

Severn Trent Searches

Residential CPD Conference

3rd December 2013

SEVERN TRENT SEARCHES

UNDERSTANDING
A VALUABLE RESOURCE

a part of



Agenda

- **1:00pm** Jamie Winch and Sam Heath (Land Registry) - Local land charges search proposals
- **1:45pm** Chris Hatch (Landmark Information Group) - Flood risk
- **2:45pm** Break
- **3:00pm** Owen Davies (Severn Trent Searches) The CON29DW and current developments in sewerage legislation
- **4:00pm** Finish



Local Land Searches

Sam Heath

Jamie Winch



Local Land Charges

- Background
- Land Registry proposals
- The prototype
- Stakeholder engagement

Land Registry Vision

To be recognised as a world leader in the digital delivery of land registration services and in the management and re-use of land and property data

1. EFFICIENCY

We will unlock **efficiency** in the public sector and land & property market

2. DATA

We will maximise the re-use of our **data** for the benefit of the wider economy

3. ASSURANCE

We will increase and extend the **assurance** and compliance provided to the market

4. CAPABILITY

We will grow and maximise the benefit of our organisational **capability**

Customer and stakeholder needs

Economic growth

Digital journey



Customer experience:
single point of contact, delivering consistency and ease of doing business

Digital:
online products and services



Price	Date	Postcode
32000	29/01/2012 00:00	837 8DZ
250000	09/02/2012 00:00	NR10 8PN
120000	10/02/2012 00:00	NR44 1DD
350000	30/01/2012 00:00	IP67 3DL
380000	29/12/2011 00:00	GU10 2NY
210000	03/02/2012 00:00	NR43 6GA
125000	13/01/2012 00:00	NR10 2JW
73000	06/02/2012 00:00	NR9 5BJ
80000	10/02/2012 00:00	DT6 5BB
87500	03/02/2012 00:00	ST3 5UD
247500	27/01/2012 00:00	BT4 4GE

Last updated 05/2/13

Data and tailored services:
free data and tailored services



Diversification:
new opportunities to meet our customer needs in land and property related matters

Digital Services

- Land Registry have developed a range of digital services for use by business customers and the public
- Visitors to our website can search for and download property information
- More than 90 per cent of the most frequent searches of our records are now carried out electronically
- Solicitors, conveyancers and other property professionals can carry out many of their transactions with us via our Business e-services, for which 13,425 organisations are registered

Proposal

Land Registry widens its range of information services to include the provision of Local Land Charges search and CON29 information at a standardised:

- price
- turnaround time
- format.

Background to proposal

- In 2010 the Land Registry Advisory Council (LRAC) identified the lack of consistency and standardisation in the provision of Local Land Charges and CON29 searches
- Can Land Registry provide a solution?

Initial research

- Telephone interviews with 400 customers in 2011
- Over 100 local authorities
- Personal Search market – CoPSO, IPSA
- NLIS
- Software/IT suppliers
- Local Land Charges Institute

Prototype

- 1 year
- 7 local authorities
- IT build
- Transfer of electronic records
- Maintenance of register - updates
- Parallel processing of searches
- Digitisation of paper records
- Legal and policy

Prototype findings

- Over 2,000 searches completed
- Over 1,000 updates made
- Over 15,000 paper records digitised

Local Authority Engagement

- Over 200 local authorities visited individually
- All 348 local authorities contacted
- Understanding of complexity of records and service and also highlighted variation

Customer Research

- Ipsos MORI research – summer 2013
- Qualitative research – 30 in depth interviews
- Quantitative research – 400 customers
- Focus groups – Customer, personal search market, local authorities, local government

Stakeholder Support

Range of stakeholder support across Government and the private sector, including;

- Government Digital Services
- Dept for Business Innovation and Skills

Summary and Timescale

LLC Prototype

The prototype finished in November.

Searches have been processed in parallel with local authorities

Evaluation

Awaiting Ministerial approval to move to a full public consultation

The future

Outcome of consultation and prototype findings will determine next steps and timescale



CON29

- Background
- Land Registry proposals
- Market warming day
- The Coal Authority and CON29M

CON29 scope

Develop a cloud solution for access to CON29 data in local authorities conforming with open standards

Campaign encouraging local authorities to move current digital data to open standards for interaction with the cloud

Transition phase
Access to local authority non-digital data

Business change within local authorities and Customers

End state
All data available digitally

Market Warming Day 20 June 2013

Attended by 33 private sector companies

Land Registry presented to delegates and held workshops on:

- How can the market assist Land Registry and local authorities to digitise and automate the CON29 datasets?
- How can the market partner or work with Land Registry to realise the CON29 proposition?
- How could the market add value and realise the potential benefit to the digitised data?

Workshops & Feasibility testing

Following on from the market warming day:

- 11 proposals/expressions of interest were received
- Further meetings/workshops/studies have been carried out
- Proposals are being reviewed

- Continuous development with the private sector
- Evaluation report and strategic business case

How do we achieve this?

- Range of partnerships
- Service contracts
- Joint venture



Land Registry – Delivery of CON29M

Pilot exercise

- Due to conclude December 2013
 - Link Land Registry and Coal Authority systems
 - Send requests for information to the Coal Authority
 - Receive residential CON29M reports back to Land Registry

- Why use the Land Registry electronic channels?
 - Most end users would register the property with Land Registry
 - Single entry of property boundary – using registered parcel – reduces potential boundary errors

International Comparison - Norway

Bergen Municipality visit – October 2013

- One of the first municipalities to use the Infoland service and strongly believe that Infoland has led to a positive evolution of their services
- The team offers a 5 day turnaround time to their customers but most requests are completed on day 1

Benefits

- Fewer phone calls and enquiries to handle
- Provides an improved service to their customers
- It has resulted in internal efficiency gains
- No record keeping/archiving required
- Reduction in desktop work
- It has allowed them to spend more time on other public facing services
- Service gets excellent customer feedback

Summary

Objective

Develop a cloud solution for access to CON29 data in local authorities conforming with open standards

How

Work with the private sector and local authorities under a range of joint ventures partnerships

Business change

Consider the business changes required within local authorities and for our customers

Any questions?



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Flood Risks – Due Dilligence and Compliance

Chris Hatch – BDM
Landmark Information Group

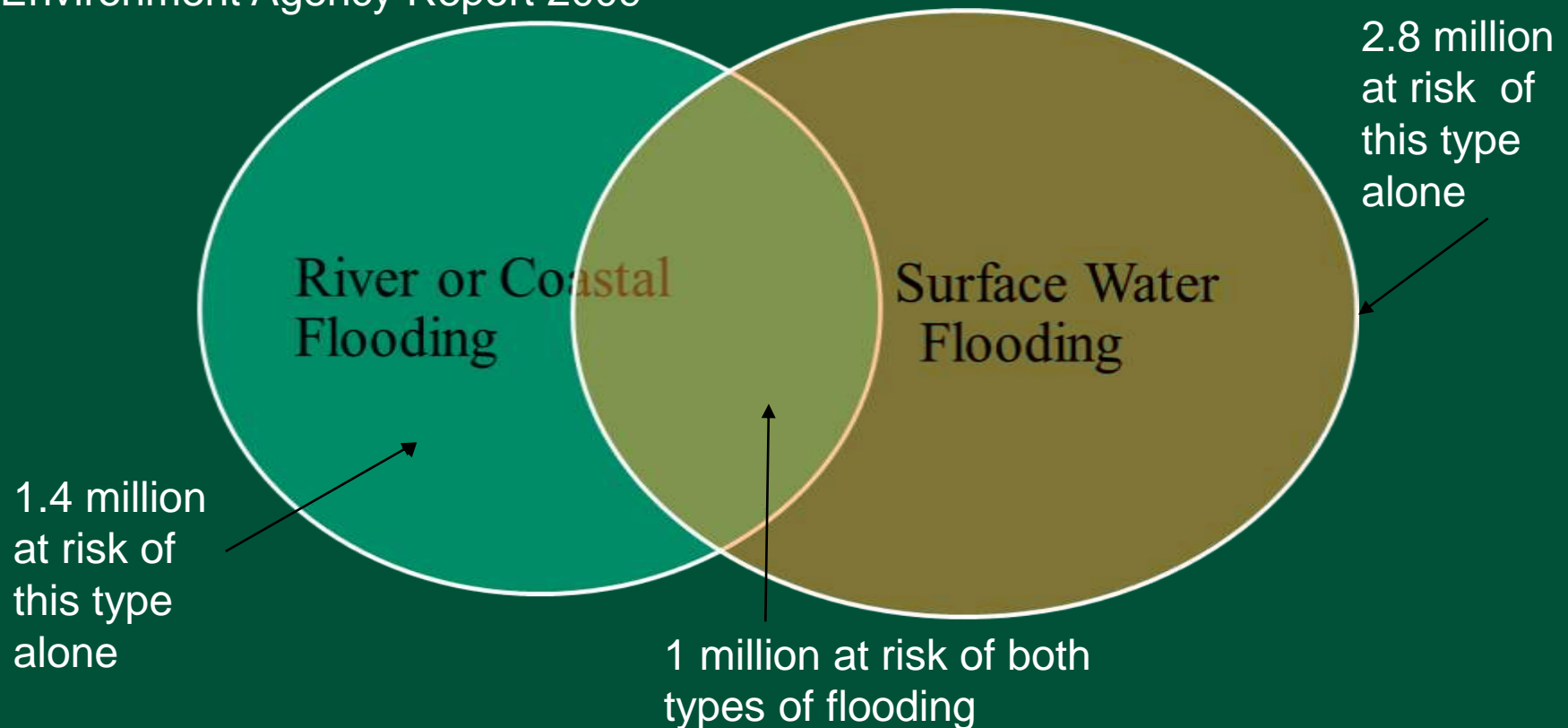
During this session we will consider:

- The nature of flood risk and the potential impact on a transaction
- The roles of the Environment Agency & the planning system
- Due diligence and compliance considerations
- Flood information and data reports



Flooding - scale of problem in England & Wales

Environment Agency Report 2009



Some DE Postcode Flood Statistics

PL Postcode Properties (DE1 to DE75):

- Total No Residential Properties = 306,000
- Total Commercial Properties = 14,400

Flooding Issues:

- Total Residential Properties at 0 Mtrs = 21,000
- Total Commercial Properties at 0 Mtrs = 3100

DE 14 (Branston, Burton upon Trent, Newton Solney, Winhill,)

Total Resi 11,796 @ 0 Mtrs 7216 = 61.2%

Total Comm 1235 @ 0 Mtrs 900 = 72.9%

Flooding Impacts – The Midlands

- Around 1000 people had to be evacuated from their homes due to the threat from flooding – such as residents of caravans parks in the area surrounding the River Nene (BBC, 2012).
- The River Severn burst its banks in June 2012 for the first time since 2007 (ITV, 2012).
- Various areas throughout The Midlands were put on flood warning and flood alert by the Environment Agency, such as The Rivers Leam and Itchen (11th June 2012) and Olney (14th June 2012).
- Surface water flooding occurred throughout the region, as well as river flooding, with drainage systems being insufficient to cope with such high intensity rainfall (BBC, 2012)



The River Nene breaches its banks, Northamptonshire (BBC, 2012)



© Getty Images

Parts of the River Severn burst its banks – Tewkesbury, Gloucestershire (Daily Mail, 2012)



A rescue team helps a stuck car at Ford River Crossing, West Midlands (ITV, 2012)

Main Sources of Flooding



- River Flooding (fluvial)
- Surface Water Flooding (pluvial)
- Coastal Flooding (tidal)
- Foul Drainage Flooding
- Groundwater Flooding
- Reservoir/Canal Breach
- Water Main Burst
- Domestic Appliance Failure



- Death/personal injury
- Extensive damage to property
- Properties uninhabitable for long periods
- Properties cannot be sold
- Insurance unavailable or too expensive
- Expense of installing flood resilience measures
- Business interruption

Flood & Water Management Act 2010

- Royal Assent: 8 April 2010
- Brought in after the Pitt Report following the floods of 2006 & 2007
- Not a consolidating act as originally intended
- Environment Agency to develop a national strategy for managing flood and coastal erosion
- Local flood risk to be dealt with by county councils or unitary authorities
- There will be a register of structures or features likely to have a significant effect on flood risk
- Structures or features affecting flood risk not be altered without consent
- Approval of new drainage systems (including patios) required for certain projects

Who has responsibilities relating to flood risk?

- Environment Agency
- DEFRA
- Local authorities
- Police
- Fire brigade
- Water authorities
- Property owner



The Role of the Environment Agency

- A power to manage flood risk from designated main rivers and the sea.
- Flood warnings
- Statutory consultee on planning applications



Flood Risk & Planning: National Planning Policy Framework

- The aim is to:
 - Ensure flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding
 - Direct development away from areas at highest risk
 - Avoid development increasing flood risk elsewhere
- Supersedes existing policies

Impact of flooding on the conveyancing process

Your client asks:

- Has this property ever been flooded?
- Is it likely to be flooded?
- Can I obtain affordable insurance?

Your response:

- Enquire of the seller:
 - Has the property ever been flooded?
 - Has the Seller made any insurance claims relating to flooding
- Obtain more information: flood report



The Law Society Practice Note on Flood (May 2013)

- The Law Society has published the [Practice Note on Flood Risk](#).
- The essence of the Practice Note is: ‘In all conveyancing transactions, when acting for a prospective buyer, tenant or lender in residential and commercial transactions, you should mention the issue of flood risk to your client and, if appropriate, make further investigations’.

The Law Society's Transaction Form

- **7.1** Has any part of the property (whether buildings or surrounding gardens or land) ever been flooded? If yes, please state when the flooding occurred and identify the parts that flooded.
- **Note:** Flooding may take a variety of forms: it may be seasonal or irregular or simply a one off occurrence.

However, the problem remains that the TA6 answers are limited to sellers' time of ownership

The Law Society's TA6 Form

7 Environmental matters

Flooding

Note: Flooding may take a variety of forms: it may be seasonal or irregular or simply a one-off occurrence. The property does not need to be near a sea or river for flooding to occur. Further information about flooding can be found at: www.defra.gov.uk.

7.1 Has any part of the property (whether buildings or surrounding garden or land) ever been flooded? If Yes, please state when the flooding occurred and identify the parts that flooded:

Yes No

If No to question 7.1 please continue to 7.3 and do not answer 7.2 below.

7.2 What type of flooding occurred?

(a) Ground water Yes No

(b) Sewer flooding Yes No

(c) Surface water Yes No

(d) Coastal flooding Yes No

(e) River flooding Yes No

(f) Other (please state):

7.3 Has a Flood Risk Report been prepared? If Yes, please supply a copy.

Yes No
 Enclosed To follow

Key points of the Practice Note:

- Addressing flood risk noted as a ‘should’ as defined.
- Properties do not have to be near the sea or a river to have risk
- It notes several types of common flood risk
- It advise the three main ways of learning more about flood risk:
 - Conducting searches
 - Enquiries of the seller
 - Instructing valuer or surveyor to make specific flood investigation
- It notes you “may have additional obligations when acting for lenders”.

Commercial Property Standard Enquiries

- **8.1 If the Property has been affected by any of the following, please supply details:**
 - (a) structural or inherent defects
 - (b) subsidence, settlement, landslip or heave
 - (c) defective Conduits, fixtures, plant or equipment
 - (d) rising damp, rot, any fungal or other infection or any infestation;
or
 - (e) **flooding.**

The ABI Statement of Principles

- ABI members will provide flood insurance cover as standard on household and small business policies where the risk of flooding is no greater than 1 in 75 years.
- Statement of principles only applied until 30 June 2013.
EXTENDED BY 1 MONTH
- Does not apply to properties built after 1 January 2009



What next?

■ Flood Re

- Policyholders in high flood risk areas will pay an 'affordable' premium and the remainder to be funded by industry-wide levy
- New Water Bill announced 27th June 2013 imposes flood tax of £10.50 +IPT to every home. (To raise 180m)
- Further levy to be added to properties that EA says are high risk. Will be based on Council Tax Banding.
- Will cover claims where risk is less than 1 in 200 yr event
- Effective for 20 years. Lender consideration: Is this sufficient for 25-30 year mortgages?

Announcement was the first flurry of statements. There is a long way to go before a final format is agreed

Implementation by 2015 but still possible it might not happen!

Project NOAH

Insurers pool their flood risk and seek reinsurance

Open Market

Insurers charge a premium to reflect risk

Items you may wish to consider.....

- How well do you/your clients really know their area?
 - What search alerts are you seeing and how to react?
 - Who in your practice is seeing the alerts?
 - Do client care letters reflect guidance and risk accurately
 - Fee-earner discretion or practice policy?
-all the time, think COMPLIANCE!

The Lender's Requirements

- Council for Mortgage Lenders Advise
 - “Must make all usual and necessary searches ... in addition [the Solicitor] must carry out any other searches which may be appropriate ... taking into account [the Property] locality and other features”



Due Diligence Considerations – Home owners

- It is vital homeowners understand their flood risk
 - Insurance may become expensive/unavailable and their mortgage depends on it
 - Even with insurance, flooding is a horrible experience – do your customers want to risk it?
- Flood data is now widely available and reasonably affordable but it is indicative not definitive
- If flooding is indicated don't panic – more detailed information is available particularly if the property is on the edge of a flood area
- Specialist insurance is likely to be available even in flood areas

Due Diligence Considerations - Businesses

- Address point vs. area search – critical for businesses because the premises are generally larger
- Businesses need to be aware of flooding in their area as it may cause business interruption even if they don't flood
- Insurers will expect medium to large businesses to be proactive in managing their flood risk – mitigate or protect
- Most businesses don't recover from a flood incident – well over 60% fail within 2 years – under insuring being the major reason
- If they have a flood risk businesses need a continuity plan

Due diligence considerations - solicitors

- Advise clients of potential risks
- Be aware of limitations of information available from sellers' enquiries
- Agree a "firm policy" on obtaining desktop flood reports – either as a matter of course when become aware of flood risk OR recommend to client at that point
- Client care letter wording – available from Landmark
- Consider lender's position
- Law Soc/SRA considering new practice note/warning card on flood risks – late 2012
- Advise clients to check insurability of the property BEFORE EXCHANGE OF CONTRACTS

When should you consider applying for a desktop flood report – some suggestions

- Problems revealed by enquiries
- Flood warning alerts from Landmark or search agents
- Flood risk warning revealed in environmental search

Flawed reasons for not doing a search

- No watercourse/coastline near the property
- Lenders don't insist
- Surveyor will do it
- Lawyers will flush out the problem with their searches
- Environmental search will cover it
- Environment Agency free search will do
- The search result will have to be disclosed

Desktop Flood Reports – residential Homecheck Professional Flood Report

Price £20.00 plus VAT

Fully revised and updated Aug
2012



Homecheck Professional Flood Report - risk summary

Homecheck Professional
Flood Report

Flood Risk Assessment
PASSED

Professional Opinion
No overall flood risk rating for this property is deemed to be Low. No further actions considered necessary however a prudent purchaser may wish to consider the measures outlined on page 3.

Overall Flood Risk
LOW RISK IDENTIFIED

	Sea	Coastal	Overland	Surface	Other
High					
Medium					
Low					
High/Low					

Insurability
Is the property likely to be insurable at standard terms?
YES

Contact Details
If you require any assistance please contact our customer services team on 0844 844 1000 or email helpdesk@landmark.co.uk

www.landmark.co.uk
Empowering People with Information

PSO
PROPERTY SERVICES

ICS
Institute of Customer Service

- Professional Opinion from Landmark's sister company Argyll Environmental – Passed/Further Action
- Flood Risk Assessment (including the unique 5 flood gauges)
- Insurability statement
- Recommendations

Homecheck Professional Flood Report – datasets

- 5 separate data sets to provide the most detailed flood risk assessment available:
 - 3 JBA mapping sets for 1 in 75, 1 in 200 and 1 in 1000 year periods – showing river, coastal and surface water flooding
 - Enhanced EA flood plain mapping including National Flood Risk Assessment data
 - BGS groundwater data
 - EA historical flood data (from c 1950)
 - Crawford Associates data on actual flood claims in the immediate area

Commercial properties


A choice of reports available:

- Sitecheck Flood
 - RPS flood risk assessment
 - RMS flood risk mapping (surface water/river/coastal flooding)
 - EA flood mapping
 - BGS groundwater data
 - insurance claims rating
- OR – Argyll Flood Solutions reports

FLOOD SOLUTIONS
Brief

Overall Opinion
FURTHER ACTION


Argyll's Overview
The Site has been identified as being at an increased risk of flooding. Please refer to the attached flood risk screening for further information and recommendations.



Report on:
Market Street, Hebden Bridge

Report prepared for: N/A	Report Reference: N/A	Report date: 2 July 2012
Client Reference: N/A	National Grid Reference: N/A	

Intelligent Due Diligence
www.argyllenvironmental.com



- Passed/Further Action Certificate
- A detailed, fully interpreted flood risk report with risk assessment by Argyll's consultants
- Includes risk of pluvial (flash or surface water) flooding
- Clear mapping of each flood risk
- Consultation with sewerage undertakers
- Comment on Riparian rights and duties
- **Cost £85 plus VAT up to 5 hectares**

Flooding - due diligence – a summary

- The Law Society published the Practice Note on Flood Risk.
(24th May 13)
 - Many of top law firms are doing flood searches as standard
 - Modest cost of search
 - - residential £20 plus VAT
 - - commercial from £85 plus VAT
- vs. huge potential cost and disruption of flooding
- Be aware of the lender
 - Advise clients to check insurability **BEFORE EXCHANGE**

We have considered:

- The nature of flood risk and the potential impact on a transaction
- The roles of the Environment Agency & the planning system
- Due diligence issues
- Flood information and data reports



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CON29DW

DRAINAGE AND WATER ENQUIRY

Owen Davies – Business Development Manager

SEVERN TRENT SEARCHES

UNDERSTANDING
A VALUABLE RESOURCE

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Aims & objectives

- To consider the scope and implications of the CON29DW
- To look at the purpose of the 23 questions and answers
- To develop an understanding of any additional risks which may arise as a result of additional information provided
- To consider the implications of the Private Drains and Sewers (PDaS) transfer.
- To provide an update on proposed changes to adoption procedures
- Attendees should subsequently:
 - Understand the rationale behind all of the questions and answers
 - Be able to analyse CON29DW responses to identify risks
 - Advise clients of the need (or otherwise) for further action
 - Understand possible additional implications for clients as a result of the transfer

CON29DW providers



A history of the CON29DW

- 2002 - Launched by the Water Companies of England and Wales
- 2007 - Significant additions and improvements made with the launch of HIPs
- 2010 - HIPs suspended. Water Companies continue supplying the additional information in the CON29DW
- 2013 - Re-designed in a more consumer friendly manner

The questions

• **Maps**

Maps:

- Where relevant, please include a copy of an extract from the public sewer map.
- Where relevant, please include a copy of an extract from the map of waterworks.

• **Drainage**

- Does foul water from the property drain to a public sewer?

Drainage:

- Does surface water from the property drain to a public sewer?
- Is a surface water drainage charge payable?
- **Foul and surface water connections**
 - Does the public sewer map indicate any public sewer, disposal main or lateral drain within the boundaries of the property?
- **Surface water charges**
 - Does the public sewer map indicate any public foul sewer within 30.48 metres (100 feet) of any buildings within the property?
- **Location of mains**
 - Are any sewers or lateral drains serving, or which are proposed to serve the property, the subject of an existing adoption agreement or an application for such an agreement?
- **Build overs**
 - Has a Sewerage Undertaker approved or been consulted about any plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain?
- **Internal flooding**
 - Is any part of the property which is or forms part of the property at risk of internal flooding due to overloaded public sewers?
- **Treatment works**
 - Please confirm the distance from the property to the nearest boundary of the nearest sewage treatment works.

• **Water**

- Is the property connected to mains water supply?
- **Connections**
 - Are any water mains, resource mains or discharge pipes within the boundaries of the property?
- **Location of mains**
 - Is any service pipe serving or which is proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?
- **Adoption agreements**
 - Is the property at risk of receiving low water pressure or flow?
- **Water pressure and flow**
 - Has the property been the subject of a water quality analysis made by the Water Undertaker for the water supply zone in respect of the most recent calendar year.
- **Water quality**
 - Please include details of any departures, authorised by the Secretary of State under Part 6 of the 2000 Regulations from the provisions of Part 3 of those Regulations; or authorised by the Welsh Ministers under Part 6 of the 2001 Regulations from the provisions of Part 3 of those Regulations.
- **Water meters**
 - Please include details of the location of any water meter serving the property.

• **Billing:**

- **Sewerage and water undertakers**
 - Who are the Sewerage and Water Undertakers for the area?
- **Who bills the property**
 - Who bills the property for sewerage services?
 - Who bills the property for water services?
- **Basis of charging**
 - What is the current basis for charging for sewerage and water services at the property?
- **Changes in charging**
 - Do the basis for charging for sewerage and water services at the property change as a consequence of a change of occupation?

Types of symbology

■ Foul

- Bathroom, kitchen, trade waste



■ Surface water

- Roof, yards, roads



■ Combined

- Both foul & surface water



■ Rising main

- Pressurised main from pumping station



• Public main

- 100mm diameter or less

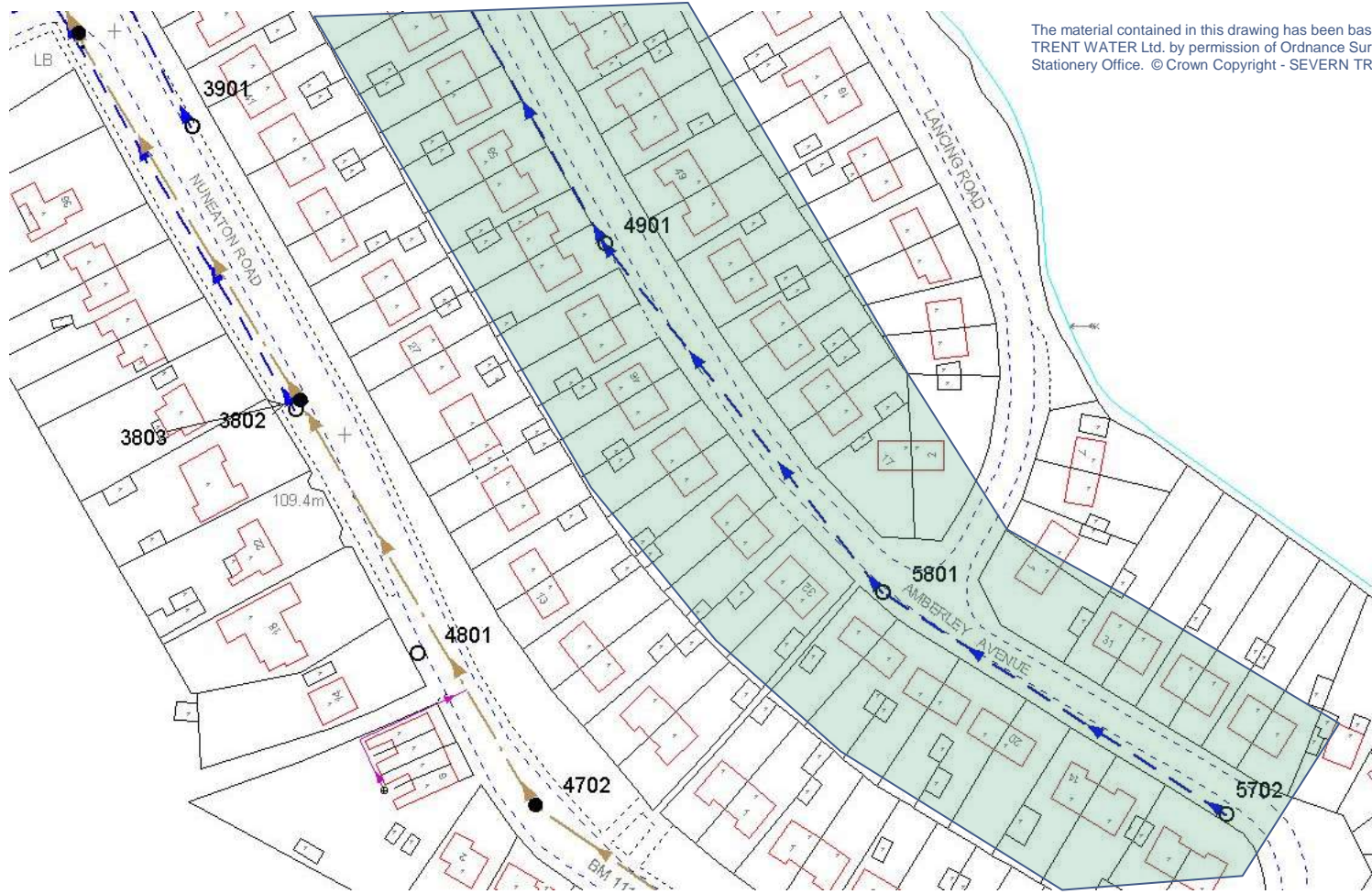


• Public main

- >100mm diameter



Sewerage – WIA* S199 sewer record



The material contained in this drawing has been based upon the Ordnance Survey Map by SEVERN TRENT WATER Ltd. by permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright - SEVERN TRENT WATER Ltd. - WU298522

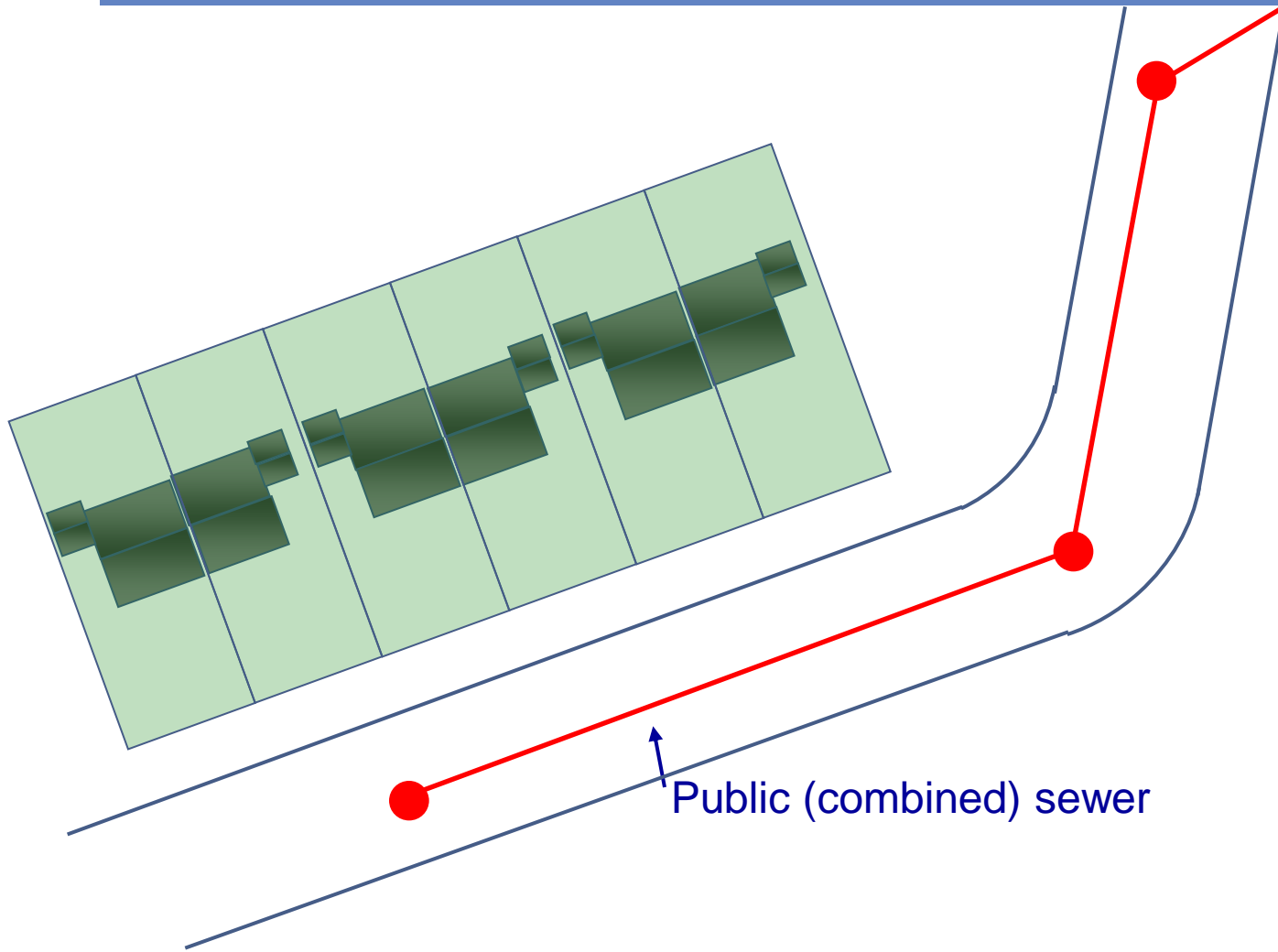
Sewerage – Changes to private sewers

- Background
 - Poor materials
 - Insufficient gradients
 - Substantial liability on homeowners
- Legislation
 - Main regulations are The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011
 - Regulations required Water Companies to adopt sewers under S102 of the Water Industry Act (1991)
 - New adoption procedures will be introduced via Section 42 of the Flood And Water Management Act
- Timetable
 - Legislation came into effect 1st July 2011
 - Majority of assets connected to the public system as of that date were adopted from 1st October 2011
 - New adoption procedures currently scheduled for April 2014
 - Secondary transfer for assets connected since July 2011 will occur six months after introduction of new adoption procedures
 - Pumping stations and associated apparatus will be adopted prior to 1st October 2016.

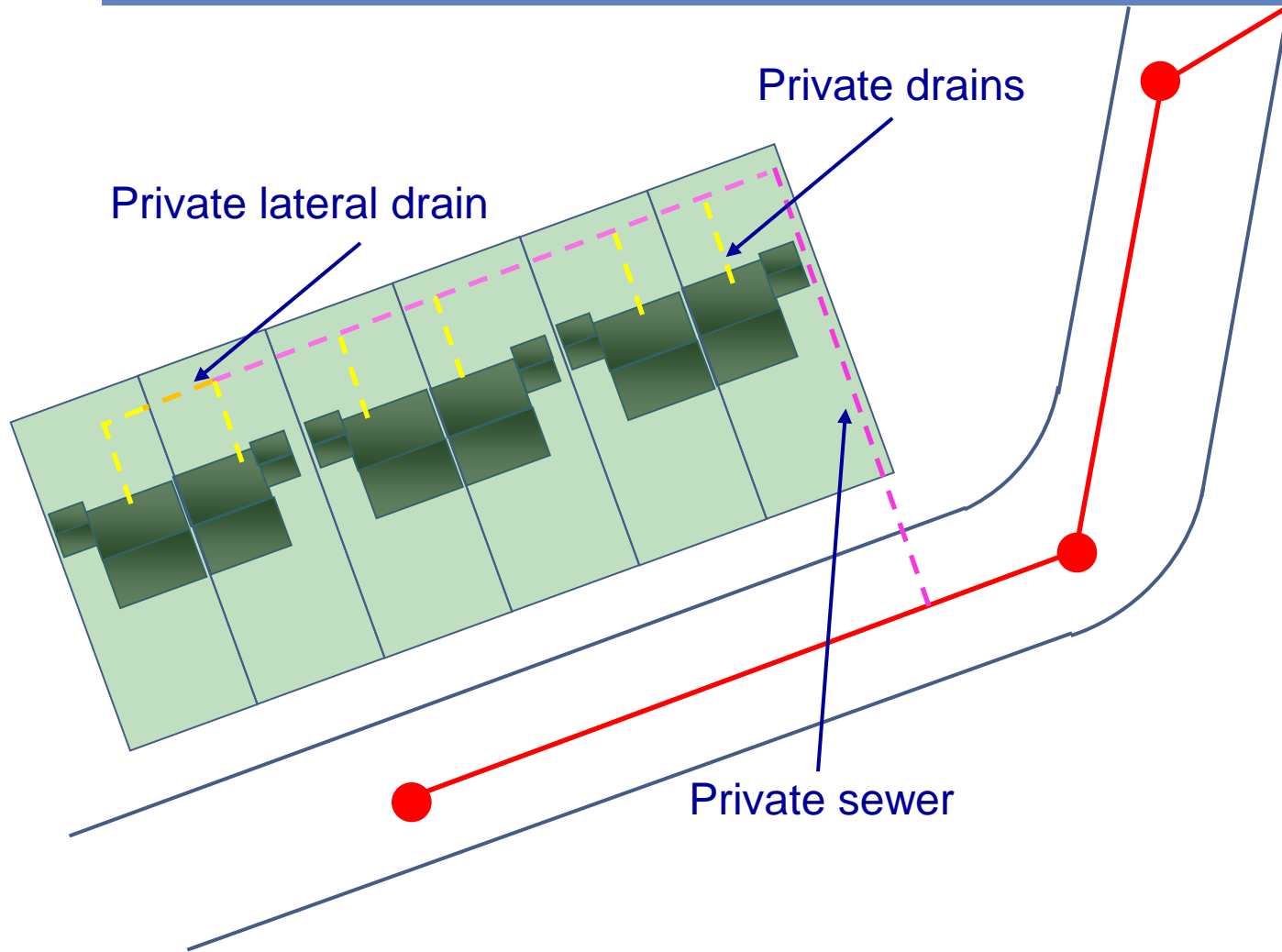
Sewerage – Changes to the CON29DW

- Impact on CON29DW responses
 - Q 2.6 – Adoption Agreements
 - Modified to reflect transferred sewers. Will be modified again in April 2014 (TBC) to reflect new adoption procedure.
 - Q 2.4 – Public sewer within boundary of property
 - From October 2011 there are un-plotted public sewers within property boundaries.
 - Q 2.5 – Public sewer within 100 feet of the property
 - From October 2011 there are additional un-plotted public sewers near properties.
 - Q 2.7 – Building over agreements
 - Post transfer there are public sewers that have been built over without Water Company consent.
 - Q 2.8 – Sewer flooding
 - DG5 register doesn't cover flooding of private sewers.

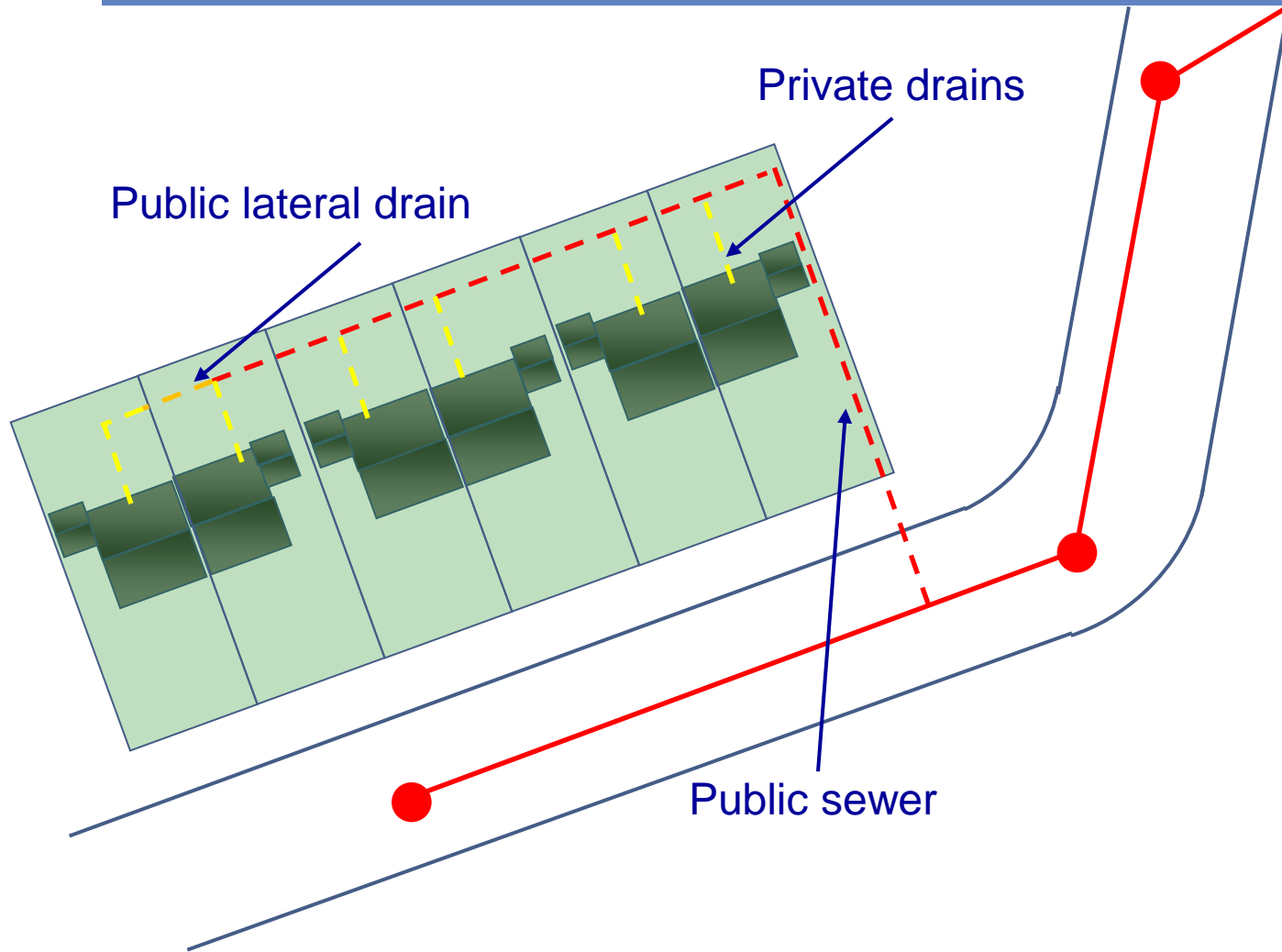
Example: Pre October 2011 situation as shown on sewer records



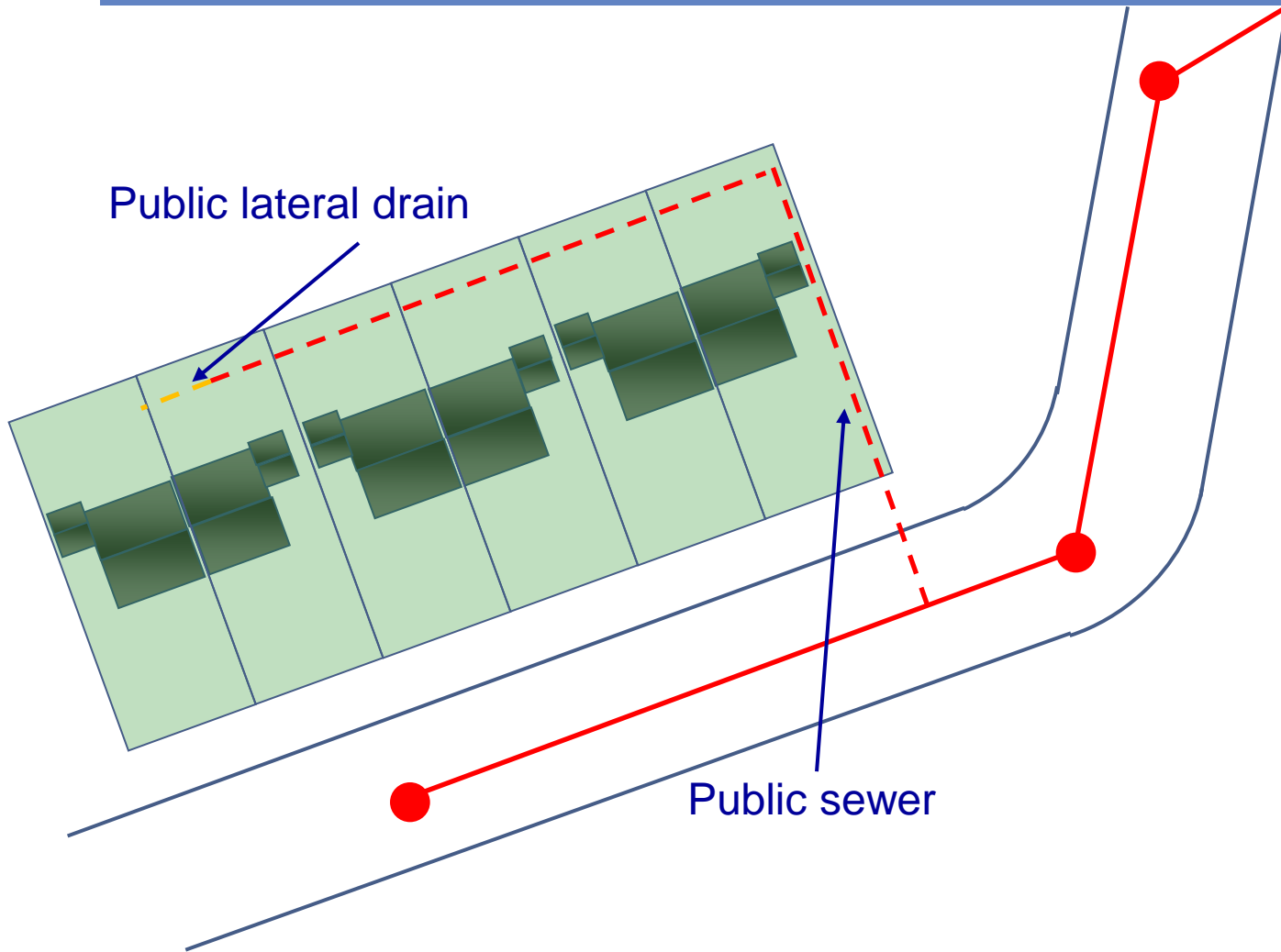
Example: Situation pre October 2011 including unmarked private sewers



Example: Situation post October 2011 including transferred sewers



Example: Situation detailed on public sewer records from October 2011



Sewerage – Identification of Private Networks

- A full survey nationwide survey of assets would cost approximately £1 billion.
- As this is impractical, Water Companies are using records of known private sewers from sources such as Local Authorities and Developers
- Remaining unidentified sewers are being plotted as part of normal Water Company operations

Sewerage – Exceptions

- Sewer owners were able to appeal to OFWAT if they wished to retain ownership of sewers
 - For example, owners wishing to develop property
- Sewers on crown land were given the option of opting out
 - e.g. prisons
- Surface water sewers which do not connect to the public system
- Private drainage networks
 - e.g. shared sewer leading to a septic tank/cess pool
- Drainage systems contained within a single curtilage
 - e.g. airports, caravan parks, some industrial/commercial sites

Sewerage – WIA S104 Adoption



S104 - Changes

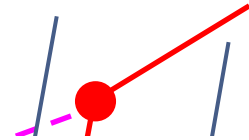
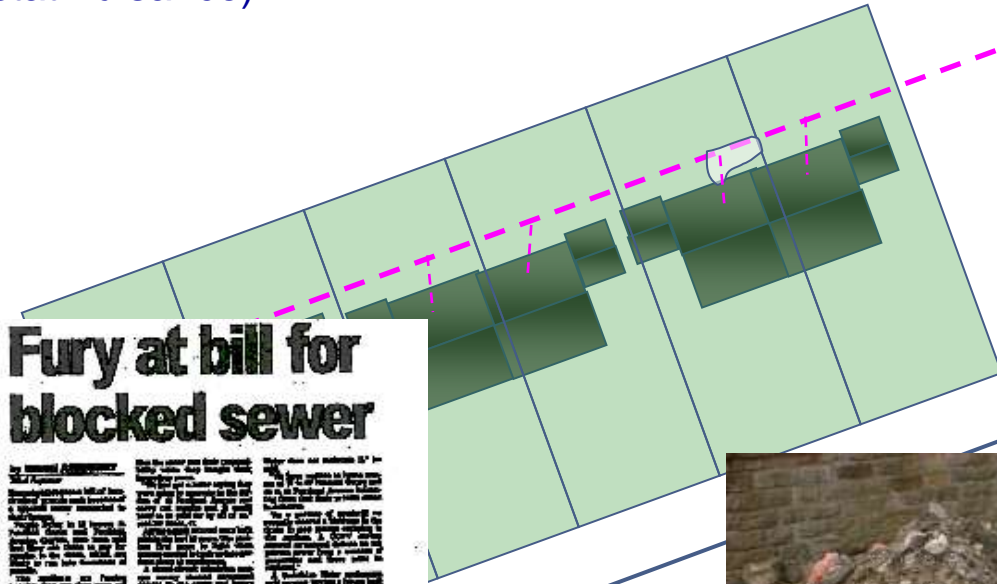
- Section 42 of the Flood and Water Management Act 2010 due to come into force in April 2014
- Section 42 and the Mandatory Build Standard will have a significant effect on S104 procedures.
- Anything that was subject to S104 prior to July 2011 that was connected to public sewerage system automatically transferred.
- SWD with S104 in place but not connected to a public sewer did not automatically transfer – adopted in conventional way.
- Future developments – Sustainable Drainage Adopting Bodies (Unitary Authority or County Council) will be responsible for SWD

S104 - Changes

- Latest Developments
 - Section 42 was originally planned to be introduced simultaneously with phase one of the transfer
 - Currently scheduled for April 2014
 - Developers and Water Industry unable to agree on Mandatory Build Standard
 - Each stage contains as many houses as can be completed in c18 months
 - 'Drop Dead Date' 24 months after completion certificate issued on first property or date of first occupation
 - Date chosen to be in line with period of developers warranty
 - Sewage undertaker must adopt irrespective
 - Bonds are still the main sticking point
 - Secondary transfer will occur 6 months after introduction of Section 42

Sewerage – Private sewer within property

Liability for repair - Building Act 1984 or EPA 1990 S79
(stat nuisance)



Building Act 1984

Section 59

Satisfactory provision for drainage

to no. 21 Western Way, Bradford

Bill for repairs

1. REMOVE SLABS
2. INSULATE DRAINAGE
3. RECOVER BUILT UP SURFACING
4. MAKE GOOD GARDENS

£600.00

Fury at bill for blocked sewer

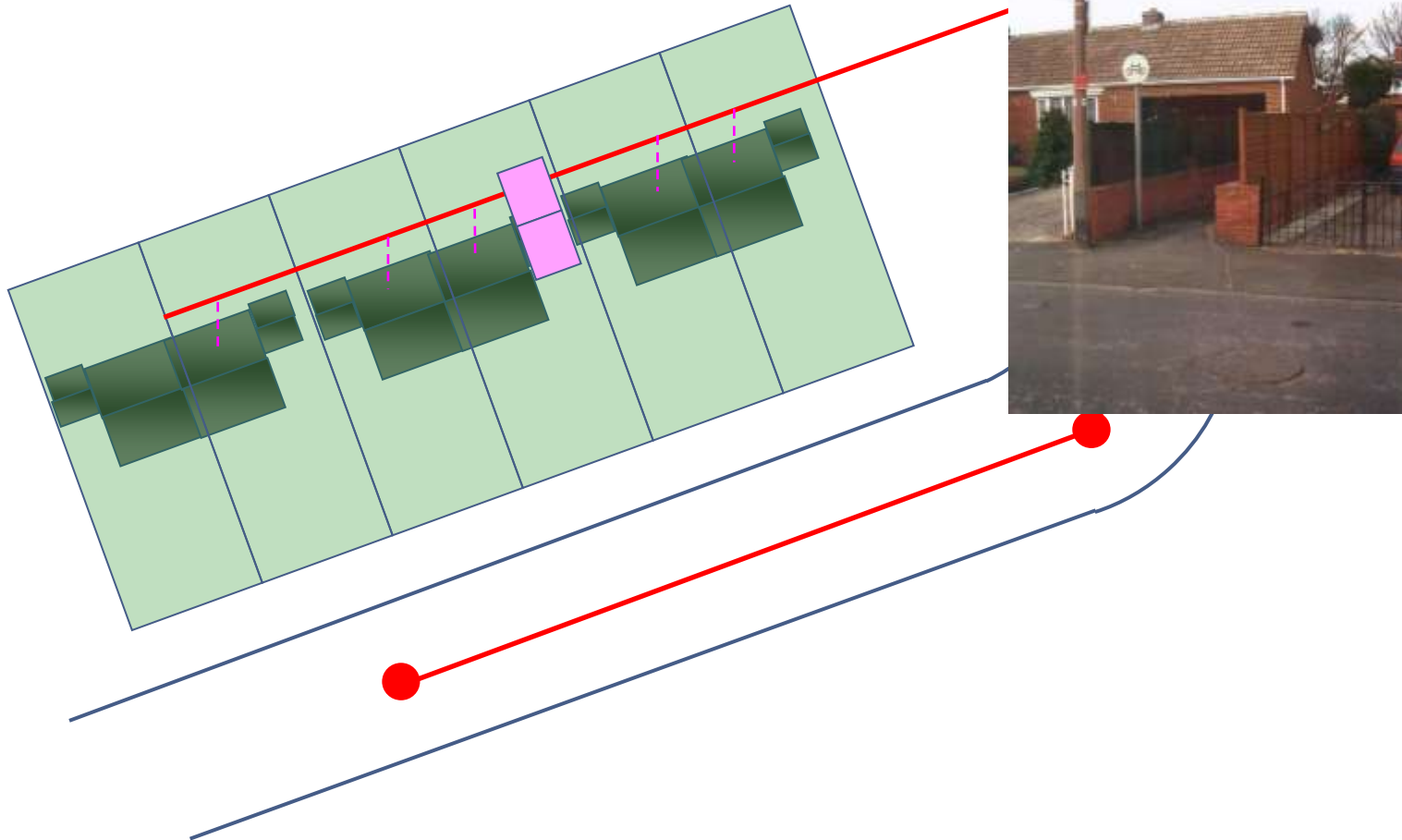
by MICHAEL CANNON

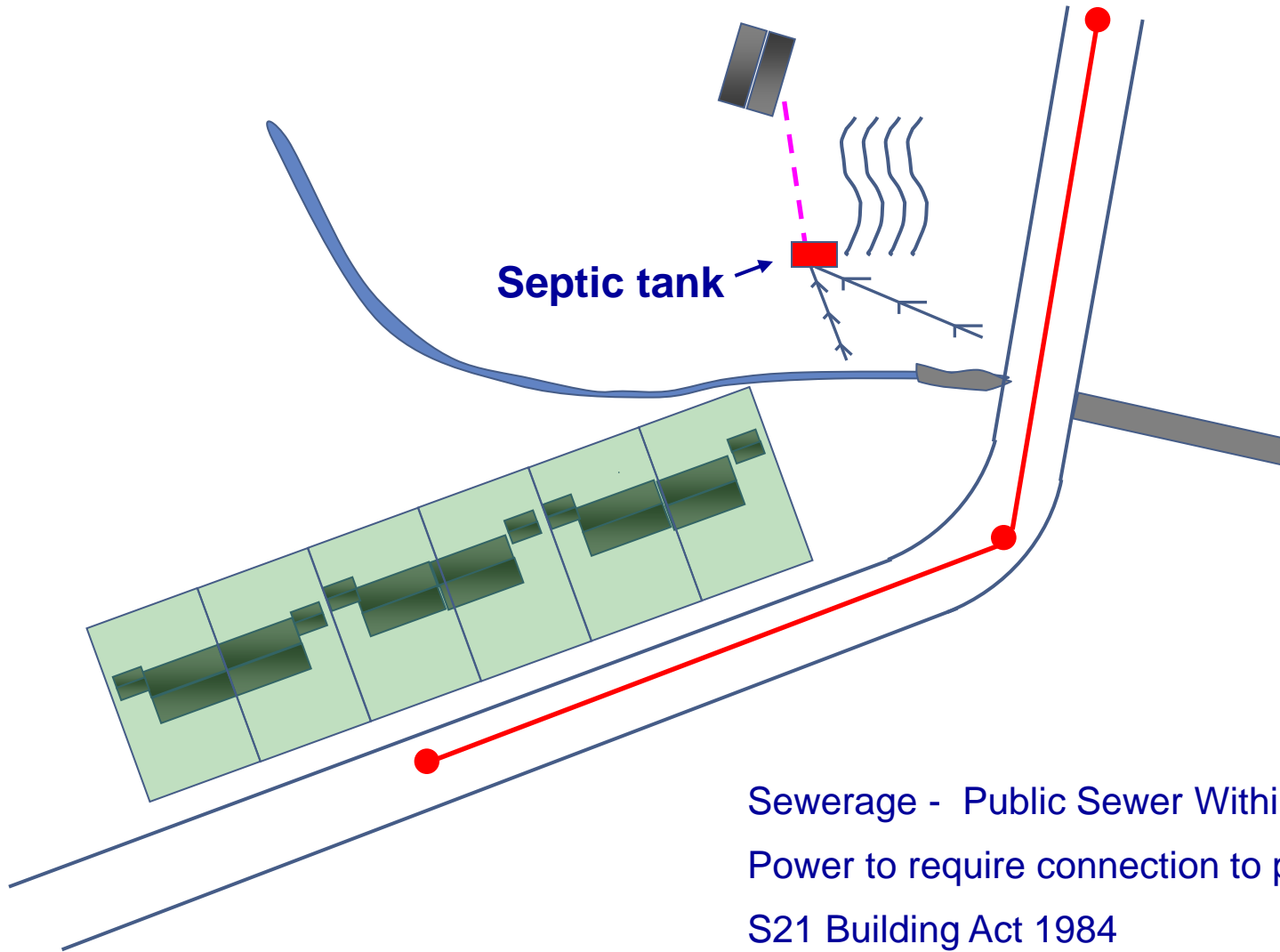
The owner of this property, who has been told to pay a bill for repairs to a blocked sewer, is furious. The bill, which is for £600, is a result of a blocked sewer pipe which has caused a serious drainage problem. The owner has been told to pay the bill for repairs, which includes removing slabs, insulating the drainage, recovering the built-up surfacing, and making good the gardens. The owner is furious at the bill, as he believes the problem was caused by the council's failure to maintain the sewer pipe properly. He has written to the council to complain and is now taking legal action to challenge the bill.



Sewerage – Public sewer within property

Building over agreement - S18 Building Act 1984 & Building (Amendment) Regulations 2001 Part H

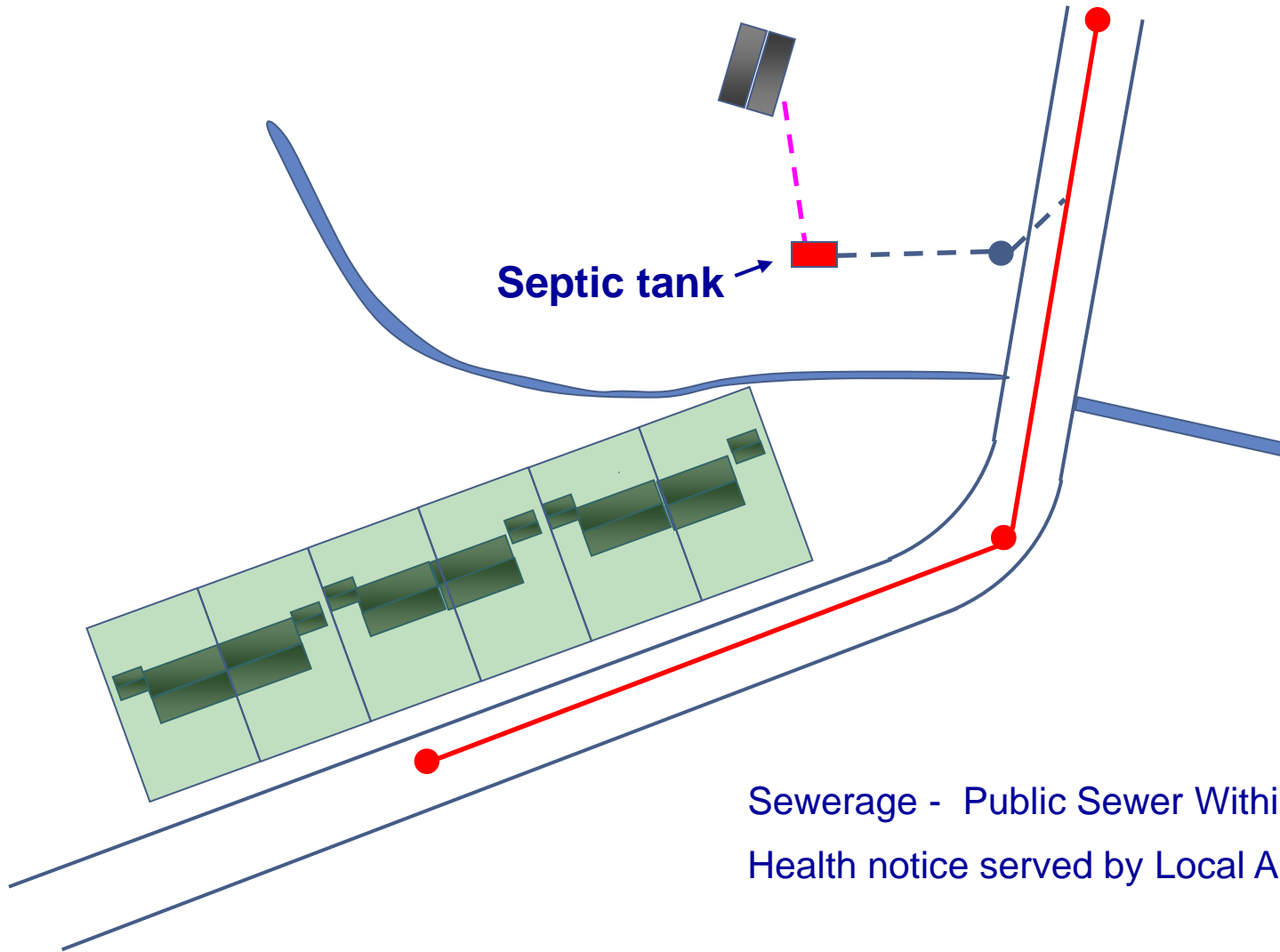




Sewerage - Public Sewer Within 100ft

Power to require connection to public sewer

S21 Building Act 1984



Septic tank

Sewerage - Public Sewer Within 100ft Public Health notice served by Local Authority

Sewer flooding

- Is the property at risk of internal flooding?
 - Flooding of property from sewerage systems – 3,722 properties at risk of flooding once every ten years (Ofwat report 2007/08)
 - This risk register is not fixed – properties added/removed all the time
 - No records are kept of currently private sewers which are prone to flooding
- Where a public sewer is prone to flooding, the CON29DW includes a bespoke report detailing proposed actions to reduce or remove the risk

Sewage treatment works

- Distance and direction to nearest sewerage works
- Helps establish whether odours or flies might be an issue



Basis of charging

- Which services are provided?
- Current and future basis for water & sewerage charges
- Surface water drainage charges
- Who bills the water and sewerage charges?
- Details of who bills for water and sewerage



Case study – Connected or not connected?



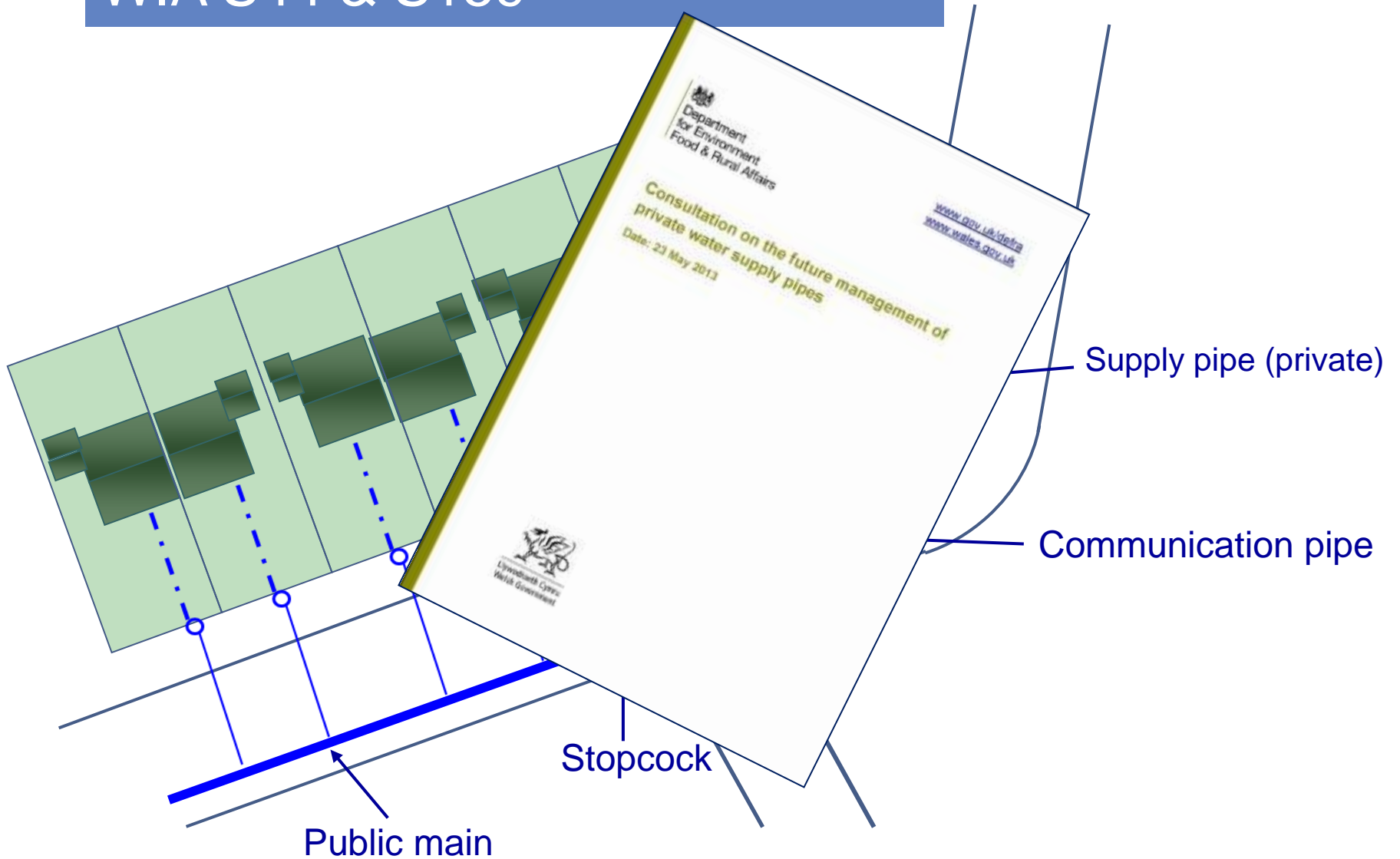
- A Nottinghamshire restaurant had a search done on change of occupancy
- As per Severn Trent Water's billing records, the search revealed that the property was connected to the public sewerage system
- Following completion, it was discovered that this was not the case, and that the property was illegally discharging raw sewage into the River Trent
- The previous occupant had been unaware of this, and had been paying sewage charges to Severn Trent, believing the property had been connected
- As our search contained incorrect information, we paid for the property to be connected to the public sewer, something that would have cost the owner a substantial amount.

Water Supply Map – WIA S198

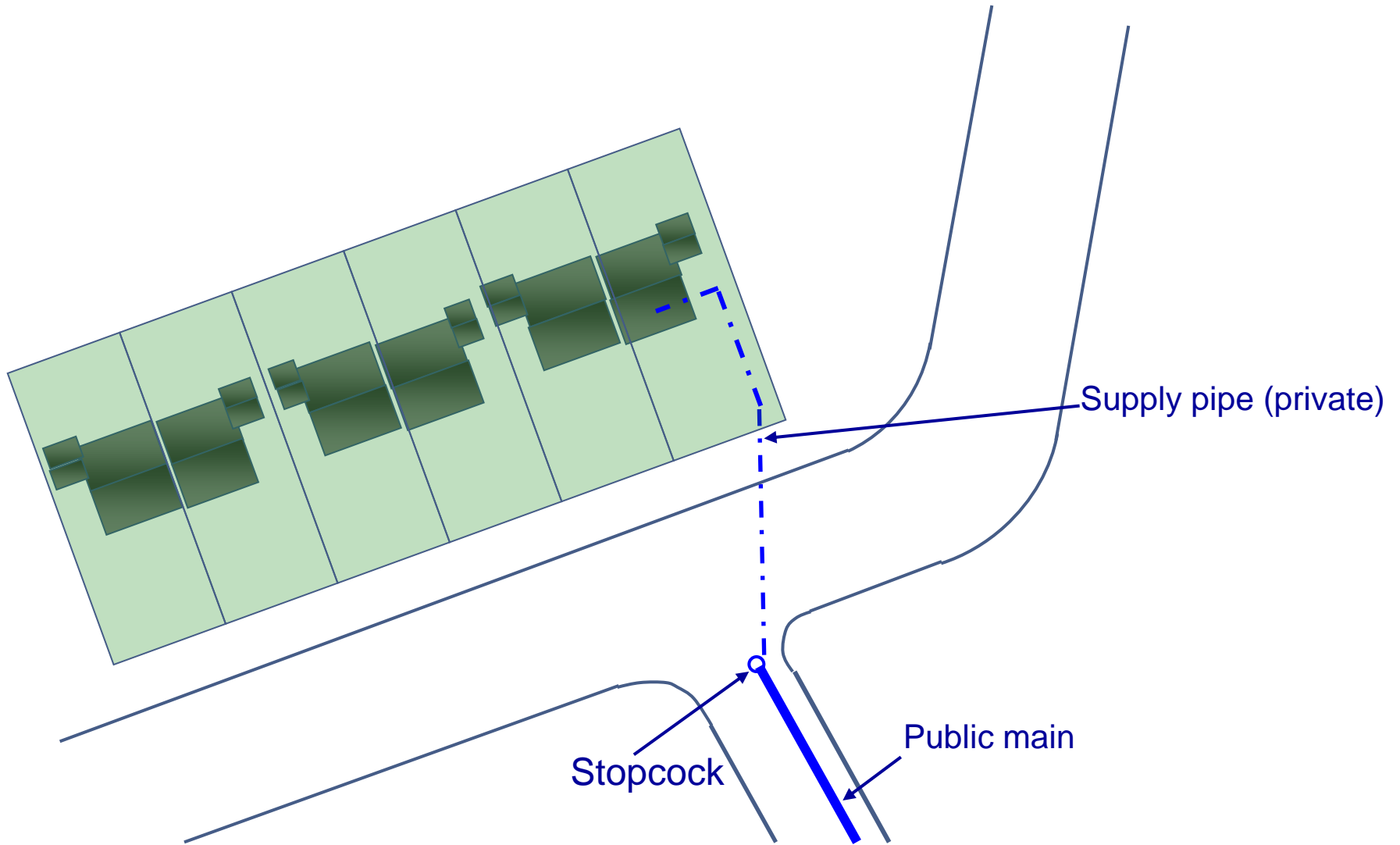
The material contained in this drawing has been based upon the Ordnance Survey Map by SEVERN TRENT WATER Ltd. by permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright - SEVERN TRENT WATER Ltd. - **WU298522**



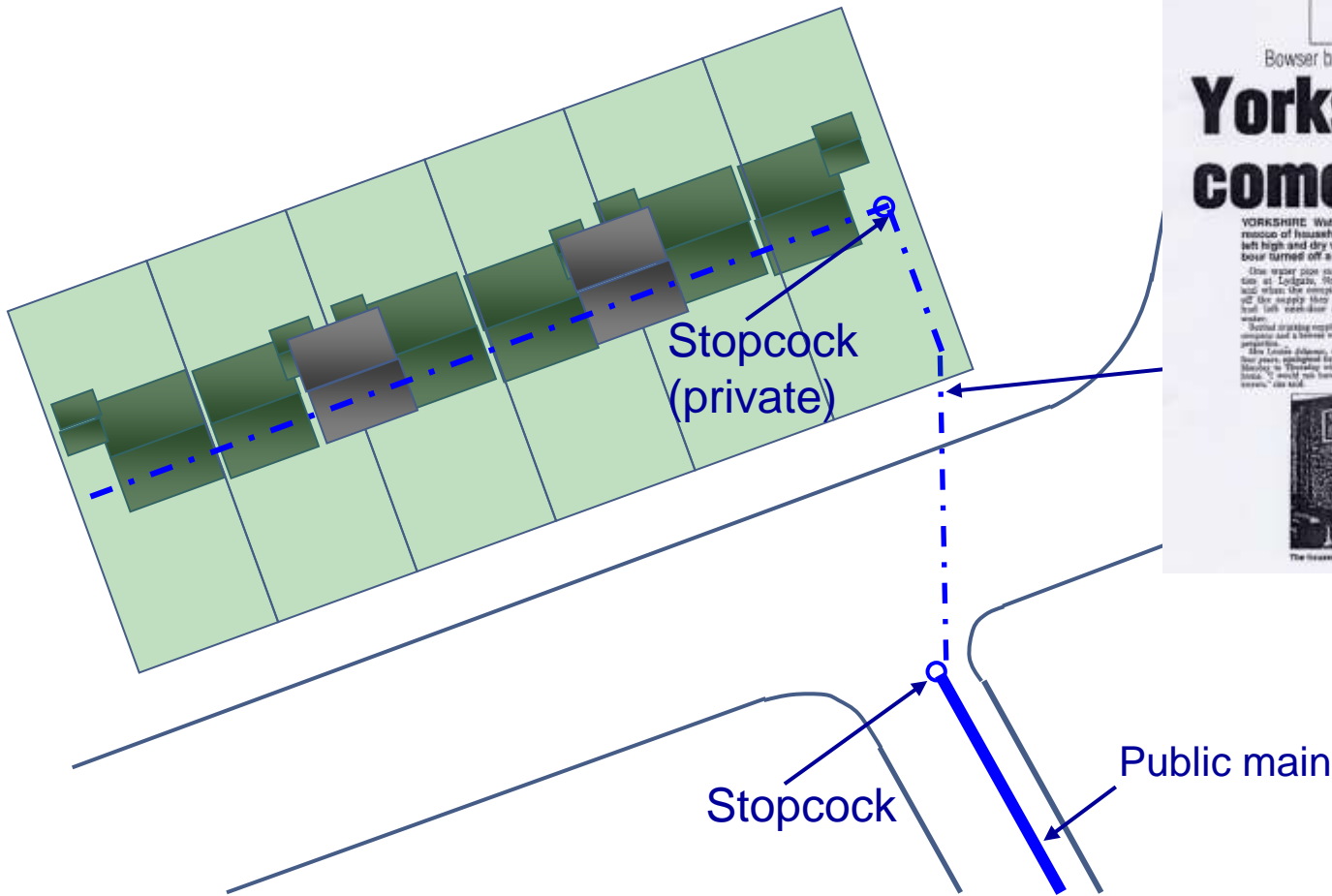
Water Supply – Main to frontage WIA S44 & S159



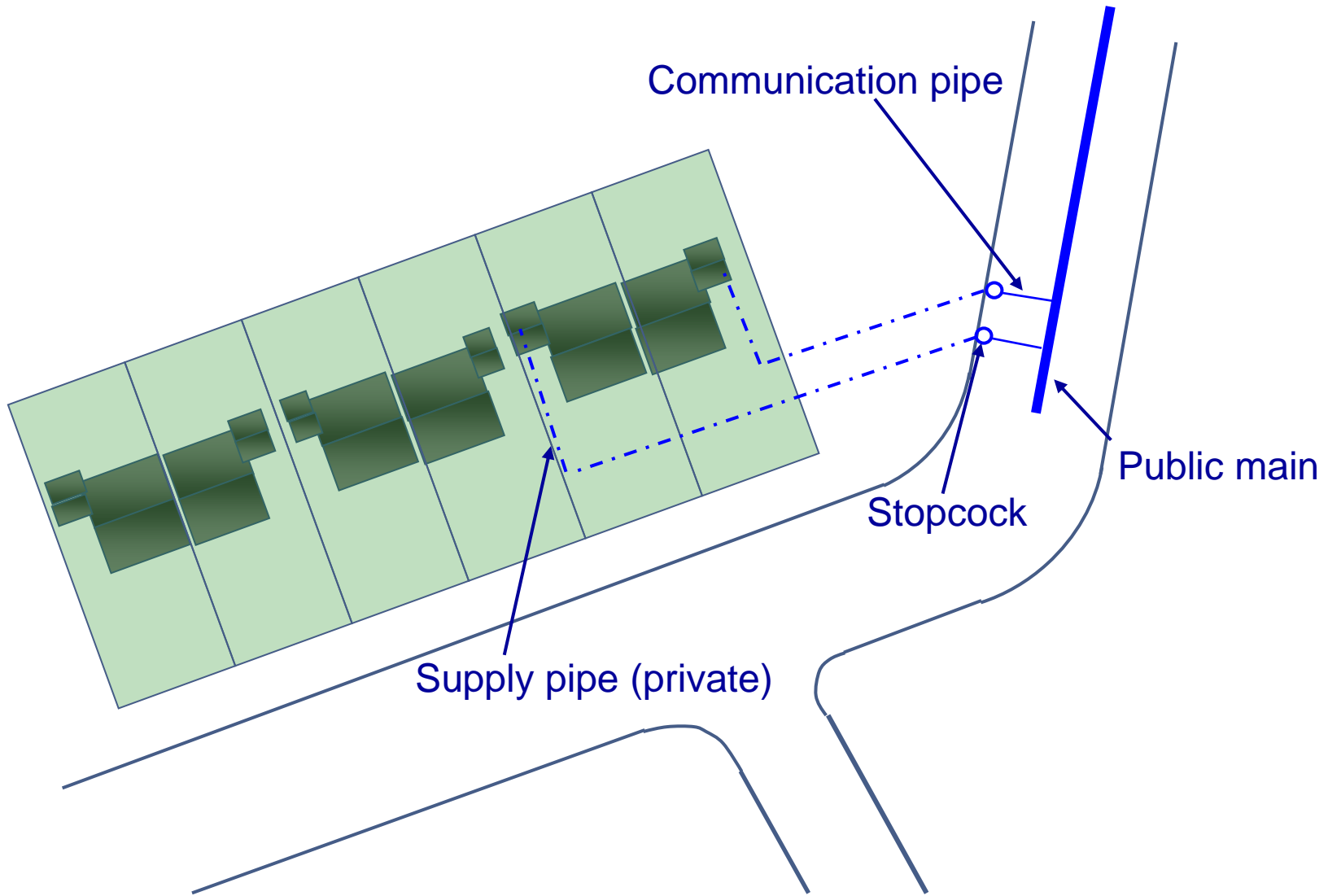
Water Supply – No Main to Frontage



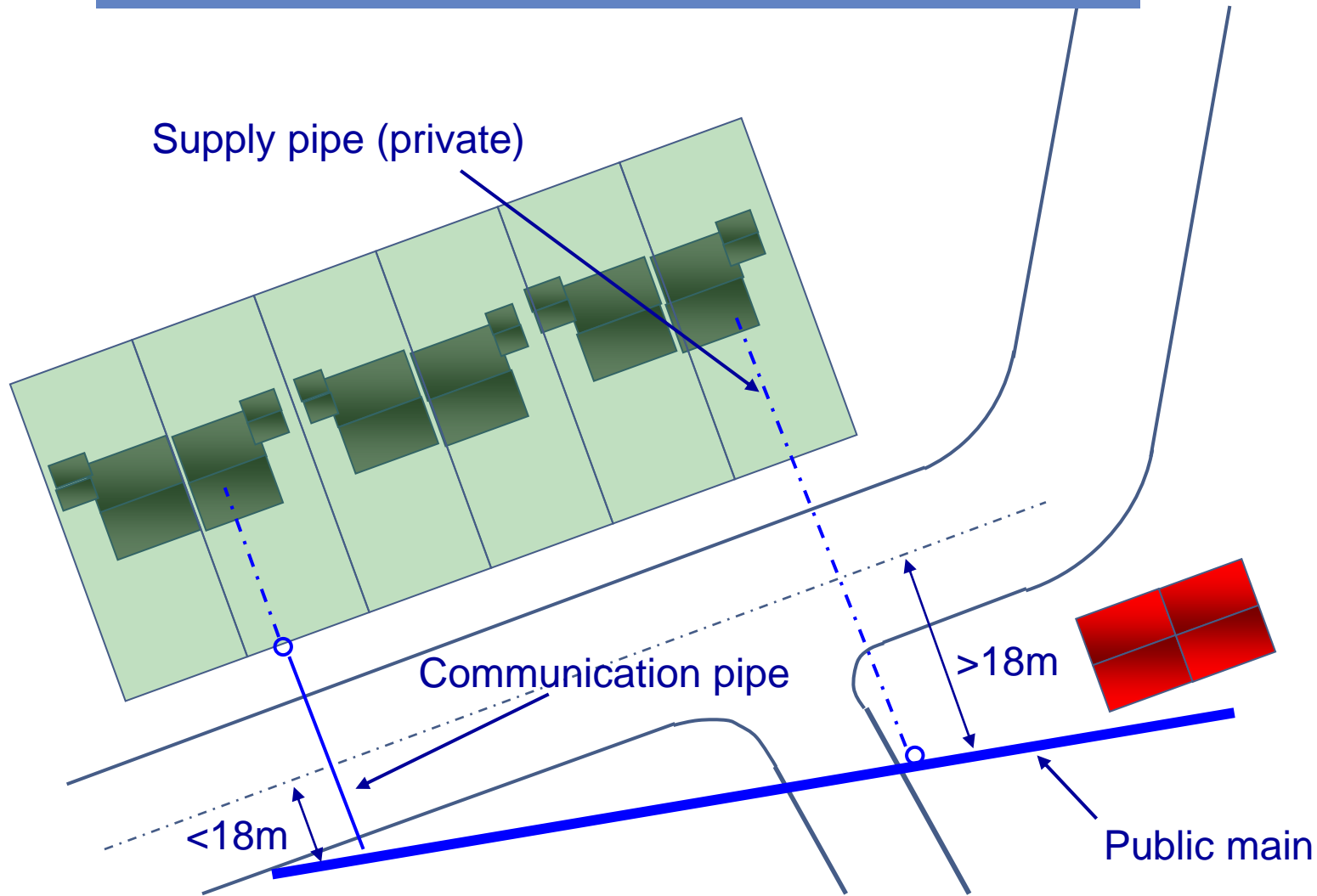
Water Supply – No Main to Frontage Shared supply pipe can isolate all properties



Water Supply – Main to gable



Water Supply – Main in private land 18 metre rule, WIA S159



Low water pressure

- Is there a risk of low water pressure or flow?
- Low water pressure to the property – 4,825 properties affected in the UK (Ofwat report 2007/08)
- Where a property is at risk, the CON29DW includes a bespoke report detailing proposed actions to reduce or remove the risk

Water adoption agreements

- The Water Act 2003 introduced the option of self lay, and therefore adoption agreements for water supply pipes
- Work in a similar manner to current S104 sewer adoptions
- Severn Trent Water have no such agreements with developers

Water quality analysis

- Does the water comply with water quality standards as defined by Water Supply (Water Quality) Regulations 2000 and 2001?
- Based on specific water supply zones
- Lists any point of failure under the regulations
- Takes into account content including lead and nitrate

Consumer Protection

- Terms and Conditions
 - Unlimited liability for residential transactions
- Complaints procedure
 - Attached to every search
- Fully trained staff
 - ST Competency Assessed

Contact Details

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Drainage & Water Searches

CON29DW

**ANY
QUESTIONS?**