



Welcome

Residential conveyancing CPD course
Wednesday 15th October 2015
National Space Centre, Leicester

SEVERN TRENT SEARCHES

UNDERSTANDING
A VALUABLE RESOURCE

a part of



Agenda

- 12:15pm – 12:45pm – Lunch
- 12:55pm – 1:00pm – Welcome – Owen Davies, Severn Trent Searches
- 1:00pm – 1:45pm - Local land charges search proposals – Mark Edwards and Paul White – The Land Registry
- 1:45pm – 2:45pm - Planning, energy and infrastructure – Anthony Rollason, Landmark
- 2:45pm – 3:00pm – Coffee Break
- 3:00pm – 4:00pm – The CON29DW and latest developments in sewerage legislation – Owen Davies, Severn Trent Searches
- 4:00pm – Finish

Local Land Charges

Severn Trent CPD Seminar

LLC & CON 29 - Mark Edwards and Paul White

Vision

An integrated and trusted
digital dataset for land and
property information
available through Land
Registry electronic channels

Digital Journey

Land
Registry



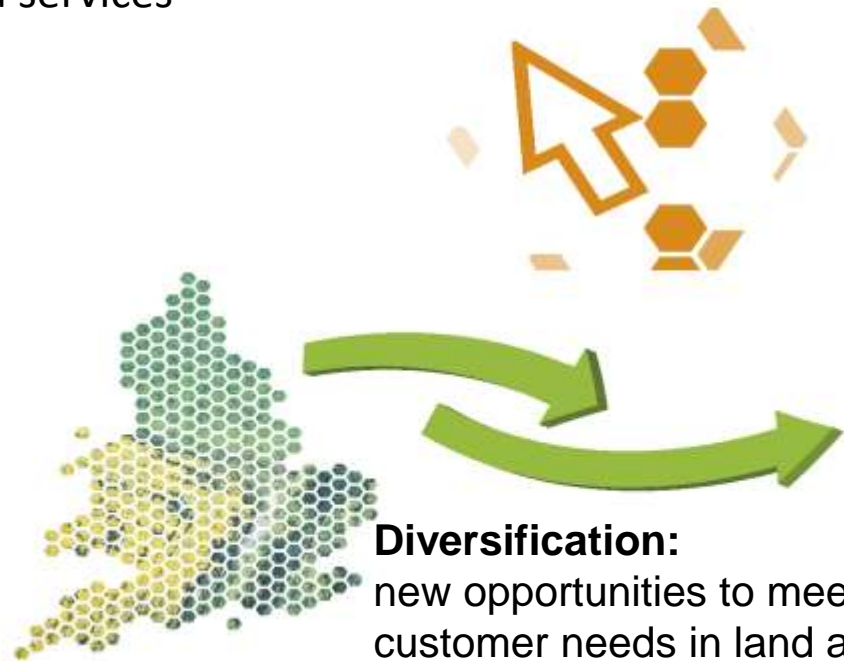
Customer experience:
single point of contact,
delivering consistency
and ease of doing business



Digital:
online products and services

Price	Date	Postcode
120000	29/01/2012 00:00	B37 8U2
250000	09/02/2012 00:00	NH10 8PJ
120000	10/02/2012 00:00	NR44 1DD
350000	30/01/2012 00:00	RG7 3DL
380000	29/12/2011 00:00	GU10 2NY
210000	03/02/2012 00:00	BN43 6GA
125000	13/01/2012 00:00	BB10 2JW
73000	06/02/2012 00:00	NH9 5BJ
86000	10/02/2012 00:00	DT6 5BB
97500	03/02/2012 00:00	ST3 5UD
247500	27/01/2012 00:00	BT4 4SE

Last updated 05/2/13



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

Local Land Charges

- Background
- Land Registry proposals
- Research
- Prototype
- Government drivers
- Parliamentary process

Background

- In 2010 the Land Registry Advisory Council (LRAC) identified the lack of consistency and standardisation in the provision of Local Land Charges and CON 29 searches
- Can Land Registry provide a solution?

Proposal

Land Registry widens its range of information services to include the provision of Local Land Charges search and CON 29 information at a standardised:

- price
- turnaround time
- format.

Research

- Market Warming Day
- Local Authority Engagement
- Focus Groups
 - Customers
 - Local Authorities
 - Personal Search Companies
 - Local Government
 - Central Government
- Independent Market Research
- Infoland (Norwegian Searches)

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

Drivers

- Digital by Default
- World Bank Report
- Encourage and support Local Authority digitisation
- Continued improvements to the conveyancing process
- Release Open Data - New Markets(?)

Parliamentary Process

- 2 Measures in the Infrastructure Bill (Local Land Charges & Wider Powers)
- Contentious nature - due to fracking
- House of Lords – Committee: 6th Reading – 22nd July 2014
- House of Commons – date TBC
- Royal Assent – 30th March 2015

CON 29

- Background
- Land Registry proposals
- Market warming day
- The Coal Authority and CON 29M

2014

During 2014 we will concentrate on:

Developing the policy for a CON 29 service.

Carry out feasibility testing with key stakeholders

Consider the impact on the private sector

Work with local authorities to develop a sustainable revenue model.

Continue to work with The Coal Authority.

Research

We are working with local authorities, government departments and other stakeholders to gain a greater understanding of CON 29 to further support future development.

- Case studies
- Meetings
- Discovery days
- Commissioning independent research
- Investigate data sharing
- Public events

Local Authorities

We will continue to work with pro-active local authorities to develop a sustainable revenue model.

We have already agreed to work collaboratively with the local authority experts from:

- Bolton Council
- West Sussex County Council
- Liverpool City Council

In addition our LA Engagement Team have received expressions of interest from a further 16 potential pilot local authorities

Private Sector

Work with BIS economists to submit an Impact Assessment report on the private sector.

We will continue to engage with the private search market to ensure that they are kept up to date of progress.

- Meetings
- Focus Groups
- Case studies



The Coal Authority

Allow customers to request a CON 29M search via LR electronic channels.

Successfully tested the link between the two systems and ability to send and receive reports in 2013.

We will now enter a Discovery Phase that will bring in customers and other stakeholders to create the user stories that will inform future technical feasibility and costs required to build a service.

Work together to create the necessary policy to support the service

Summary

During 2014 The CON 29 Project will focus on:

- Policy
- Feasibility
- Research
- Collaboration
- Sustainable revenue model
- Impact

If you are interested in any further information then please contact me:

Paul.white3@landregistry.gsi.gov.uk

Any questions



The Importance Of Planning Issues In Residential Conveyancing / Energy & Infrastructure

The background of the slide is a wide landscape photograph. In the foreground, there is a green field. In the middle ground, a small town with red-roofed houses is visible. In the background, there are rolling hills and a clear blue sky with scattered white clouds. A small, colorful hot air balloon is visible in the sky on the right side.

Anthony Rollason
Regional Manager - Legal
Landmark Information Group

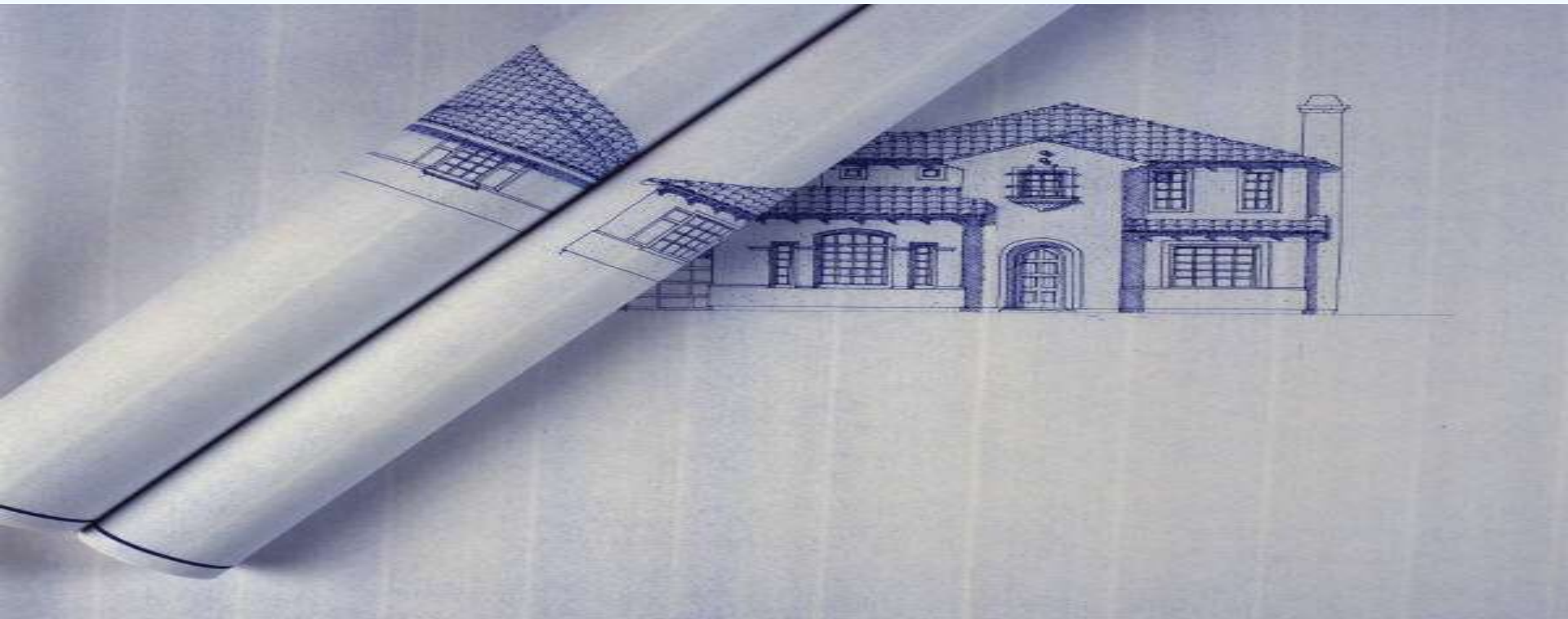


What we will cover

- Importance of planning issues in residential transactions
- Planning policy and legislation
- Recent policy and legislative changes
- Different types of planning searches available
- Energy: Wind Farms, Energy Exploration (including fracking), Solar Panel Farms, the Carbon Capture & Storage pipeline in Humberside
- Infrastructure: HS2 & CrossRail



Planning



Importance of planning issues

- Clients will want to know of planning issues that could affect their use and enjoyment of their property, as well as value
- These can be divided into three main headings:
 1. The property itself - does it have the necessary consents?
 2. The local area
 3. Major energy and infrastructure projects such as HS2 and Crossrail



The Property

- It's not illegal to build without planning permission!
- If you go undetected for long enough, you can apply for a “certificate of lawful development”.
- There are two rules: 4 & 10 year rules.
- Has the property been physically changed, especially in the last 4 years?
- Has there been a change of use of the property, especially in the last 10 years? (4 years for dwellinghouse)
- If the owner has not had permission for either physical changes or change of use there may have been a breach of planning law and the local planning authority may take enforcement action



The Property: Enforcement Action

- Examples of enforcement notices:
 - Planning Contravention Notice: Breach of planning control
 - Breach of Condition Notice: Planning not complied with
 - Enforcement Notice: Without planning permission or not in accordance with planning permission.
 - Stop Notice: Activity ceases immediately

Enforcement action can be taken where a breach of planning has occurred – e.g. construction of a building without planning permission...
Hello Mr Fidler...



Localism Act 2011

- Issued by The Dept. of Communities and Local Government March 2012
- Planning Enforcement Orders (PEOs) – Localism Act 2013
- Designed for developers who deliberately conceal breaches
- LPA can apply to magistrates for PEO within 6 months



The Local Area

- Relatively minor changes that are nearby properties
- New developments
- Is that green field that the property overlooks going to be developed?
- Neighbouring property - permission for multiple occupancy (HMO)?
- Existing planning permissions that have not yet been fully exercised

Further afield

- Major changes near or at some distance from property such as 'Fracking'
- Major infrastructure projects have the potential to impact a property at a much greater distance. e.g. HS2 & Crossrail



Hopton Street Flats worth
£600k prior to development of
.....



Approved 20 storey appt.
block directly in front of Hopton
Street flats



When is planning permission required?

Town and Country Planning Act 1990 (Original Town and Country Planning Act 1947)

- **Planning permission required for development**
- *S57 (1) Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land*
- **Meaning of “development” and “new development”**
- *S55 (1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*



TCPA 1990: Section 106 Agreements

- This related to money paid by developers to Local Planning Authorities in order to offset the costs of the external effects of development.
- Between a person with an interest in land and the local authority
- Set out planning obligations: e.g.
 - Restrict development or use of land
 - Require operations/activities to be carried in, on, under or over land
 - Require land to be used in a particular way
 - Require payment of financial sums to be made to the local authority ('planning gain')
- Note changes since April 2014 and Community Infrastructure Levy (C.I.L.)



Community Infrastructure Levy (CIL) Regs 2010

- The CIL is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area
- Local authorities have charging schedule setting out rates for the levy
- From April 2014 – can no longer use section 106 agreements to fund infrastructure where needed for new development
- S106 agreements can still be used but only for developments specific to the site- eg affordable housing, junction improvements, landscaping
- CIL will go onto CON 29 forms



Use Classes

- Town and Country Planning (Use Classes) Order 1987 sets out 16 different use classes
- Permitted development rights can allow certain changes between use classes e.g.
 - Hot food takeaway to shop (A5→A1)
 - General industrial to business (B2→B1)

Important recent change:

- Allow offices (B1a) to change to residential (C3) as of 30 May 2013.
- Until 30th May 2016.

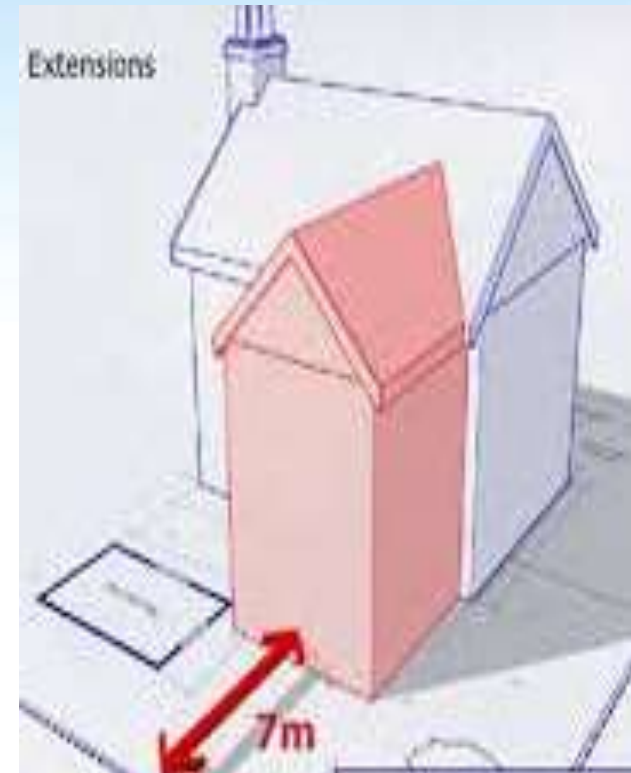


Permitted Development

The Town & Country Planning “General Permitted Development Order” (1995)

Grants automatic planning permission for 43 classes of development

- Part 1 Development within the curtilage of a dwelling house
- Subject to certain limits and conditions relating mainly to size and height
- Building Regulations may still be necessary
- Developments under GPDO will not be in any searches
- Relaxation of rules in “Growth and Infrastructure Act 2013”.....



TCPA (General Permitted Development) orders (England) now permits:

- Extensions to the rear of the property now up to:
- Single story level
- May 2013 – May 2016
 - Semi Detached & Terrace – up to 3m in depth
 - Detached – up to 4m in depth
- Written notice must be given to local authority
- Consultation with immediate neighbours
- Confirmation within 42 days
- Building Regs. still necessary
- Must be completed by 30th May 2016



New Permitted Development rights (cont.)

TCPA (General Permitted Development) orders (England) now permits:

- To increase the size limits for extensions
- Shops. Professional / Financial Services / Offices to 100m²
- Allow building up to boundary of property (except on resi boundary)
- New industrial buildings within curtilage to 200m²
- May 2013 – May 2016.

Other relaxations:

- Agricultural to Business use. Under 150sqm no notice required. 150sqm-500sqm notice required but decision made within 56 days.
- Offices converted to Residential. Same notice as Agricultural.
- Considerations are: Transport, Noise, Contamination, Flood.
- Permanent change



Planning Act 2008

- To speed up planning process for infrastructure projects of national importance
- Largely in response to Heathrow Terminal 5. Planning Enquiry - £800m and took 4yrs
- Three main changes:
 1. Whether the infrastructure project is needed is decided by the Government- not matter for the planning inquiry
 2. Streamline the number of consents required
 3. Final decision taken by Secretary of State



National Planning Policy Framework (NPPF) 2012

- The decision of whether development is appropriate for a site will be based on the principle of 'sustainable development'
- This is defined as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. In planning terms, it means planning for prosperity, people and places.'
- At the heart of the new system is a presumption in favour of sustainable development
- **This is a fundamental shift in policy - essentially it is a presumption in favour of development**
- Consolidates and replaces over 1300 pages from Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)
- NPPF 65 page document
- 41 Planning Practice Guidance Notes- on Gov Planning Portal



Planning Info. Revealed by the Local Search

Searches LLC1 and Con29R (Required) - These include:

- Planning and Building Regulation decisions
- S 106 Agreements & CILs
- Road Adoption
- Road and Traffic schemes
- Statutory Notices
- Enforcement
- Conservation
- Compulsory Purchase



In the majority of cases the information is property specific but what about the local area?



Local Authority CON 29 “O”

Optional searches (at extra cost) include:

- Road Proposals
- Public Footpaths
- Advertisement Signs
- Completion Notices
- National Parks and Countryside
- Noise Abatement
- Gas Pipelines
- Planning Zones
- Still look only at the property and adjacent



Landmark “Plansearch Plus”- Features:

- Residential & Commercial planning applications, including decisions on larger applications
- Land use designations
- Average property price data
- Housing and Neighbourhood overview
- Theft insurance claims data
- Local educational performance
- Local amenities, hospitals, recreational features, schools



- Supplements the Local Authority Search
- For residential buyers (“Sitecheck” version for commercial)
- Is not property specific
- *Searches to 750m*
- Capture issues affecting wider community
- Cost £31 + VAT



The screenshot displays the Landmark Plansearch Plus report interface. At the top right is the Landmark Information Group logo. Below it, the Plansearch Plus logo is shown with the tagline 'Part of Landmark Information Group'. The main content area is titled 'Residential planning applications' and contains a table with five rows of data. To the right of this table is a grey sidebar with property details, report reference, national grid reference, customer reference, report date, and requestor information. Below the residential table is a section for 'Non-residential planning applications' with a table of three rows. At the bottom right is an orange sidebar with contact details, including a phone number and email address. The footer at the bottom left contains the website URL and a tagline.

Application Type	Count	Radius
Alterations (single dwelling)	20	within 50m
New build (up to 10 dwellings)	10	applications within 250m
New build (11 to 50 dwellings)	4	applications within 250m
New build (51 to 200 dwellings)	1	applications within 1km
New build (over 200 dwellings)	0	applications within 2km

Application Type	Count	Radius
Small (up to 250sqm)	2	applications within 250m
Medium (250sqm to 1000sqm)	6	applications within 1km
Large (over 1000sqm)	2	applications within 2km

Property Details:
This report is issued for the property described as:
Clifton Sample Address
Sample Street
Sample Town
BS3 1AB

Report Reference:
R038210128_1_3

National Grid Reference:
491040, 100950

Customer Reference:
Sample Report

Report Date:
10 December 2012 - 11:07am

Requested by:
Landmark Sample Account
Exeter, Devon EX2 7HF

Contact details:
If you require help and advice please contact our customer services team on:
0844 844 9966
or by email at:
helpdesk@landmark

www.landmark.co.uk
Empowering people with knowledge

Summary

- Clients will want to know all planning information that could affect enjoyment and value of their property
- CON 29 just looks at the property
- **Plansearch Plus Report** or **Sitecheck Planning** (for commercial transactions) looks at wider community issues-including planning applications.



Energy



Background to Wind Farms

- The UK has the potential to supply one third of Europe's wind resource
- Obtaining energy from the wind is the UK's largest source of renewable energy generation
- Figures from RenewableUK indicate that there are **now over 400 wind farm** projects in existence in the UK and nearly 4000 wind turbines
- With numerous other wind farm projects due to be developed in areas all over the UK. These figures will **continually grow**
- **No Compensation** - No formal government compensation schemes currently exist for property owners located close to wind farms.



Windturbines: Why would a Homebuyer be concerned?

- **Noise** - Like all **mechanical systems**, wind turbines produce some noise when they operate
- **Visual Impacts** - Generally sited in exposed places, wind turbines are often highly visible. They are getting increasingly large- blade tip height approx. 500 feet!
- **Bird and bat deaths** are one of the most controversial environmental issues related to wind turbines. Concerns by environmental charities such as RSPB
- **Other Concerns –**
 - Blade movement and industrial equipment in areas potentially accessible to the public.
 - **Potential interference** with radar and telecommunication facilities.
 - Wind generators **produce electric and magnetic fields**.



Can wind farms affect property prices?

- RICS study in 2004 concluded that 60% of the survey sampled thought wind farms decrease the value of residential property where the development is within view
- LSE report- 'Gone with the wind: valuing the visual impacts of wind turbines through house prices' Feb 2014 looked at impact of over 1 million houses over 12 year period. Average property price fell by 11%
- Professor Stephen Gibbons "The largest windfarms (20+ turbines) reduce prices by 12% within 2km, and reduce prices by small amounts right out to 14km (by around 1.5%)."



Wind farms: Compensation for owners?

- No compensation scheme for property owners affected by wind turbines
- However may result in adjustment of council tax banding...

Fullabrook wind farm site in Devon - nearby property fell from £400,000 to £300,000

The Valuation Office Agency agreed to put the home from council tax F to band E, saving the couple £400 a year in council tax



How do you find out if...?

- The property is near a wind farm / wind turbine
- If there are any under construction
- Wind Farms that are consented for construction
- Wind Farms with planning permissions
- Wind Farms where planning applications have been made

Energy & Infrastructure Report

- Search radius 2km
- Shows those currently operational, under construction and consented for construction, planning permissions



Fracking - Background

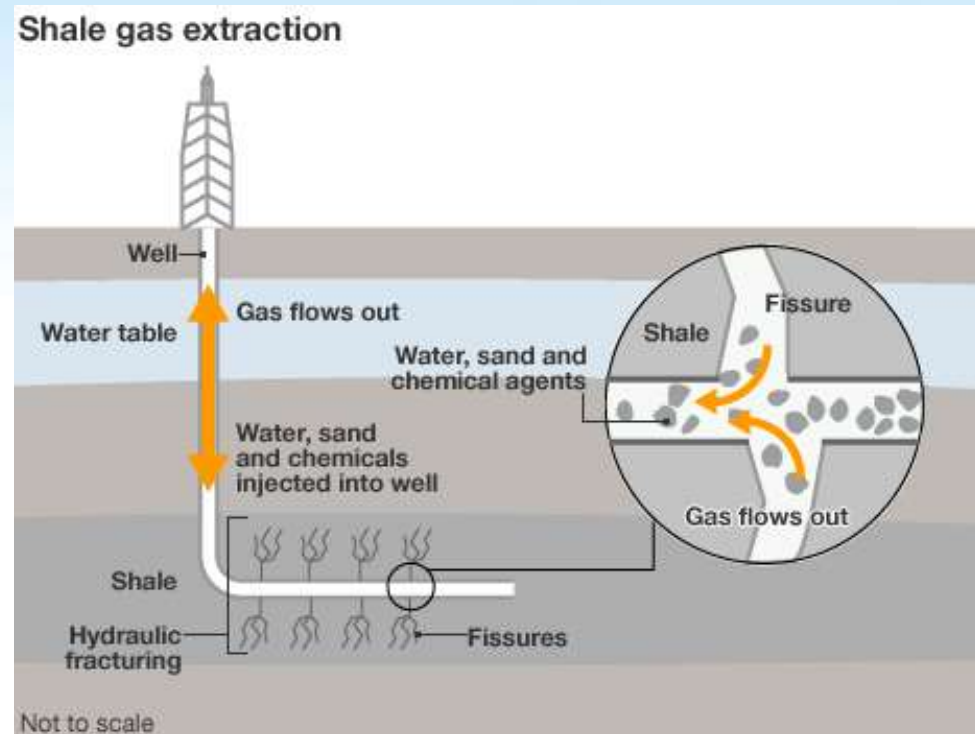
- Hydraulic fracturing- extracting methane gas from
- impermeable shale rock
- Over 2 million wells have now been 'fracked' mainly
- in North America
- 2007 saw Cuadrilla granted a licence for shale gas exploration
- March 2011 saw first fracking job by Cuadrilla near Blackpool
- Some controversy since then due to seismic activity which may or may not have been caused by fracking in Blackpool.?



Fracking – a definition

■ Hydraulic fracturing

- A technique where typically water is mixed with sand and chemicals and injected at high pressure into a wellbore to create small fractures
- Fractures are typically less than 1mm
- The rock to splits, releases the gas into the well so it can be brought up to the surface



Fracking : Compensation for owners?

- Government has suggested £100,000 'community benefit' to be shared amongst local people affected by fracking.
- A US report refers to properties in Texas within 300 m of fracking sites having values decreased by 3-14%
- March 2014 UK govt report Shale Gas: Rural Economy Impact
- However on section on effect of fracking on house prices the text has been removed
- This has led to calls that the information is being withheld as it is against govt policy of building the shale gas industry



Fracking – legal position

- Reserves of natural occurring petroleum, including gas, are by right the property of the crown (Compare to US)
- Operators need:
 - Licence from DECC- Petroleum Exploration Development Licences (PEDLs)
 - Planning permission from Minerals Planning Authority (MPA)
 - Separate planning for exploration, appraisal, production
 - Environmental permit- from Environment Agency (or NRW or SEPA)
 - Landowner's agreement
- Some landowners have sought to stop fracking under their land using the law of trespass
- Queen's Speech 4 June 2014 – govt confirmed its intention to change trespass law and allow fracking without landowner's permission- 12 week consultation period
- Environmental Liability Vol 22 Issue 1 – Special Issue on hydraulic fracturing



Fracking – legal position

- Local residents may bring nuisance claims
- *Coventry v Lawrence* (2014) Supreme Court- because a site has planning permission for an operation is of no assistance in defending a nuisance claim
- *Barr v Biffa Waste Services* (2013) Court of Appeal, operating within an EA permit does not provide a defence to a nuisance claim



Fracking: Why would a buyer be concerned?

- **Traffic** - 400 tanker trucks per well per day
- **Chemicals** - 40,000 gallons of chemicals are used per fracturing
- **Land movement** - high pressure causes the nearby shale rock to crack, creating fissures where natural gas flows into the well
- **Contamination** - methane gas and toxic chemicals could leach out from the system and contaminate the groundwater
- **Noise, Dust & Vibration** – during the construction stage and on-going during operation
- **Air quality**- nitrogen oxides from flaring
- **Property Value ?**



How do you find out whether:

- There are any Exploration Licenses near or on the property?
- There are any Drilling Locations near or on the property?

Energy & Infrastructure Report

- Oil and gas
- Search radius 2km
- Gives exploration licences
- Gives drilling locations
- Note does not give planning applications (if within 250 m they will be in Plansearch Plus)



Solar Farms

- Report now includes solar farms - applications, consented and operational
- By March 2014 295 solar sites operational in UK with another 342 with planning approval

Controversial - CPRE are objecting to many solar farms primarily on

a) Landscape grounds - they industrialise the countryside and

b) it is taking out valuable agricultural land

But RSPB and National Trust generally supportive as good for nature (Times 29.04.14)



CCS Pipeline

- The Yorkshire and Humber Carbon Capture, Transportation and Storage (CCS) Cross-County Pipeline project
- Links up major CO₂ emitters including the new White Rose power station (to be constructed on the existing Drax site) and the new Don Valley Power Project (DVPP), at Stainforth, Doncaster
- 46 mile underground pipeline
- National Grid claim it has the potential to reduce carbon dioxide emissions from fossil fuel power stations by up to 90%
- Capacity to transport up to 17 million tonnes of carbon dioxide every year



CCS Pipeline

- A planning application for the CCS pipeline was submitted in June 2014
- Landowners/Occupiers will be consulted through out process

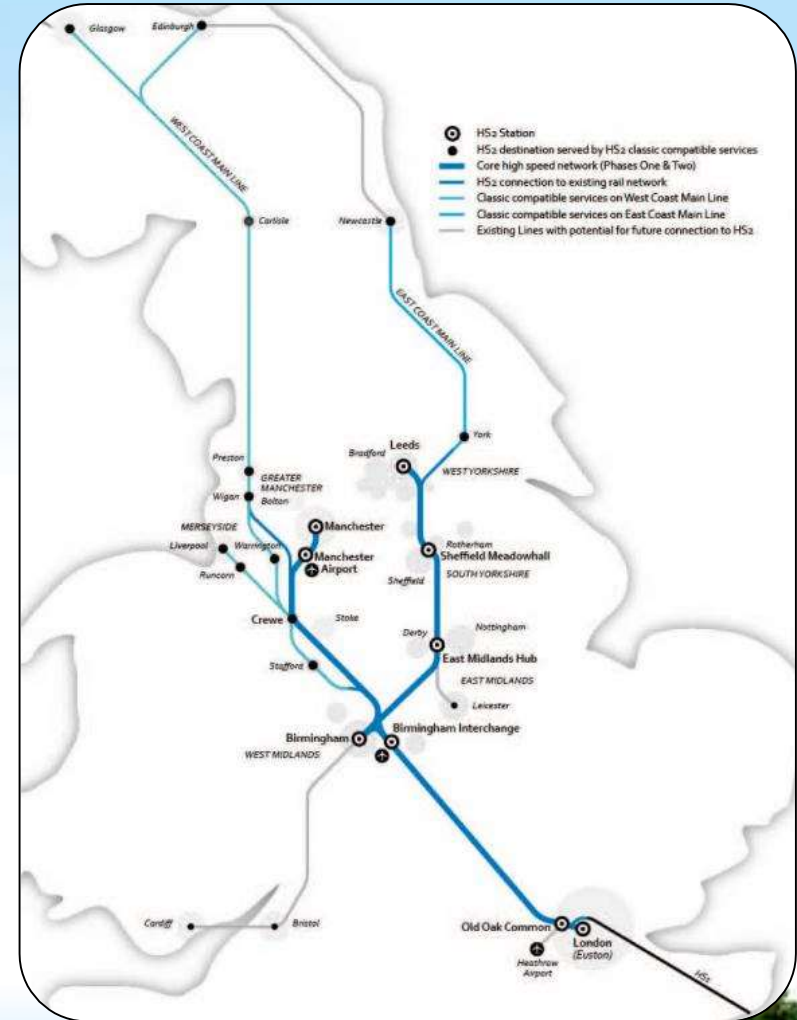


Infrastructure



HS2 Background

- Phase 1 London to Birmingham confirmed January 2012
- Phase 2 Birmingham to Manchester and Leeds announced February 2013
- Construction Phase 1 timetable 2017- 2026
- Construction Phase 2 timetable 2026-2032
- Speeds up to 250mph
- Carriages 400m long



Crossrail- Background

- Maidenhead to Shenfield
- 62 miles (100KM)
- 26 miles (42KM Tunnelling)
- Construction 2009-2018
- Cost : £15 billion
- Some controversy on compulsory purchase
- Predicted to cause property hotspots





Energy & Infrastructure Search


- Supplements the Plansearch Plus report:
- Covers major infrastructure projects
- Covers much wider area
- Energy (including fracking)
- HS2
- Wind farms / turbines
- Cross Rail
- Solar Farms
- Humberside & Yorkshire Carbon Capture Storage scheme
- Only £15 + VAT


ENERGY & INFRASTRUCTURE




(incorporating HIGH SPEED 2)
a SITESOLUTIONS report

**Oil and Gas Exploration**
ALERT

**High Speed 2**
PASSED

**Wind Turbines/Farms**
ALERT

**Argyll's Overview**
From the data available we have detected that one or more of these energy and infrastructure projects exist, are planned, or are licensed on or in proximity to the Site.
It is important to regard this result as an alert and not final confirmation as planned routes and activities may change. You should contact the relevant operating company for further information.



Report on:

Sample Site 2, Sample Town, United Kingdom

Report prepared for:

Sample

Client Reference:

N/A

Report Reference:


Specimen_E&I_2

National Grid Reference:


286451,200272

Report date:

20th June 2013



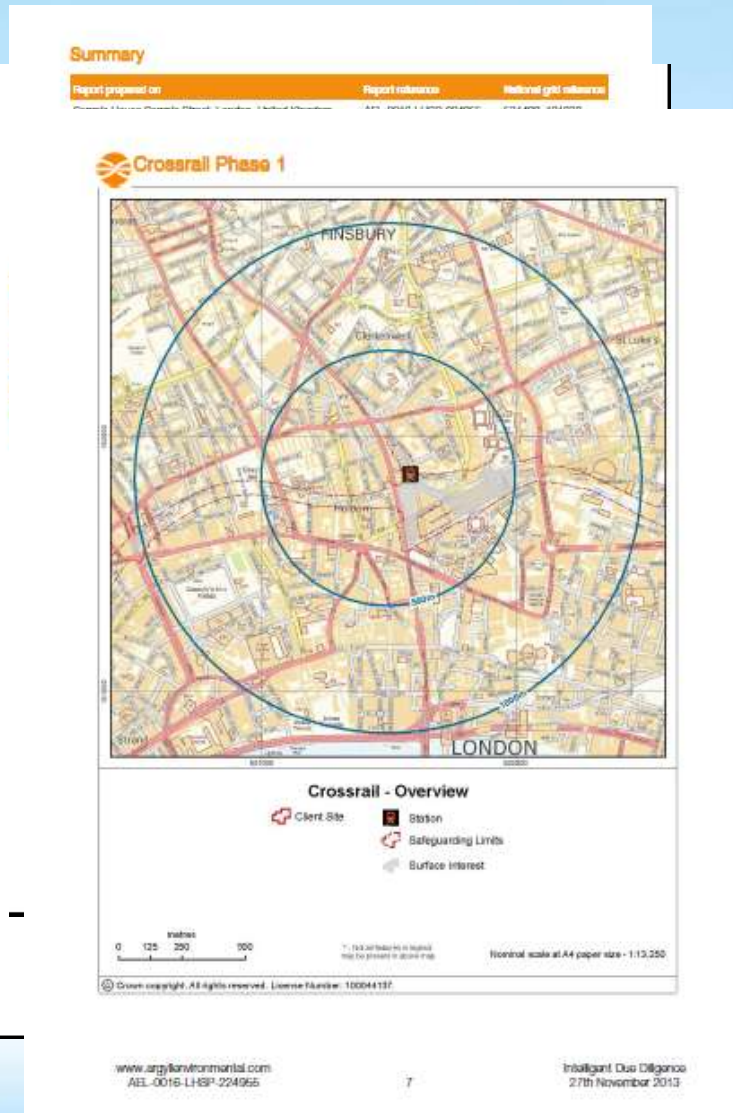
0845 458 5260
www.argyllenvironmental.com
Intelligent Due Diligence



searchcode

Energy & Infrastructure

- Each risk could affect the **value of a property**
- If **alerted**, we would recommend you advise the client to purchase a **Landmark Energy & Infrastructure Report**
- Report covers all Energy & Infrastructure issues in one report
- With **Guidance and Advice** for your client
- Report offers easy to view maps and distances from the property
- Cost: **£15+vat**



Summary

- Most clients will want to know all planning information that could affect enjoyment and value of their property
- CON 29 just looks at the property
- **Plansearch Plus Report or Sitecheck Planning** looks at wider community issues- including planning applications - searches to 200 metres
- **Energy and Infrastructure** report looks at major issues that can substantially affect value - searches 2 - 5kms



CON29DW

DRAINAGE AND WATER ENQUIRY

Owen Davies – Business Development Manager

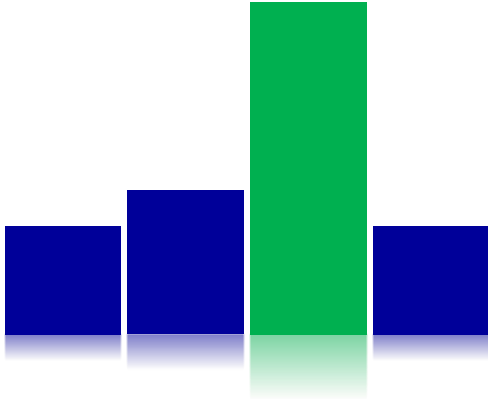
SEVERN TRENT SEARCHES

UNDERSTANDING
A VALUABLE RESOURCE

a part of

SEVERN
TRENT
SERVICES

Who we are



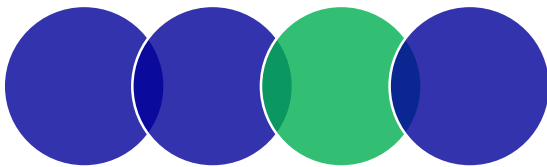
Severn Trent Searches is one of the largest search providers in the region



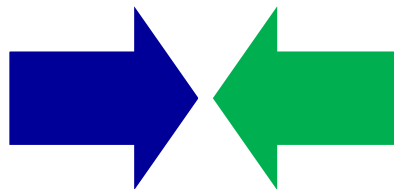
We compile the official CON29DW Drainage and Water Enquiry



To date we have completed over 1.5M CON29DW searches



We are part of Severn Trent PLC, which also includes Severn Trent Water



We work directly with Severn Trent Water to compile the CON29DW, ensuring the most accurate, comprehensive search available



We also provide an extensive range of other searches, including local authority, environmental, mining, chancel liability and flood

Aims & Objectives

This CPD will:

- Look at the purpose and implications of the questions and answers within the CON29DW
- Look at some common questions asked regarding the CON29DW
- Highlight any additional risks which may arise as a result of information provided within the CON29DW
- Provide an update on the Private Drains and Sewers (PDaS) transfer, and proposed changes to sewer adoption procedures

Attendees should subsequently:

- Understand the rationale behind all of the questions and answers
- Advise clients of the need (or otherwise) for further action
- Understand possible additional implications for clients as a result of the transfer

The CON29DW



Contains 23 questions and answers

Introduced in 2002, it was expanded with the advent of HIPs in 2007

Divided into four sections – maps, drainage, water supply and billing

Produced direct from Severn Trent Water records

We also work alongside other Water Companies for properties in border areas

Unlimited liability

Recommended by the Law Society

CON29DW: the questions

Maps:

Sewer plans

Water plans

Water:

Connections

Location of mains

Adoption agreements

Water pressure and flow

Water quality

Water meters

Drainage:

Foul and surface water connections

Location of mains

Adoption agreements

Build overs

Internal flooding

Treatment works

Billing:

Sewerage and water undertakers

Who bills the property

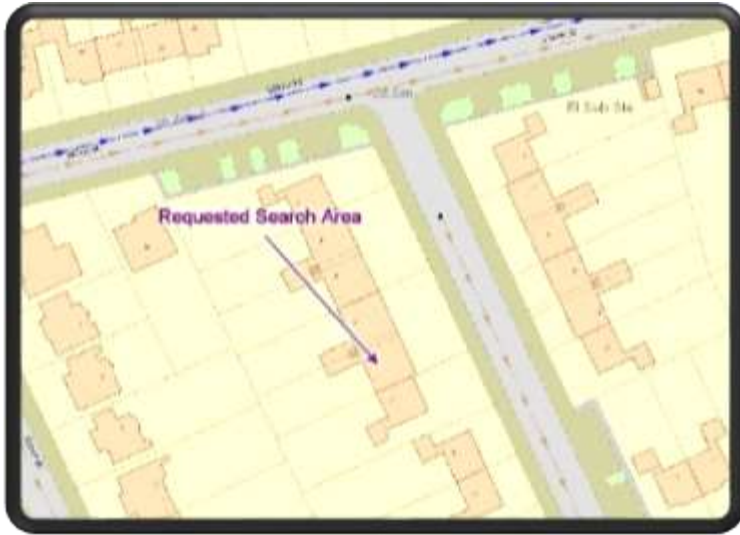
Basis of charging

Changes in charging



MAPS

Maps:



- The CON29DW features plans showing the sewer and water mains serving a property
- This allows homebuyers to see how close the services are, as well as there are likely to be any issues

- Some properties in border areas have different companies responsible for drainage and water supply. In these instances, the CON29DW will provide plans from both companies
- Unlike sewers, water mains are rarely located within property boundaries, and water companies will not allow them to be built over



Sewer maps:



Sample sewer
record map



Water maps:



Sample water
record map



Common sewerage **network** symbology

Foul

Anything from inside a property + trade waste



Surface water

Rainwater & other natural sources



Combined

Both foul & surface water



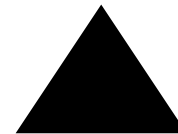
Rising main

Pressurised main from pumping station



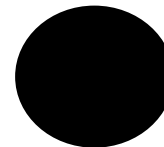
Pumping station

Pumps sewage uphill



Manhole

Sewer access point



Common water **network** symbology

Distribution main

Up to 300mm



Trunk main

Up to 600mm



Aqueduct

Anything up to 2000m



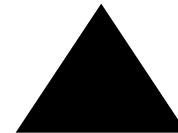
Abandoned main

Disused water main



Pumping station

Pumps water uphill



Question **time:**

What should the buyer of the highlighted property be concerned about?



Question **time**:

What should the buyer of the highlighted property be concerned about?





SEWERS

Question **time:**

- What are the implications of a sewer within a property boundary?
 - 1) Can restrict development ✓
 - 2) Homeowner's responsibility
 - 3) Statutory rights of access ✓
- What is a sewer?
 - 1) Any pipe carrying sewage
 - 2) Any pipe carrying sewage, but outside a property boundary
 - 3) Any pipe carrying sewage from two or more properties ✓

Sewers. General information:

It is the area of the CON29DW that generates the most queries

Areas covered include:

- Connections for foul and surface water drainage
- Sewers within property boundaries
- Proximity of sewers to property
- Build over agreements
- Section 104 adoption agreements
- Sewer flooding
- Proximity to treatment works

Drainage comprises the largest section of the CON29DW, accounting for

9/23
questions

**DID YOU
KNOW?**

A sewer is any disposal pipe serving two or more properties. A drain serves only a single property. A drain lying outside a property boundary is referred to as a lateral drain.

Location of sewers:

Sewers within property boundaries

- Remain the property of water companies
- Companies have statutory rights of access for maintenance and repair of their assets
- Can have restrictions on development – water companies are routinely consulted on developments over or near their assets, and have the right to veto or demand changes to proposed developments

Building over sewers

- Historically, building over agreements between water companies and property owners have been required
- Nowadays this is done as part of a standard planning application

Sewers within 100ft (30.48m)

- Local authorities have powers to force properties to connect to the public network if there is a sewer within 100ft
- Property owners can also be responsible for a substantial length of private pipe, although this is less common following the private sewer transfer



Case Study

Sewer within 100ft and the danger of assuming you're connected

- A customer of ours bought a property assuming it drained to the public sewer. The current owner believed it did, Severn Trent Water billed the property for sewage, and the CON29DW informed him it was connected
- Unfortunately, it wasn't. It drained to a cess pit in the garden, and Severn Trent Water had been incorrectly billing the property
- When the cess pit started to leak, polluting the garden, the owner had to pay to fix the damage, as well as connecting the property to the public sewer
- Under S21 of the Building Act (1984), where there's an environmental risk, the local authority has the power to force a homeowner to connect their property to the public sewerage system, providing there's a sewer within 100ft (30.48m)
- As the owner had a CON29DW, we reimbursed the cost of the connection – almost £4000

Section 104 adoption agreements

- Sewers are generally adopted under Section 104 of the Water Industry Act (1991)
- This is currently a voluntary agreement between a developer and the water company
- Water company agrees to adopt sewers after they are laid, and after a maintenance period, where they will monitor performance
- During this period, they remain the responsibility of the developer, and the water company has no obligations regarding repair or maintenance of the sewers
- This can have implications for homeowners should the developer cease trading, or not fulfil their obligations regarding upkeep of the sewers

Section 104. Example:

Notes:

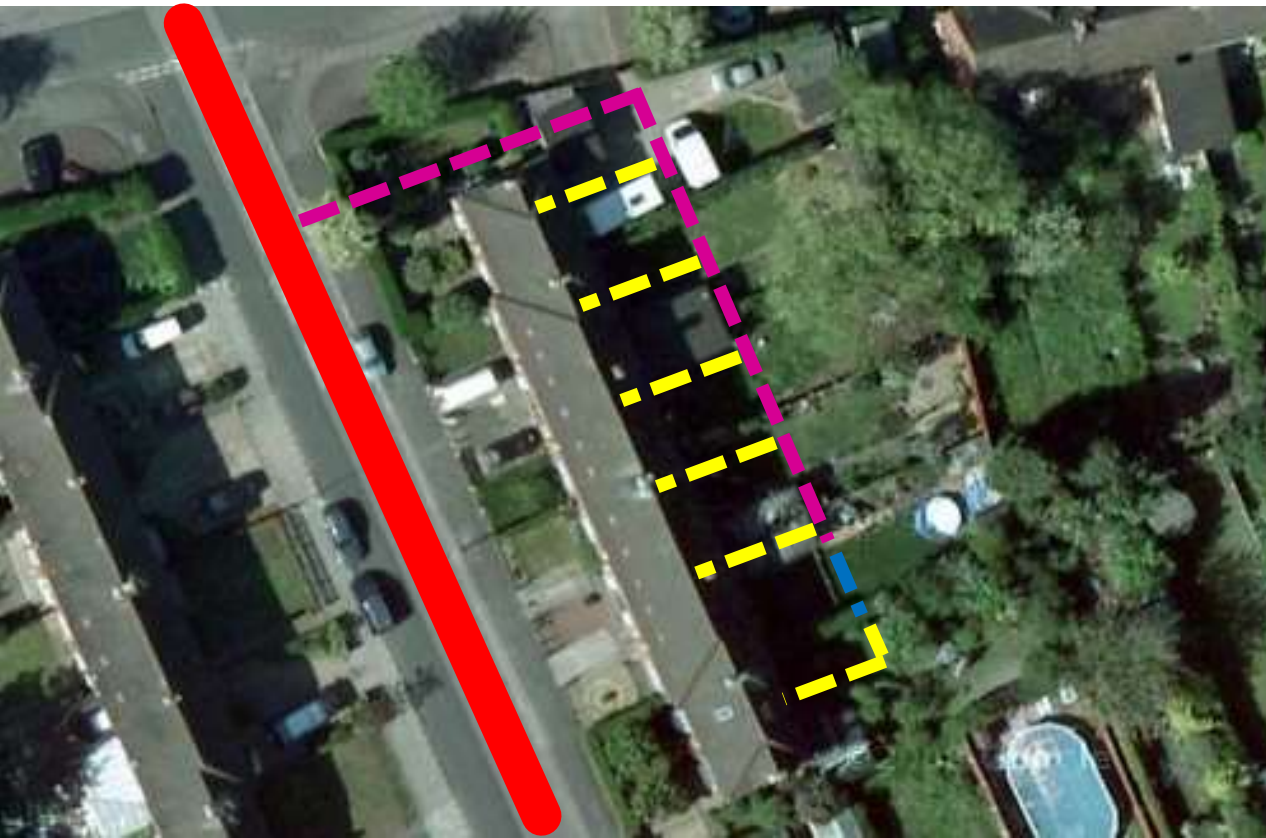
- Unadopted sewers may not be plotted accurately, as in this case
- Transferred sewers, as shown here, may be incomplete



Private **sewer transfer:**

- In October 2011, the majority of private sewers and lateral drains in England and Wales were transferred into public ownership
- The last such transfer occurred in 1937
- The transfer included the majority of apparatus connected to the public network prior to July 2011
- Exceptions included – sewers on Crown Land, successful appeals, networks within a single curtilage, and pipes which don't discharge into the public system
- Changes in sewer adoption procedures will be implemented, the key feature of which is mandatory adoption. No date has yet been confirmed for implementation
- These new adoption procedures will be followed six months later by a secondary transfer, covering any assets laid after July 2011
- New adoption procedures and secondary transfer have already been implemented in Wales
- Private pumping stations are also transferring on a gradual basis prior to October 2016

Sewers – Pre October 2011



Key

Combined sewer (public):



Private sewer



Private drain:



Private lateral drain:



- In this situation, everything in private land is privately owned
- The water company is only responsible for the sewers in the public highway

Sewers – Post October 2011



Key

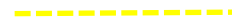
Combined sewer (public):



Public sewer



Private drain:



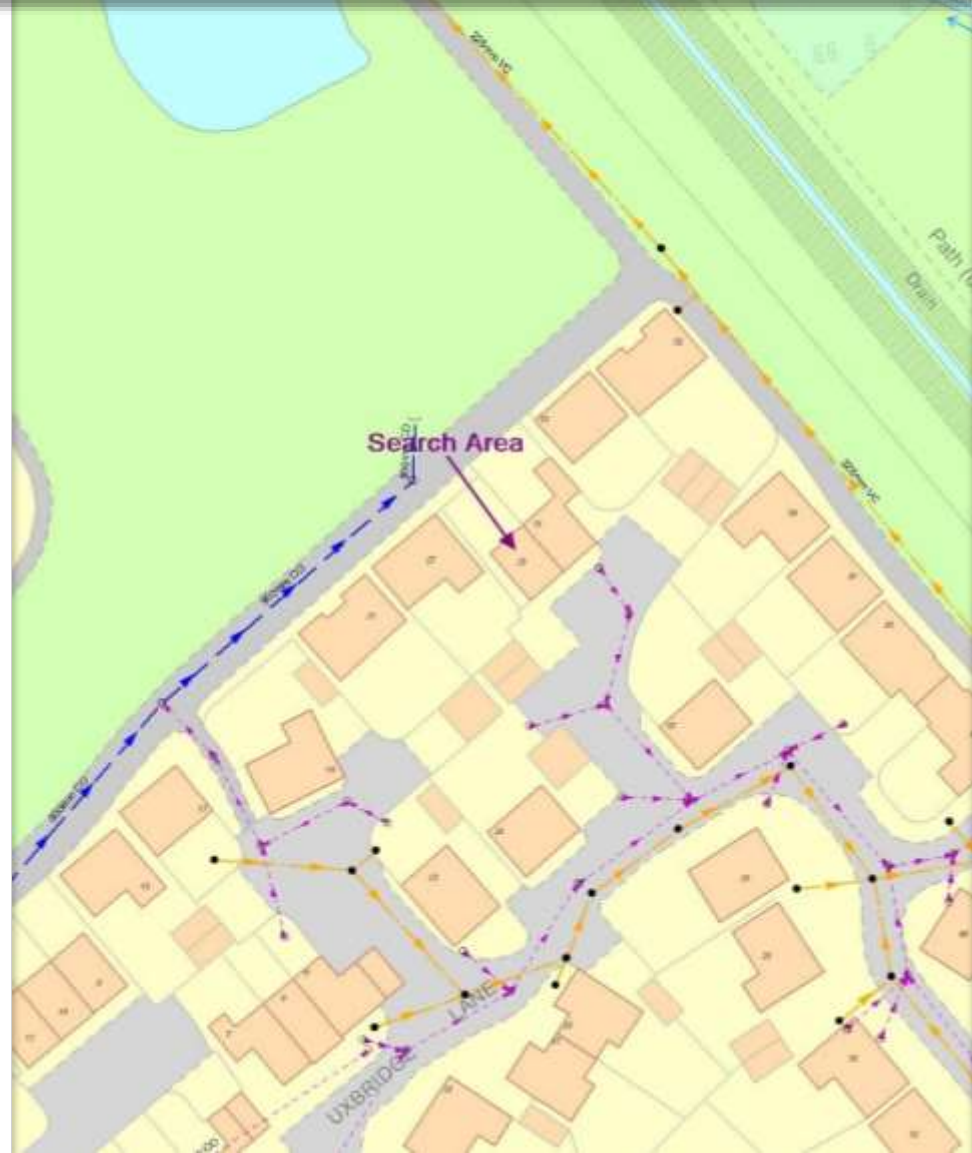
Public lateral drain:



- Private sewers and lateral drains have now transferred into public ownership
- Drains within property boundaries remain private

Private sewer transfer. **Example:**

- Water companies have plotted some of these transferred sewers from local authority and developer records. The majority will be plotted during the course of normal operations
- Because of the two stage transfer, depending on when they were connected to the public system, some estates have a mixture of adopted and unadopted sewers, as in this example



Building over Public Sewers



1

Historically if you wanted to build over a sewer you would have to enter into an agreement under Section 18 of the Building Act 1984 & Building (Amendment) Regulations 2001 Part H.

2

This was usually a tri-partite agreement between the water authority (as was), the local authority and the homeowner. There are about 3,500 of these in the Severn Trent region.

3

We haven't signed a section 18 agreement since last century. This is now covered by part of the building control process.

Sewage Treatment Works



- The CON29DW will tell you the distance and direction of the nearest treatment works
- Properties close to works can experience problems with odours, as well as insects



Sewer **flooding**

- Is the property at risk of internal flooding?
- Occurs when sewers are overwhelmed by heavy rainfall, due to a permanent problem, such as small diameter or flat gradient
- Water companies are required to maintain a register of properties at risk of flooding once every ten years
 - 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
 - Following the Private Sewer Transfer, many inadequate formerly private sewers are now public, so the size of the register will grow over the next few years
- Where a public sewer is prone to flooding, the CON29DW includes a bespoke report detailing proposed actions to reduce or remove the risk



WATER

Question **time:**

- Where does a homeowner's responsibility for water supply pipes usually begin?
 - 1) External stop tap 
 - 2) Where it enters the property
 - 3) Where it leaves the distribution main in the public highway
- What does a failed water quality analysis mean?
 - 1) Failure at that particular property
 - 2) Failure at a property on that street
 - 3) Failure at a property in the water supply zone 

Water Supply – Main to frontage



Key

Water main (public):



Communication pipe (public):



Supply pipe (private):

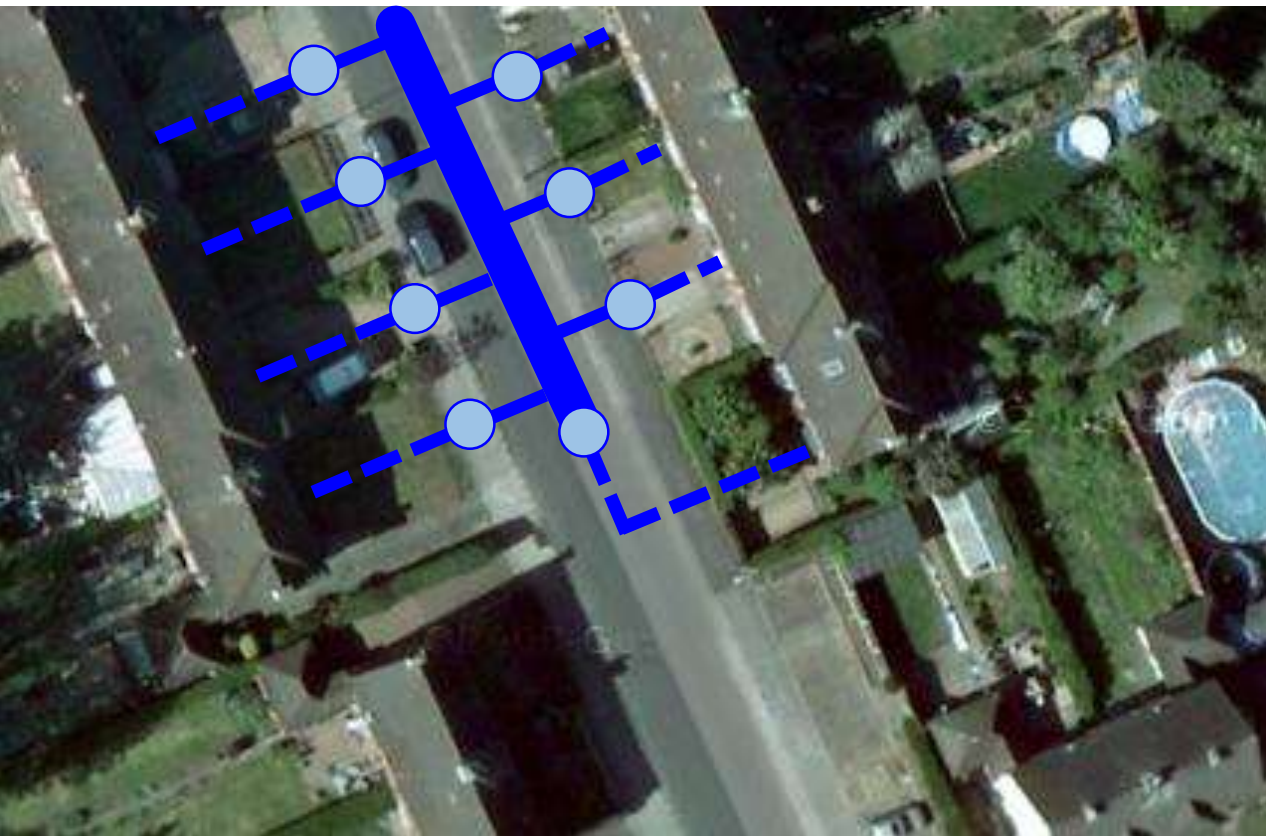


Stopcock:



- This is the typical situation with urban properties
- Water companies retain responsibility for pipework up to the stopcock, typically at the property boundary

Water Supply – No main to frontage



Key

Water main (public):



Communication pipe (public):



Supply pipe (private):



Stopcock:



- Less common, sometimes properties may not have a public main outside their property
- In these circumstances, all pipework beyond the public main will be the homeowner's responsibility
- This can include pipework located in the public highway

Water Supply – Shared supply



Key

Water main (public):



Communication pipe (public):



Supply pipe (private):



Stopcock:



- In this situation, a row of houses are fed off a single, private supply
- This can affect water pressure, depending on usage in the other properties
- Also, with the stopcock located in the first property, turning off their supply will affect all properties in the run

Water Supply – Main to gable



Key

Water main (public):



Communication pipe (public):



Supply pipe (private):

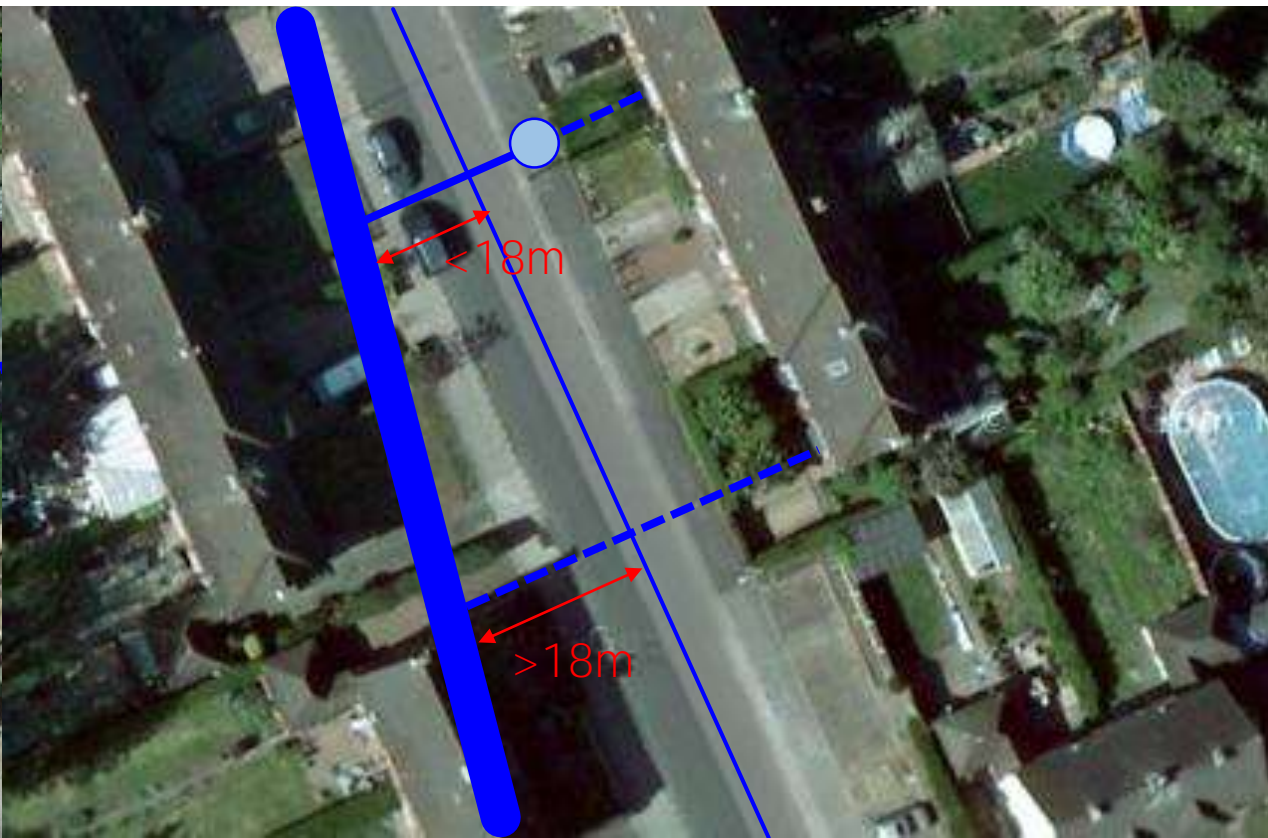


Stopcock:



- In this situation, a private supply pipe passes through a neighbouring property
- Homeowners do not have automatic access to neighbouring land, and can therefore experience difficulty accessing their pipes for repair

Water Supply – Main in private land



Key

Water main (public):



Communication pipe (public):



Supply pipe (private):



Stopcock:



- This is known as the 18 metre rule – WIA S159
- If the main is within 18m of the centre of the highway, the lateral pipe, up to the property boundary will be public, as normal
- If however, it is more than 18m, the entire supply pipe will be private

Low water pressure

- OFWAT rules state that water companies “must maintain a minimum pressure in the communication pipe of seven metres static head (0.7 bar)”
- Water pressure can be affected by the altitude of properties, demand on the system, inadequate pumping facilities, inadequate water mains and leakage
- Low water pressure to the property – 4,825 properties affected in the UK (Ofwat report 2007/08)
- The number of properties is decreasing all the time. In 2003 it was just under 15,000. In 1991 the figure stood at 380,000
- Where a property is at risk, the CON29DW includes a bespoke report detailing proposed actions to reduce or remove the risk

Water quality analysis

- Does the water comply with water quality standards as defined by Water Supply (Water Quality) Regulations 2000 and 2001?
- The Severn Trent region is divided into many water supply zones, each comprising thousands of properties
- The CON29DW will inform you if any property in the zone has failed under any provision of the regulations
- Water quality analysis looks at, amongst other things, levels of lead, nitrates and aluminium
- The vast majority of failures are due to contamination on taps



CHARGING

Question **time:**

- Why would a property receive two water bills?
 - 1) Foul and surface water billed separately ✓
 - 2) Administrative error
 - 3) Different companies providing water and sewerage services ✓
- If a homeowner installs a water meter, can they revert to their previous billing method?
 - 1) Yes, at any time
 - 2) Yes, within a certain time period ✓
 - 3) No

Basis of charging

- The CON29DW informs you whether a property is billed on a measured or unmeasured basis
- Unmeasured applies to pre 1991 properties, and is based on the rateable value of the property
- Properties built from 1991 onwards are fitted with water meters
- These are also installed on request from homeowners, who can revert back within a certain time period
- Water companies have the right to install a meter on change of occupation, and to insist that properties fitted with a meter are billed on that basis



On the rare occasions a meter can't be fitted, properties can be billed on assessed volume

Border areas

- Severn Trent shares borders with several other water companies
- Boundaries for water supply and drainage are not identical
- Therefore, in border areas, different companies may provide different services
- Within the Severn Trent region, there are also some regional water companies operating, most notably South Staffordshire Water
- In border areas, the CON29DW will be provided by the company responsible for drainage



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