

# CON29DW changes, incorporating SuDS and transferred pumping stations

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**Document:** Briefing on updates to the Law Society's CON29DW

**Draft Date:** 20 May 2016

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## 1. Changes to the CON29DW

- The content of the Law Society's CON29DW is being updated to reflect changes to legislation impacting the water industry. The Law Society, working alongside the Drainage and Water Searches Network (DWSN) are implementing a number of changes to the CON29DW. These will ensure that the Enquiry provides conveyancers with the most up-to-date information available when advising their clients on the impact of water and waste water networks in relation to property purchases.
- In summary the key changes are:
  1. Inclusion of details on private pumping stations
  2. Impact of sustainable drainage systems (SUDs) on newly adopted sewerage networks
  3. Removal of water quality information as this is not property specific; however this information will still be available on individual water companies' web sites
  4. Provision of water hardness information.

## 2. Formerly private pumping stations

### 2.1 Current situation

- The majority of public sewers in England and Wales transferred into public ownership in October 2011. The statutory instrument for this was The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.
- Private sewage pumping stations serving more than one property were included in the transfer. Water companies were given a five-year period to identify and adopt these assets, ending on 1<sup>st</sup> October 2016.
- Pressurised (rising) mains from these private pumping stations will also transfer by October 2016.
- Where a private pumping station serves a single property, it will not transfer. However, any portion of the rising main located outside the property boundary will be treated as a lateral drain, and become the responsibility of the relevant water company.
- Gravity sewers upstream of private pumping stations have already transferred as part of the initial transfer in 2011.
- Sewers and pumping stations connected to the public network after 1st July 2011 are not included in this transfer, and will be adopted under a supplementary scheme at a later date, which has yet to be announced by Defra.
- Water companies will have rights of access to maintain pumps, potentially on a regular basis. There could also be potential issues with noise, odour and flooding in addition to the possible nuisance caused by the water company accessing it for maintenance.

## **2.2 Changes to the CON29DW**

- Because formerly private pumping stations will require regular maintenance, their presence may initially be disruptive. Two new questions have been added to the CON29DW indicating the presence of pumping stations in the vicinity.
- A new question, 2.4.1, states whether a formerly private pumping station is located within a property boundary.
- Another question, 2.5.1, states whether a formerly private pumping station is located within 50 metres of the property.

## **3. Sustainable Drainage Systems (SuDS)**

### **3.1 Current situation**

- SuDS are now the preferred method of surface water drainage for sizeable developments (10 homes or more, or non-residential equivalent).
- Prospective homebuyers may be liable for charges for surface water to a 3<sup>rd</sup> party, which could be a water and sewerage company, a local authority, a developer or a management company.

### **3.2 Changes to the CON29DW**

- Question 2.2, which relates to surface water drainage connection, has been modified. New answers indicate that the property may drain via a SuDS in instances where it is not connected for surface water drainage.
- Question 2.3, which states whether surface water drainage charges are levied against a property, has also been modified to include information on SuDS where applicable.
- Question 2.6 states whether sewers serving a property are subject to an adoption agreement under Section 104 of the Water Industry Act (1991). As sewers discharging to a SuDS will not normally be covered by these agreements, the answers to this question have been modified to reflect this.

## **4. Replacement of water quality questions with water hardness**

### **4.1 Current situation**

- Questions regarding water quality and authorised departures from water standards were introduced to the CON29DW in 2007 with the advent of Home Information Packs.
- As the information given in these questions is not property-specific and relates only to a failure within the water supply zone (which could be as many as 30,000 properties), a positive response can be misleading and cause unnecessary worry.
- Water hardness, which is of far greater interest to property owners, will replace this information in searches. Although not hazardous to health, hard water can cause build-up of limescale around taps and within domestic appliances.

### **4.2 Changes to the CON29DW**

- Question 3.5 which relates to water quality and question 3.6, relating to authorised departures from water standards will be removed from the CON29DW.
- A new question 3.5, relating to water hardness will be introduced. As a result of these changes, Question 3.7, which relates to the location of the water meter at a property, will be renumbered as 3.6