priority for customers, 2010 is perhaps too early when weighed against the rest of the PR09 capital programme. (1) • Should right of appeal be determined by Ofwat or CCWater (as it is a consumer rights issue)? (1)
<p>SUDs/Soakaways</p>

<ul style="list-style-type: none"> • Who would have responsibility for those lying outside curtilage? (1) • Who has responsibility for design, installation and maintenance? (1)
Enforcement powers: Ofwat/Local Authorities
<ul style="list-style-type: none"> • Concern expressed about the poor levels of service delivery from some WaSCs (particularly in terms of time taken to carry out remedial works) and how this may be exacerbated by the increase in assets as a result of transfer. (6) • There should be an increase in the powers of Local Authorities over public sewers to match their powers over private sewers (as part of their public health duties). (5) • Clarity is needed over powers of enforcement of each body under the new arrangements. (2) • Improvements are needed to improve the complaints procedures. (3) • WaSCs should be given powers over standards of new and existing private laterals within the property boundary to fully integrate network and reduce pollution from poorly maintained pipes. (1) • One respondent did not support the argument that there is a lack householder responsibility as Local Authorities currently have powers over private sewers. (1)
Mapping/records: Duties on WaSCs
<ul style="list-style-type: none"> • Mapping all new assets would be very expensive (c£1bn if over 10 years as Section 24 sewers). (1) • Far more economical to map new public sewers as problems arise. (1) • Will need to be a means of preventing building over sewers that are not shown on sewer maps. (1) • Amnesty will need to be granted for failure to comply with s199 duties. (1) • Need to make mapping obligatory to prevent future complex legal battles. (1) • Suggest that drainage plans be made obligatory as part of land charges system or details held by Land Registry. (1) • WaSCs are not in a position to estimate extent of private sewers as they are not currently responsible – drain repair companies are more aware. (1) • System requires mapping unless laterals are not transferred in which case no mapping will be required as per existing s24 sewers. (1)
Definitions: Sewers, laterals, drains etc.
<ul style="list-style-type: none"> • Clear definitions are needed of sewers/drain/lateral including flats/estates/ conversions and all scenarios that might arise. (3) • Definitions require clarification in order to clarify that private sewers discovered in future are the responsibility of the WaSC. (1)
Communication
<ul style="list-style-type: none"> • Communication with customers essential to ensure smooth transfer. (4)
HIPs: Effects of transfer
<ul style="list-style-type: none"> • Wording regarding searches will need to be changed to reflect transfer – WaSCs do not currently have information on the location of private sewers.
1936 Public Health Act sewers: Status of those created between 1936 and 1973
<ul style="list-style-type: none"> • Considered that sewers constructed between 1936 and 1973 may already be the responsibility of the WaSCs under s37 of the 1936 Public Health Act. (3)
Laterals: Comments on inclusion of laterals in transfer

<ul style="list-style-type: none"> • CC Water commented that they would support the overnight adoption of laterals, followed by the delivery of upgrades and/or repairs to be spread over a period of time that spreads the cost impact on consumers' bills. The use of prioritisation methodologies would determine when sewers/pumping stations that have faults would be subject to remedial works. • Ofwat commented that the transfer of laterals would serve to prolong the confusion that the review is seeking to address. • Clarity of ownership of laterals should enable more timely and effective repairs. (1) • Question the need to transfer laterals when the clarity of ownership is greater than private sewers. (2)
Condition of private sewers
<ul style="list-style-type: none"> • The current condition of private sewers is largely unknown but is likely to be worse than that of public sewers. (2)
Guidance for householders
<ul style="list-style-type: none"> • DCLG noted that they have prepared a guide on sewer ownership for householders.
Rodents
<ul style="list-style-type: none"> • This opportunity should be used to provide a mechanism to reinstate better levels of preventative measures. (2) • Concern that transfer will reduce the powers of Local Authorities with regard to rats. (1)
Extent of transfer: Types of premises to be included in transfer
<ul style="list-style-type: none"> • On-site pipework under single ownership would be neither a private sewer nor a lateral – would they transfer? (4) • Former council housing drainage systems should be transferred. (1) • Want to ensure that transfer will not include ownership of property – expect companies to exercise powers of entry to inspect/repair sewers through normal mechanisms. (1)
Interim arrangements: Current s104 agreements etc.
<ul style="list-style-type: none"> • How would current s104 agreements be dealt with at the time of implementation? • Impact on Pollution Prevention and Control permits if non-residential private sewers and laterals are transferred.
Demarcation chambers
<ul style="list-style-type: none"> • Who will have responsibility for construction/ maintenance? (2) • Building occupiers will remain responsible for maintaining drainage system – how will access to manholes (owned by WaSCs) be managed? (1)
Highways
<ul style="list-style-type: none"> • Clarification needed on ownership of highway drains that also drain roofs and forecourts.
Building Regulations
<ul style="list-style-type: none"> • Would transferred sewers be treated as public for the purpose of building over sewers as required by Building Regulations Part 4H? (2) • If the sewer is in the rear garden of the properties, will building over be allowed? Will diversion of the sewer be allowed? How will this be policed? (1)
Miscellaneous

- Staffing issues in local authorities: Where local authorities have employed additional staff to deal with sewer issues that will be covered by WaSCs following transfer. There will therefore be an impact on these staff.
- Working group ought to be established prior to implementation to work through additional detailed proposals.
- A number of respondents indicated their general support for the transfer, listing benefits such as improved system planning and improved emergency responses to potential flooding incidents, removing the significant problems and confusion from current arrangements.
- A local authority questioned how this would affect their sewers built under the Housing Act.
- Two local authorities noted concerns that transfer would be ineffective if there is the possibility of opting out and without an enforced adoption of future build sewers or the recording of transferred assets.
- If a property connects to a drain currently serving one property then it will become a sewer and therefore public and may require works to bring it up to an adoptable standard.
- Transfer should be delayed to allow WaSCs to be prepared for receiving new assets and providing an efficient, effective service.
- Local Authorities have in some cases seweraged the outfall from septic tanks but not piped the tanks, leading to the customer paying sewerage rates but also paying to have the tank. How would these fit in?
- Concern that the list of consultees does not include City & Guilds, Energy and Utility Skills, Forestry Commission or Network Rail.
- Ofwat commented that that a mandatory standard is essential and that transfer on application is essential to minimise cross subsidy and strongly favour phasing if “on application” is not chosen.
- Rural sewage treatment plants from ex-local authority stock should be included in transfer as the current system is unfair.
- Request for indication of future planned implementation dates so that Local Authorities can plan.
- Concern that not enough comprehensive research has been carried out.
- Concern that WaSCs do not have resources to cope with the additional burden.
- Statutory measures are needed rather than a voluntary Code of Practice to place more exacting obligations on WaSCs.
- A code of practice is required between the WaSC and the drain repair contractors, as well as the insurance industry. This would be to ensure clear working methods for repairs that straddle the boundary. Key Performance indicators would have to be established and agreed as a homeowner will not understand if one side of the pipe is repaired in days whereas the other part of the pipe is not repaired in weeks.
- The proposal appears to lack any meaningful discussion with the major UK new home warranty providers, (NHBC/Zurich) who for many years have included a '10 year warranty cover on all domestic drainage constructed by house-builders.

Summary

The consultation on private sewer implementation options sought views on possible methods for implementing the transfer of private sewer ownership. The majority of respondents favoured an overnight automatic transfer of ownership of private sewers and lateral drains (connected to a public sewer) to the statutory water and sewerage companies, though responses from small drainage businesses did not. Most respondents also favoured the inclusion of non-household sewers and lateral drains and private surface water sewers that drain to watercourses. There was general preference for the phasing of pumping stations to be over as short a period as possible, but no clear agreement on the criteria for determining the prioritisation of transfer of pumping stations.

The responses pointed to overall support for both a minimum standard and a consistent build standard as the best way of achieving this.

Across responses to the consultation, key messages included the need for a more integrated sewerage network and the objective to have clarity of ownership and fairness for householders.

Government response

Defra and the Welsh Assembly Government would like to thank all of those who responded to the consultation. The consultation responses are being shared with a Steering Group, chaired by Defra, which includes representatives from The Welsh Assembly Government, Water UK, the drainage industry, the Environment Agency, Ofwat and CCWater. The group will assist Defra and the Welsh Assembly Government in drawing up recommendations for implementing transfer.

List of respondents

Albrighton and Donnington with Boscobel Parish Councils
Alice J McCabe
Anglian Water
Association for Consultancy and Engineering
Association of British Insurers (ABI)
Association of Thames Drainage Authorities
Attend-a-drain
Aylesbury Vale District Council
Basingstoke and Deane Borough Council
Bellway Homes Limited (Manchester Division)
Berkshire Environmental Health Managers' Group
Bolsover District Council
Brentwood Borough Council
Brian Michael Architect
Bristol County Council
British Property Federation
Burntwood Town Council
Calderdale Metropolitan Borough Council
Cambridge City Council
Campaign for the Renewal of Older Sewerage Systems
Cannock Chase District Council
Chartered Institute of Environmental Health
Chartered Institution of Water and Environmental Management (CIWEM)
Cherwell District Council
Chorley Council
Christine Cartwright (on behalf of residents -Sabden, Lancashire)
Consumer Council for Water
Conwy County Borough Council
Councillor Pamela Bale (Pangbourne)
Daniel Graham
Dartford Borough Council
Daventry District Council
Department for Communities and Local Government (CLG)
Derbyshire Dales District Council
Devon Chief EHO
Drain Doctor Plumbing and Drainage
Drainage Forum
Durham County Council
Dwr Cymru Welsh Water
DYNO Group
Dyno- Rod Franchisees (x 68)
Ellesmere Port and Neston Borough Council
Environment Agency
Environmental Health Division - City of Bradford Metropolitan District Council
Epping Forest District Council
Foul Water Sewers For Adoption
Greenhill Road and Greville Smith Avenue Sewer Committee
Harrogate Borough Council
Health & Safety Executive
Home Builders' Federation (HBF)
Irene Jones
Isle of Anglesey County Council
Jane Herman
Kirklees Council
Leeds City Council
Lincolnshire County Council
Local Authorities Coordinators of Regulatory Services (Lacors)
Locor Sewer Association
London Borough of Havering

Lorna Rouke
Mandeville Estate Sewer Association
Martyn Chuter
Martin Salter MP
Medway Council
Mid Bedfordshire Council
Mid Sussex District Council
Miller Homes
Mr S. Richmond
National Sewerage Association
National Street Works Highways Group (NSWHG)
Neath Port Talbot County Borough Council
Newark & Sherwood District Council
NM Broadgate
North East Lincolnshire Council
Northampton Council
Northumbrian Water (NWL)
Nottingham City Council
npower
OFWAT
Peter Brett Associates
Pipescan
PINS
Plastic Pipes Group
Prudential Property Investment Managers Ltd (PRUPIM)
RC Williams
Redcar and Cleveland Borough Council
Residents of St David's Road, Pembrokeshire (26 responses)
Ribble Valley Borough Council
Rica Bailey (Residents' Group – Bristol)
Richmondshire District Council
Rooftop Housing Group Limited
Rushmoor Borough Council
SBWWI
Scottish Water
Severn Trent Water
Sheffield City Council
SJ Environmental Services Ltd
South Oxfordshire District Council
South Somerset District Council
South West Water
Southern Water
Stafford Borough Council
Staffordshire Moorlands District Council
Thames Water
Tonbridge & Malling Borough Council
United Utilities
Vale of Glamorgan Council
Wakefield Metropolitan District Council
Warwick District Council
Water UK
Watford Borough Council
Wealden District Council
Wessex Water
Wiltshire County Council
Woodlands Residents Association
WRc
Yorkshire Water