

SCHEDULE 9

regulation 9(m)

Drainage and water enquiries

PART 1

General

Interpretation

1.—(1) In this Schedule—

“the 1991 Act” means the Water Industry Act 1991**(1)**;

“the 2000 Regulations” means the Water Supply (Water Quality) Regulations 2000**(2)**;

“the 2001 Regulations” means the Water Supply (Water Quality) Regulations 2001**(3)**;

“adoption agreement” means an agreement made or to be made under section 51A(1) or 104(1) of the 1991 Act**(4)**;

“bond” means a surety granted by a developer who is a party to an adoption agreement;

“bond waiver” means an agreement with a developer for the provision of a form of financial security as a substitute for a bond;

“calendar year” means the twelve months ending with 31st December;

“discharge pipe” means a pipe from which discharges are made or are to be made under section 165(1) of the 1991 Act;

“disposal main” means (subject to section 219(2) of the 1991 Act) any outfall pipe or other pipe which—

(a) is a pipe for the conveyance of effluent to or from any sewage disposal works, whether of a sewerage undertaker or of any other person; and

(b) is not a public sewer;

“drain” means (subject to section 219(2) of the 1991 Act) a drain used for the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

“effluent” means any liquid, including particles of matter and other substances in suspension in the liquid;

“financial year” means the twelve months ending with 31st March;

“lateral drain” means—

(a) that part of a drain which runs from the curtilage of a building (or buildings or yards within the same curtilage) to the sewer with which the drain communicates or is to communicate; or

(b) (if different and the context so requires) the part of a drain identified in a declaration of vesting made under section 102 of the 1991 Act or in an agreement made under section 104 of that Act**(5)**;

(1) 1991 c. 56.

(2) S.I. 2000/3184. These Regulations apply in relation to England.

(3) S.I. 2001/3911. These Regulations apply in relation to Wales.

(4) Section 51A is inserted by section 92(2) of the Water Act 2003 (c. 37). Section 104(1) is amended by section 96(4) of that Act.

(5) To which there are various amendments made by sections 102 and 104 by section 96 of the Water Act 2003.

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“licensed water supplier” means a company which is the holder for the time being of a water supply licence under section 17A(1) of the 1991 Act(6);

“maintenance period” means the period so specified in an adoption agreement as a period of time—

(a) from the date of issue of a certificate by a sewerage undertaker to the effect that a developer has built (or substantially built) a private sewer or lateral drain to that undertaker’s satisfaction; and

(b) until the date that private sewer or lateral drain is vested in the sewerage undertaker;

“map of waterworks” means the map made available under section 198(3) of the 1991 Act(7) in relation to the information specified in subsection (1A);

“private sewer” means a pipe or pipes which drain foul or surface water, or both, from premises, and are not vested in a sewerage undertaker;

“public sewer” means, subject to section 106(1A) of the 1991 Act(8), a sewer for the time being vested in a sewerage undertaker in its capacity as such, whether vested in that undertaker—

(a) by virtue of a scheme under Schedule 2 to the Water Act 1989(9);

(b) by virtue of a scheme under Schedule 2 to the 1991 Act(10);

(c) under section 179 of the 1991 Act(11); or

(d) otherwise;

“public sewer map” means the map made available under section 199(5) of the 1991 Act(12);

“resource main” means (subject to section 219(2) of the 1991 Act) any pipe, not being a trunk main, which is or is to be used for the purpose of—

(a) conveying water from one source of supply to another, from a source of supply to a regulating reservoir or from a regulating reservoir to a source of supply; or

(b) giving or taking a supply of water in bulk;

“sewerage services” includes the collection and disposal of foul and surface water and any other services which are required to be provided by a sewerage undertaker for the purpose of carrying out its functions;

“sewerage undertaker” means the company appointed to be the sewerage undertaker under section 6(1) of the 1991 Act for the area in which the property is or will be situated;

“surface water” includes water from roofs and other impermeable surfaces within the curtilage of the property;

“water main” means (subject to section 219(2) of the 1991 Act) any pipe, not being a pipe for the time being vested in a person other than the water undertaker, which is used or to be used by a water undertaker or licensed water supplier for the purpose of making a general supply of water available to customers or potential customers of the undertaker or supplier, as distinct from for the purpose of providing a supply to particular customers;

“water meter” means any apparatus for measuring or showing the volume of water supplied to, or of effluent discharged from any premises;

“water supplier” means the company supplying water in the water supply zone, whether a water undertaker or licensed water supplier;

(6) Inserted by section 56 of and Schedule 4 to the Water Act 2003.

(7) Subsection (1A) is inserted by section 92(5) of the Water Act 2003.

(8) Section 106(1A) is inserted by section 99 of the Water Act 2003.

(9) 1989 c. 15.

(10) To which there are various amendments made by section 101(1) of and Schedule 8 to the Water Act 2003.

(11) To which there are various amendments made by section 101(1) of and Schedule 8 to the Water Act 2003.

(12) Section 199 is amended by section 97(1) and (8) of the Water Act 2003.

“water supply zones” in relation to a calendar year means the names and areas designated by a water undertaker within its area of supply that are to be its water supply zones for that year; and “water undertaker” means the company appointed to be the water undertaker under section 6(1) of the 1991 Act for the area in which the property is or will be situated.

(2) In this Schedule, references to a pipe, including references to a main, a drain or a sewer, shall include references to a tunnel or conduit which serves or is to serve as the pipe in question and to any accessories for the pipe.

Enquiries and responses

2.—(1) The search report required by regulation 9(m) must contain—

- (a) the enquiries (or requests) set out in sub-paragraph (1) of each paragraph of Part 2; and
- (b) in relation to each such enquiry (or request), a response in the terms set out in sub-paragraph (2) of each such paragraph, which is the appropriate response as regards the property.

(2) Only one of the alternative responses in sub-paragraph (2) of each paragraphs 3 to 11 and 13 to 24 may be the appropriate response.

(3) Where the search report is made using a document which reproduces all of the enquiries (or requests) and responses set out in Part 2, such of those responses as are not appropriate must be deleted or struck out.

(4) Where a response set out in sub-paragraph (2) of a paragraph of Part 2—

- (a) includes words highlighted in italics which request the giving of information about specified matters—
 - (i) the appropriate response or the search report must include the information to which those matters refer; and
 - (ii) where information is so included and the search report is made using a document which reproduces that response, the words in italics may be deleted or struck out; and
- (b) refers to an additional document being included, that document must accompany the search report required by regulation 9(m).

PART 2

Enquiries and responses

Public sewer map

3.—(1) Where relevant, please include a copy of an extract from the public sewer map.

- (a) (2) (a) A copy of an extract from the public sewer map is included in which the location of the property is identified;
- (b) A copy of an extract of the public sewer map is included, showing the public sewers, disposal mains and lateral drains in the vicinity of the property; or
- (c) No map is included, as there are no public sewers in the vicinity of the property.

Foul water

4.—(1) Does foul water from the property drain to a public sewer?

- (a) (2) (a) Records indicate that foul water from the property drains to a public sewer;

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- (b) Records indicate that foul water from the property does not drain to a public sewer; or
- (c) This enquiry appears to relate to a plot of land or a recently built property. It is recommended that drainage proposals are checked with the developer.

Surface water

- 5.—(1) Does surface water from the property drain to a public sewer?
- (a) (2) (a) Records indicate that surface water from the property does drain to a public sewer;
 - (b) Records indicate that surface water from the property does not drain to a public sewer; or
 - (c) This enquiry appears to relate to a plot of land or a recently built property. It is recommended that drainage proposals are checked with the developer.

Public adoption of sewers and lateral drains

- 6.—(1) 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?
- (a) (2) (a) Records indicate that in relation to sewers and lateral drains serving the development of which the property forms part—
 - (i) an adoption agreement is currently in preparation;
 - (ii) an adoption agreement exists and the sewers and lateral drains are not yet vested in the sewerage undertaker, although the maintenance period has commenced;
 - (iii) an adoption agreement exists and the sewers and lateral drains are not yet vested in the sewerage undertaker and the maintenance period has not yet commenced;
 - (iv) an adoption agreement exists and is supported by a bond;
 - (v) an adoption agreement exists and is the subject of a bond waiver; or
 - (vi) an adoption agreement exists and is not supported by a bond or by a bond waiver; or
 - (b) Records confirm that sewers serving the development, of which the property forms part are not the subject of an existing adoption agreement or an application for such an agreement; or
 - (c) The property is part of an established development and is not subject to an adoption agreement.

Public sewers within the boundaries of the property

- 7.—(1) Does the public sewer map indicate any public sewer, disposal main or lateral drain within the boundaries of the property?
- (a) (2) (a) The public sewer map included indicates that there is a public sewer, disposal main or lateral drain within the boundaries of the property;
 - (b) The public sewer map indicates that there are private sewers or lateral drains subject to an existing adoption agreement within the boundaries of the property; or
 - (c) The public sewer map indicates that there are no public sewers, disposal mains or lateral drains within the boundaries of the property. However, it has not always been a requirement for such public sewers, disposal mains or lateral drains to be recorded on the public sewer map. It is therefore possible for unidentified sewers, disposal mains or lateral drains to exist within the boundaries of the property.

Public sewers near to the property

8.—(1) Does the public sewer map indicate any public sewer within 30.48 metres (100 feet) of any buildings within the property?

- (a) (2) (a) The public sewer map included indicates that there is a public sewer within 30.48 metres (100 feet) of a building within the property;
- (b) The public sewer map indicates that there is a public sewer or lateral drain subject to an existing adoption agreement within 30.48 metres (100 feet) of a building within the property; or
- (c) The public sewer map indicates that there are no public sewers within 30.48 metres (100 feet) of a building within the property. However, it has not always been a requirement for such public sewers to be recorded on the public sewer map. It is therefore possible for unidentified sewers or public sewers to exist within the boundaries of the property.

Building over a public sewer, disposal main or drain

9.—(1) 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?

- (a) (2) (a) Records indicate that a sewerage undertaker has approved or has been consulted about plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain;
- (b) Records indicate that a sewerage undertaker has rejected plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain; or
- (c) There are no records in relation to any approval or consultation about plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain. However, the sewerage undertaker might not be aware of a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain.

Map of waterworks

10.—(1) Where relevant, please include a copy of an extract from the map of waterworks.

- (a) (2) (a) A copy of an extract from the map of waterworks is included in which the location of the property is identified;
- (b) A copy of an extract of the map of waterworks is included, showing water mains, resource mains or discharge pipes in the vicinity of the property; or
- (c) No map is included, as there are no water mains, resource mains or discharge pipes in the vicinity of the property.

Adoption of water mains and service pipes

11.—(1) Is any water main or 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?

- (a) (2) (a) Records confirm that in relation to water mains and service pipes serving the development, of which the property forms part—
 - (i) an adoption agreement is currently in preparation;
 - (ii) an adoption agreement exists and the water mains or service pipes are not yet vested in the water undertaker;
 - (iii) an adoption agreement exists and is supported by a bond; or
 - (iv) an adoption agreement exists and is not supported by a bond; or

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- (b) Records confirm that water mains or service pipes serving the property are not the subject of an existing adoption agreement or an application for such an agreement.

Sewerage and water undertakers

12.—(1) Who are the sewerage and water undertakers for the area?

(2) *Give company name and address* is the sewerage undertaker for the area, and *give company name and address* is the water undertaker for the area.

Connection to mains water supply

13.—(1) Is the property connected to mains water supply?

- (a) (2) (a) Records indicate that the property is connected to mains water supply;
- (b) Records indicate that the property is not connected to mains water supply and water is therefore likely to be provided by virtue of a private supply; or
- (c) This enquiry relates to a plot of land or a recently built property. It is recommended that the water supply proposals are checked with the developer.

Water mains, resource mains or discharge pipes

14.—(1) Are there any water mains, resource mains or discharge pipes within the boundaries of the property?

- (a) (2) (a) The map of waterworks indicates that there are water mains, resource mains or discharge pipes within the boundaries of the property;
- (b) The map of waterworks does not indicate any water mains, resource mains or discharge pipes within the boundaries of the property; or
- (c) The map of waterworks indicates that there is a water main subject to an existing adoption agreement within the boundaries of the property.

Current basis for sewerage and water charges

15.—(1) What is the current basis for charging for sewerage and water services at the property?

- (a) (2) (a) The charges are based on actual volumes of water measured through a water meter (“metered supply”);
- (b) The charges are based on the rateable value of the property of £ *give rateable value* and the charge for the current financial year is £ *give amount of charge*;
- (c) The charges are made on a basis other than rateable value or metered supply. They are based on *give basis for charges* and are £ *give amount of charge* for each financial year.
- (d) Records indicate that this enquiry relates to a plot of land or a recently built property.

Charges following change of occupation

16.—(1) Will the basis for charging for sewerage and water services at the property change as a consequence of a change of occupation?

- (a) (2) (a) The basis for the charges will change and will be based on an unmeasured supply;
- (b) The basis for the charges will change and will be based on a metered supply;
- (c) The basis for the charges will change and will be based on *give basis for charges*;
- (d) The basis for the charges will change and will be based on rateable value;

- (e) There will be no change in the current charging arrangements as a consequence of a change of occupation; or
- (f) Records indicate that this enquiry relates to a plot of land or a recently built property. It is recommended that the charging proposals are checked with the developer.

Surface water drainage charges

- 17.—**(1) Is a surface water drainage charge payable?
- (a) (2) (a) Records confirm that a surface water drainage charge is payable for the property at £ *give level of charge* for each financial year; or
 - (b) Records confirm that a surface water drainage charge is not payable for the property.

Water meters

- 18.—**(1) Please include details of the location of any water meter serving the property.
- (a) (2) (a) Records indicate that the property is not served by a water meter; or
 - (b) Records indicate that the property is served by a water meter, which is located—
 - (i) within the dwelling-house which is or forms part of the property, and in particular is located at *give details of location*; or
 - (ii) is not within the dwelling-house which is or forms part of the property, and in particular is located at *give details of location*.

Sewerage bills

- 19.—**(1) Who bills the property for sewerage services?
- (a) (2) (a) The property is billed for sewerage services by *give company name, billing address, enquiry telephone number and website address*; or
 - (b) The property is not billed for sewerage services.

Water bills

- 20.—**(1) Who bills the property for water services?
- (a) (2) (a) The property is billed for water services by *give company name, billing address, enquiry telephone number and website address*; or
 - (b) The property is not billed for water services.

Risk of flooding due to overloaded public sewers

- 21.—**(1) Is the dwelling-house which is or forms part of the property at risk of internal flooding due to overloaded public sewers?
- (a) (2) (a) Records confirm that the property is at risk of internal flooding due to overloaded public sewers (following an actual flooding event or otherwise) and a report is included describing—
 - (i) this and the action proposed by the sewerage undertaker to remove the risk;
 - (ii) who will undertake this action and when; and
 - (iii) whether mitigation measures have been installed to reduce the risk of flooding to the property;

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- (b) An investigation is currently being carried out by the sewerage undertaker to determine if the property should be recorded on a register as being at risk of internal flooding due to overloaded public sewers, and a report is included describing—
 - (i) the action proposed by the water undertaker to remove the risk; and
 - (ii) who will undertake the action and when; or
- (c) The property is not recorded as being at risk of internal flooding due to overloaded public sewers.

Risk of low water pressure or flow

- 22.—(1) Is the property at risk of receiving low water pressure or flow?
- (a) (2) (a) Records confirm that the property is recorded on a register kept by the water undertaker as being at risk of receiving low water pressure or flow, and a report is included describing—
 - (i) the action proposed by the water undertaker to remove the risk; and
 - (ii) who will undertake the action and when;
 - (b) An investigation is currently being carried out by the water undertaker to determine if the property should be recorded on a register as being at risk of receiving low water pressure or flow, and a report is included describing—
 - (i) the action proposed by the water undertaker to remove the risk; and
 - (ii) who will undertake the action and when; or
 - (c) Records confirm that the property is not recorded on a register kept by the water undertaker as being at risk of receiving low water pressure or flow.

Water quality analysis

- 23.—(1) Please include details of a water quality analysis made by the water undertaker for the water supply zone in respect of the most recent calendar year.
- (a) (2) (a) The analysis confirmed that all tests met the standards prescribed by the 2000 Regulations or the 2001 Regulations;
 - (b) The analysis confirmed that tests met the standards prescribed by the 2000 Regulations or the 2001 Regulations, except that *give number* tests of *give total number* tests failed to meet the standard for nitrate;
 - (c) The analysis confirmed that tests met the standards prescribed by the 2000 Regulations or the 2001 Regulations, except that *give number* tests of *give total number* tests failed to meet the standard for lead;
 - (d) The analysis confirmed that tests failed to meet the standards of the 2000 Regulations or the 2001 Regulations in relation to both nitrate and lead, and these are *give further details of such tests*; or
 - (e) The analysis records confirmed that tests failed to meet the standards of the 2000 Regulations or the 2001 Regulations in relation to another substance or substances, and these are *include further details*.

Authorised departures from water quality standards

- 24.—(1) Please include details of any departures—
- (a) authorised by the Secretary of State under Part 6 of the 2000 Regulations from the provisions of Part 3 of those Regulations; or

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- (b) authorised by the National Assembly for Wales under Part 6 of the 2001 Regulations from the provisions of Part 3 of those Regulations.
- (a) (2) (a) There are no such authorised departures for the water supply zone; or
- (b) The Secretary of State or the National Assembly for Wales has authorised a departure from the standards prescribed by the 2000 Regulations or the 2001 Regulations, in the water supply zone, and—
 - (i) the departure permits the water undertaker or water supplier to supply water that does not meet the standard for *give substance* whilst remedial action to restore normal water quality is taken;
 - (ii) the maximum permitted departure is up to *give number* micrograms per litre; and
 - (iii) the measures taken to restore normal water quality are due to be completed by *give approximate month and year*.

Sewage treatment works

25.—(1) Please state the distance from the property to the nearest boundary of the nearest sewage treatment works.

(2) The nearest sewage treatment works is *give distance in kilometres or miles* to the *give direction* of the property. The name of the nearest sewage treatment works is *give name*.