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**NEW LEGAL REQUIREMENT**

IF THIS SEARCH RELATES TO A RECENTLY BUILT PROPERTY, NEW WELSH GOVERNMENT LEGISLATION EFFECTIVE FROM 1<sup>ST</sup> OCTOBER 2012 REQUIRES THAT ANY SEWERS AND LATERAL DRAINS SERVING THE PROPERTY MUST BE SUBJECT TO A SECTION 104 ADOPTION AGREEMENT WITH DWR CYMRU WELSH WATER.

## Drainage and Water Enquiry

Responses as required by the Home Information Pack Regulations

The information contained within this report refers to the Existing property at:	<b>MIDDLEWYCH 3 THE WYCH KINGTON HR53AQ</b>
Search report produced by:	Dŵr Cymru Welsh Water P.O. Box 3146 Linea Fortran Road Cardiff CF30 0EH Telephone No. – 0800 917 2652  <a href="http://www.dwrcymru.com">www.dwrcymru.com</a> <a href="http://www.dwrcymrusearches.com">www.dwrcymrusearches.com</a> <a href="mailto:enquiries@dwrcymru.com">enquiries@dwrcymru.com</a>  Water supply - Call 0800 052 0130 Sewerage services - Call 0800 085 3968
Our reference:	<b>2019/4/450143/486508</b>
Your reference:	<b>19206136</b>

The following records were referenced in compiling this search report

Customer Account System  
Asset Information System  
Water Quality Database

Any enquiries relating to this report should be addressed to our Customer Support Searches Team at the above address. Please quote one of the above references.

Search report produced on: 29/04/2019

**Q 1 Interpretation of Drainage and Water Enquiry**

Response ***Appendix 1 contains definitions of terms and expressions identified within this report.***

Informative Not Applicable.

**Q 2 Enquiries and Responses**

Response ***1. The records were searched by Sarah Turner who has no nor not likely to have, any personal or business relationship with any person involved in the sale of the property.  
2. This search report was prepared by Sarah Turner who have no nor not likely to have any personal or business relationship with any person involved in the sale of the property.***

Informative For the Residential Drainage & Water Search Complaint Procedure please see Appendix 6.

**Q 3 Where relevant, please include a copy of an extract from the public sewer map.**

Response ***A copy of an extract from the public sewer map is included in which the location of the property is identified.***

Informative Public Sewers are defined as those for which the Company holds statutory responsibility under the Water Industry Act 1991.

The company is not responsible for rivers, watercourses, ponds, culverts or highway drains. If any of these are shown on the copy extract they are shown for information only.

Sewers indicated on the extract of the public sewer map as being subject to an agreement under section 104 of the Water Industry Act 1991 are not an 'as constructed' record. It is recommended that these details are checked with the developer, if any.

Assets other than public sewers may be shown on the copy extract, for information only.

The presence of a public sewer located within the boundary of the property may restrict further development within it.

The sewerage undertaker has a statutory right of access to carry out work on its assets, subject to notice. This may result in employees of the sewerage undertaker or its contractors needing to enter the property to carry out works.

**Q 4 Does foul water from the property drain to a public sewer?**

Response ***Records indicate that foul water from the property drains to a public sewer.***

Informative Water companies are not responsible for any private drains and sewers that connect the property to the public sewerage system, and do not hold details of these. The property owner will normally have sole responsibility for private drains serving the property and may have shared responsibility, with other users, if the property is served by a private sewer which also serves other properties. These may pass through land outside of the control of the seller and the buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.

If foul water does not drain to the public sewerage system the property may have private facilities in the form of a cesspit, septic tank or other type of treatment plant.

**Q 5 Does surface water from the property drain to a public sewer?**

Response ***Records indicate that surface water from the property does drain to a public sewer.***

Informative Sewerage undertakers are not responsible for private drains and sewers that connect the property to the public sewerage system and do not hold details of these.

The property owner will normally have sole responsibility for private drains serving the property and may have shared responsibility with other users, if the property is served by a private sewer which also serves other properties. These may pass through land outside of the control of the seller and the buyer may wish to investigate whether separate rights or easements are needed for

their inspection, repair or renewal.

In some cases, sewerage undertakers' records do not distinguish between foul and surface water connections to the public sewerage system.

If on inspection the buyer finds that the property is not connected for surface water drainage, the property may be eligible for a rebate of the surface water drainage charge. Details can be obtained from the sewerage undertaker.

If surface water does not drain to the public sewerage system the property may have private facilities in the form of a soakaway or private connection to a watercourse.

**Q 6 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?**

**Response** *The property is part of an established development and is not subject to an adoption agreement.*

**Informative** This enquiry is of interest to purchasers of new homes who will want to know whether or not the property will be linked to a public sewer.  
Where the property is part of a very recent or ongoing development and the sewers are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains and sewers for which they will hold maintenance and renewal liabilities.  
Final adoption is subject to the developer complying with the terms of the adoption agreement under Section 104 of the Water Industry Act 1991.

**Q 7 Does the public sewer map indicate any public sewer, disposal main or lateral drain within the boundaries of the property?**

**Response** *The public sewer map included indicates that there is a public sewer, disposal main or lateral drain within the boundaries of the property. However, from 1st October 2011 there may be additional public sewers, disposal mains or lateral drains which are not recorded on the public sewer map. For further information please contact Dwr Cymru Welsh Water on Tel: 0800 917 2652*

**Informative** The boundary of the property has been determined by reference to the Ordnance Survey record. The presence of a public sewer running within the boundary of the property may restrict further development. The company has a statutory right of access to carry out work on its assets, subject to notice. This may result in employees of the company or its contractors needing to enter the property to carry out work.  
Sewers indicated on the extract of the public sewer map as being subject to an agreement under section 104 of the Water Industry Act 1991 are not an 'as constructed' record. It is recommended that these details be checked with the developer, if any. Assets other than public sewers may be shown on the copy extract, for information only.

**Q 8 Does the public sewer map indicate any public sewer within 30.48 metres (100 feet) of any buildings within the property?**

**Response** *The public sewer map included indicates that there is a public sewer within 30.48 metres (100 feet) of a building within the property.*

**Informative** The presence of a public sewer within 30.48 metres (100 feet) of the building(s) within the property can result in the local authority requiring a property to be connected to the public sewer. The measure is estimated from the Ordnance Survey record, between the building(s) within the boundary of the property and the nearest public sewer.  
Sewers indicated on the extract of the public sewer map as being subject to an agreement under section 104 of the Water Industry Act 1991 are not an 'as constructed' record. It is recommended that these details are checked with the developer.  
Assets other than public sewers may be shown on the copy extract, for information only.  
If the public sewer map indicates that there is a public sewer or lateral drain located within the development site, dependant on the actual plot layout(s), these sewers may be within 30.48 metres (100 feet) of a proposed building. It is recommended that investigations are made into the

drainage arrangements of the property as the owner may be liable for repairs to the drainage system.

**Q 9** **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?**

Response ***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.***

Informative Buildings or extensions erected over a sewer in contravention of building controls may have to be removed or altered. From the 1st October 2011 private sewers, disposal mains and lateral drains transferred into public ownership and the sewerage undertaker may not have approved or been consulted about plans to erect a building or extension on the property over or in the vicinity of these.

**Q 10** **Where relevant, please include a copy of an extract from the map of waterworks.**

Response ***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.***

Informative The "water mains" in this context are those which are vested in and maintainable by the water company under statute. The purchaser should carry out a physical inspection of the property. Assets other than public water mains may be shown on the plan, for information only. Water undertakers are not responsible for private supply pipes connecting the property to the public water main and do not hold details of these. These may pass through land outside of the control of the seller, or may be shared with adjacent properties. The buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal. The presence of a public water main located within the boundary of the property may restrict further development within it. Water undertakers have rights of access to carry out work on their assets, subject to notice (except in the event of an emergency). This may result in employees of the water undertaker or its contractors needing to enter the property to carry out work.

**Q 11** **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?**

Response ***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.***

Informative This enquiry is of interest to purchasers of new homes who will want to know whether or not the property will be linked to the mains water supply.

**Q 12** **Who are the sewerage and water undertakers for the area?**

Response ***The sewerage undertaker is Dwr Cymru Cyfyngedig, Pentwyn Road, Nelson, Treharris, CF46 6LY and the water undertaker is Dwr Cymru Cyfyngedig, Pentwyn Road, Nelson, Treharris, CF46 6LY.***

Informative Not applicable.

**Q 13** **Is the property connected to mains water supply?**

Response ***Records indicate that the property is connected to mains water supply.***

Informative Details of private supplies are not kept by the water undertaker. The situation regarding sources of supply and supply arrangements should be checked with the current owner of the property and a physical inspection should be carried out.

**Q 14 Are there any water mains, resource mains or discharge pipes within the boundaries of the property?**

Response ***The map of waterworks does not indicate any water mains, resource mains or discharge pipes within the boundaries of the property.***

Informative The boundary of the property has been determined by reference to the Ordnance Survey record. The presence of a public water main within the boundary of the property may restrict further development within it. Water companies have statutory rights of access to carry out work on their assets, subject to notice (except in the event of an emergency). This may result in employees of the company or its contractors needing to enter the property to carry out work. If the map of waterworks indicates that there is a public water main drain located within the development site, dependant on the actual plot layout(s), protection measures and/or diversion of these water mains may be required and agreed with the water undertaker.

**Q 15 What is the current basis for charging for sewerage and water services at the property?**

Response ***The charges are made on a basis of the Uniform Service Charge and are £590.15 for the current financial year.***

Informative Water and sewerage undertakers' full charges are set out in their charges schemes which are available from the company free of charge upon request. It is policy to meter all new water connections - this would result in charges being levied according to the measured tariff. The water undertaker may install a meter at the premises where a buyer makes a change of use of the property. The Water Industry Act 1991 Section 150, The Water Resale Order 2001 provides protection for people who buy their water or sewerage services from a person or company instead of directly from a water or sewerage company. Details are available from the Office of Water Services (OFWAT) at [www.ofwat.gov.uk](http://www.ofwat.gov.uk)

**Q 16 Will the basis for charging for sewerage and water services at the property change as a consequence of a change of occupation?**

Response ***There will be no change in the current charging arrangements as a consequence of a change of occupation.***

Informative Water and sewerage undertakers' full charges are set out in their charges schemes which are available from the company free of charge upon request. It is policy to meter all new water connections this would result in charges being levied according to the measured tariff. The water undertaker may install a meter at the premises where a buyer makes a change of use of the property.

**Q 17 Is a surface water drainage charge payable?**

Response ***Records confirm that a surface water drainage charge is payable for the property at £50 for each financial year.***

Informative Where surface water from a property does not drain to the public sewerage system no surface water drainage charges are payable. Where surface water charges are payable but upon inspection the buyer finds that the property is not connected to the public sewerage system, the property may be eligible for a rebate of the surface water drainage charge. Details can be obtained from the sewerage undertaker. The charge for unmeasured surface water drainage for 2016-2017 is £50. The charge for measured surface water drainage is included in the volumetric

rate charged for measured sewerage and is therefore dependant upon the volume used by each customer. For 2016-2017, If the premises is connected for surface water the sewerage volumetric rate will be £1.6494 p/m<sup>3</sup> for Households and £1.6908 p/m<sup>3</sup> for Non-Households. If the premises is not connected then the sewerage volumetric rate will be £1.3051 p/m<sup>3</sup> for Households and £1.3465 p/m<sup>3</sup> for Non-Households. Where the enquiry relates to a plot of land or development site, it is recommended that the charging proposals are checked with the developer.

**Q 18** Please include details of the location of any water meter serving the property.

Response ***Records indicate that the property is not served by a water meter.***

Informative Where the property is not served by a meter and the customer wishes to consider this method of charging they should contact the appropriate water company. Where the enquiry relates to a plot of land or development site, it is recommended that the charging proposals are checked with the developer.

**Q 19** Who bills the property for sewerage services?

Response ***The property is billed for sewerage services by Dwr Cymru Cyfyngedig, PO Box 690, Cardiff, CF3 5WL, Tel: 0800 052 0145, Internet: www.Dwrcymru.com.***

Informative Where the enquiry relates to a plot of land or development site, it is recommended that the charging proposals are checked with the developer.

**Q 20** Who bills the property for water services?

Response ***The property is billed for water services by Dwr Cymru Cyfyngedig, PO Box 690, Cardiff, CF3 5WL. Tel: 0800 052 0145, website: www.Dwrcymru.com.***

Informative This is the water undertaker to notify the change of occupant to, on completion of sale. Where the enquiry relates to a plot of land or development site, it is recommended that the charging proposals are checked with the developer.

**Q 21** Is the dwelling-house which is or forms part of the property at risk of internal flooding due to overloaded public sewers?

Response ***The property is not recorded as being at risk of internal flooding due to overloaded public sewers. From the 1st October 2011 private sewers, disposal mains and lateral drains were transferred into public ownership. It is therefore possible that a property may be at risk of internal flooding due to an overloaded public sewer which the sewerage undertaker is not aware of. For further information it is recommended that enquiries are made of the vendor.***

Informative A sewer is "overloaded" when the flow from a storm is unable to pass through it due to a permanent problem (e.g. flat gradient, small diameter). Flooding as a result of temporary problems such as blockages, siltation, collapses and equipment or operational failures are excluded.

"Internal flooding" from public sewers is defined as flooding which enters a building or passes below a suspended floor. For reporting purposes, buildings are restricted to those normally occupied and used for residential, public, commercial, business or industrial purposes.

"At Risk" properties are those that the water company is required to include in the Regulatory Register that is reported annually to the Director General of Water Services. These are defined as properties that have suffered or are likely to suffer internal flooding from public foul, combined or surface water sewers due to overloading of the sewerage system more frequently than the relevant reference period (either once or twice in ten years) as determined by the Company's reporting procedure.

Flooding as a result of storm events proven to be exceptional and beyond the reference period of one in ten years are not included on the at Risk register.

Properties may be at risk of flooding but not included on the Register where flooding incidents

have not been reported to the Company.

Public Sewers are defined as those for which the Company holds statutory responsibility under the Water Industry Act 1991.

It should be noted that flooding can occur from private sewers and drains which are not the responsibility of the Company. This report excludes flooding from private sewers and drains and the Company makes no comment upon this matter.

The Purchaser should also make enquiries with the seller.

Where the enquiry relates to a plot of land or development site, the sewerage undertaker is not obliged to hold records of flooding.

**Q 22 Is the property at risk of receiving low water pressure or flow?**

Response ***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.***

Informative The boundary of the property has been determined by reference to the Ordnance Survey record. "Low water pressure" means water pressure below the regulatory reference level which is the minimum pressure when demand on the system is not abnormal.

Water undertakers are required to include in the Regulatory Register that is reported annually to the Director General of Water Services, properties receiving pressure below the reference level, provided that allowable exclusions do not apply (i.e. events which can cause pressure to temporarily fall below the reference level).

The reference level of service is a flow of 9 litres/minute at a pressure of 10 metres head on the customer's side of the main stop tap. The reference level of service must be applied on the customer's side of a meter or any other company fittings that are on the customer's side of the main stop tap. The reference level applies to a single property. Where more than one property is served by a common service pipe, the flow assumed in the reference level must be appropriately increased to take account of the total number of properties served. For two properties, a flow of 18 litres/minute at a pressure of 10 metres head on the customer's side of the main stop tap is appropriate.

For three or more properties the appropriate flow should be calculated from the standard loadings provided in BS6700 or Institute of Plumbing handbook.

Allowable exclusions:

The water undertaker is required to include in the Regulatory Register properties receiving pressure below the reference level, provided that allowable exclusions listed below do not apply.

Abnormal demand:

This exclusion is intended to cover abnormal peaks in demand and not the daily, weekly or monthly peaks in demand which are normally expected. Water undertakers should exclude from the reported DG2 figures properties which are affected by low pressure only on those days with the highest peak demands. During the report year water undertakers may exclude, for each property, up to five days of low pressure caused by peak demand.

Planned maintenance:

Water undertakers should not report under DG2 low pressures caused by planned maintenance. It is not intended that companies identify the number of properties affected in each instance. However, water undertakers must maintain sufficiently accurate records to verify that low pressure incidents that are excluded from DG2 because of planned maintenance are actually caused by maintenance.

One-off incidents:

This exclusion covers a number of causes of low pressure; mains bursts; failures of company equipment (such as PRVs or booster pumps); firefighting; and action by a third party. However, if problems of this type affect a property frequently, they cannot be classed as one-off events and further investigation will be required before they can be excluded.

Low pressure incidents of short duration:

Properties affected by low pressures which only occur for a short period, and for which there is evidence that incidents of a longer duration would not occur during the course of the year, may be excluded from the reported DG2 figures.

The buyer should also make enquiries with the seller.

**Q 23 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.**



Response ***The analysis confirmed that all tests met the standards prescribed by the 2000 Regulations or the 2001 Regulations.***

Informative Drinking water quality in England and Wales is regulated by the Government through the Drinking Water Inspectorate (DWI). Drinking Water Supplies are of a very high standard and the legal requirements are set out in the Water Supply (Water Quality) Regulations 2001 (Wales).

Last year Dwr Cymru Welsh Water carried out over 100,000 water quality tests of which 99.9% showed that the drinking water produced by Welsh Water met the required standards.

Each Water Quality Zone covers a population of up to 100,000, sampling address are generated on a random basis. Distribution sampling is conducted to assess the quality of drinking water throughout Dwr Cymru Welsh Water's distribution network and not as an indicator of the condition of an individual property. Therefore Dwr Cymru Welsh Water will not disclose the sampled address.

If you have specific concerns regarding an individual property relating to water quality (e.g. Lead) then we would suggest you instruct your surveyor accordingly.

Some standards relate to the appearance of the water rather than to health. Where a standard has been set for health reasons, this is normally based on a lifetime exposure and there is a wide margin of safety. It should also be noted that most failures are of short duration and are satisfactory on resample.

All exceedences of the regulatory standard are reported to the Drinking Water Inspectorate along with details of any remedial work undertaken.

**Q 24 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 National Assembly for Wales under Part 6 of the 2001 Regulations from the provisions of Part 3 of those Regulations.**

Response ***There are no such authorised departures for the water supply zone***

Informative Authorised departures are not permitted if the extent of the departure from the standard is likely to constitute a potential danger to human health.

Please contact your water undertaker if you require further information.

**Q 25 Please state the distance from the property to the nearest boundary of the nearest sewage treatment works**

Response ***The nearest sewage treatment works is 77733.1m to the SE of the property. The name of the nearest sewage treatment works is TREGAIRIOG SWK.***

Informative The nearest sewage treatment works will not always be the sewage treatment works serving the catchment within which the property is situated. The sewerage undertaker's records were inspected to determine the nearest sewage treatment works. It should be noted therefore that there may be a private sewage treatment works closer than the one detailed above that have not been identified.

## Appendix 1 - General Interpretation

1. In this Schedule-

"the 1991 Act" means the Water Industry Act 1991(a);

"the 2000 Regulations" means the Water Supply (Water Quality) Regulations 2000(b);

"the 2001 Regulations" means the Water Supply (Water Quality) Regulations 2001(c);

"adoption agreement" means an agreement made or to be made under section 51A(1) or 104(1) of the 1991 Act(d);

"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(e);

"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(f);

"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(g) 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(h), 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(i);  
(b) by virtue of a scheme under Schedule 2 to the 1991 Act(j);  
(c) under section 179 of the 1991 Act(k); or  
(d) otherwise;

"public sewer map" means the map made available under section 199(5) of the 1991 Act(l);

"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;

"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.

Note:

- (a) 1991 c. 56
- (b) S.I. 2000/3184. These Regulations apply in relation to England.
- (c) S.I. 2001/3911. These Regulations apply in relation to Wales.
- (d) 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.
- (e) To which there are various amendments made to sections 102 and 104 by section 96 of the Water Act 2003.
- (f) Inserted by section 56 of and Schedule 4 to the Water Act 2003.
- (g) Subsection (1A) is inserted by section 92(5) of the Water Act 2003.
- (h) Section 106(1A) is inserted by section 99 of the Water Act 2003.
- (i) 1989 c.15.
- (j) To which there are various amendments made by section 101(1) of and Schedule 8 to the Water Act 2003.
- (k) To which there are various amendments made by section 101(1) of and Schedule 8 to the Water Act 2003.
- (l) Section 199 is amended by section 97(1) and (8) of the Water Act 2003.

## **Appendix 2 – DRAINAGE & WATER ENQUIRY (RESIDENTIAL) TERMS AND CONDITIONS**

The Customer, the Client and the Purchaser are asked to note these terms, which govern the basis on which this drainage and water report is supplied

### **Definitions**

'Company' means Dwr Cymru Cyf who produces the Report.

'Order' means any request completed by the Customer requesting the Report.

'Report' means the drainage and/or water report prepared by The Company in respect of the Property.

'Property' means the address or location supplied by the Customer in the Order.

'Customer' means the person, company, firm or other legal body placing the Order, either on their own behalf as Client, or, as an agent for a Client.

'Client' means the person, company or body who is the intended recipient of the Report with an actual or potential interest in the Property.

'Purchaser' means the actual or potential purchaser of an interest in the Property including the mortgage lender.

### **Agreement**

1. The Company agrees to supply the Report to the Customer and to allow it to be provided to the Client and the Purchaser subject, in each case, to these terms. The scope and limitations of the Report are described in paragraph 2 of these terms. Where the Customer is acting as an agent for the Client then the Customer shall be responsible for bringing these terms to the attention of the Client.

1.1 The Customer, the Client and Purchaser agree that the placing of an Order for a Report and the subsequent provision of a copy the Report to the Purchaser indicates their acceptance of these terms.

### **The Report**

2. Whilst The Company will use reasonable care and skill in producing the Report, it is provided to the Customer, the Client and Purchaser on the basis that they acknowledge and agree to the following:-

2.1 The information contained in the Report can change on a regular basis so The Company cannot be responsible to the Customer, the Client and Purchaser for any change in the information contained in the Report after the date on which the Report was first produced and sent to the Customer.

2.2 The Report does not give details about the actual state or condition of the Property nor should it be used or taken to indicate or exclude actual suitability or unsuitability of the Property for any particular purpose, or relied upon for determining saleability or value, or used as a substitute for any physical investigation or inspection. Further advice and information from appropriate experts and professionals should always be obtained.

2.3 The information contained in the Report is based upon the accuracy of the address and plan supplied to the Company.

2.4 The Report provides information as to the location & connection of existing services and other information in relation to drainage and water enquiries and should not be relied on for any other purpose. The Report may contain opinions or general advice to the Customer, the Client and Purchaser which The Company cannot ensure that any such opinion or general advice is accurate, complete or valid and accepts no liability therefore.

2.5 The position and depth of apparatus shown on any maps attached to the Report are approximate, and are furnished as a general guide only, and no warranty as to its correctness is given or implied. The exact positions and depths should be obtained by excavation trial holes and the maps must not be relied on in the event of excavation or other works made in the vicinity of The Company's apparatus.

### **Liability**

3. The Company shall not be liable to the Customer, the Client and Purchaser for any failure defect or non-performance of its obligations arising from any failure of or defect in any machine, processing system or transmission link or anything beyond The Company's reasonable control or the acts or omissions of any party for whom The Company are not responsible.

3.1 Where a report is requested for an address falling within a geographical area where two different Companies separately provide Water and Sewerage Services, then it shall be deemed that liability for the information given by either Company will remain with that Company in respect of the accuracy of the information supplied. A Company supplying information which has been provided to it by another Company for the purposes outlined in this agreement will therefore not be liable in any way for the accuracy of that information and will supply that information as agent for the Company from which the information was obtained.

3.2 The Report is produced for use in relation to individual domestic property transactions and cannot be used for commercial developments of domestic properties or commercial properties for intended occupation by third parties.

3.3 The Company shall accept liability for death or personal injury arising from its negligence but in any other case, the Company's liability for negligence shall be limited to £5000.00. Such liability will be met by the Company or its insurers and the Company has and will maintain an appropriate contract of insurance.

### **Copyright and Confidentiality**

4. The Customer, the Client and Purchaser acknowledge that the Report is confidential and is intended for the personal use of the Client and Purchaser. The copyright and any other intellectual property rights in the Report shall remain the property of The Company. No intellectual or other property rights are transferred or licensed to the Customer, the Client or the Purchaser except to the extent expressly provided.

4.1 The Customer or Client is entitled to make copies of the Report but may only copy the Ordnance Survey mapping or data contained in the, or attached to the Report, if they have an appropriate licence from the originating source of that mapping or data.

4.2 The Customer, the Client and Purchaser agree (in respect of both the original and any copies made) to respect and not to alter any trademark, copyright notice or other property marking which appears on the Report.

4.3 The maps contained in the Report are protected by Crown Copyright and must not be used for any purpose outside the context of the Report.

4.4 The Customer, the Client and Purchaser agree on a joint and several basis to indemnify The Company against any losses, costs, claims and damage suffered by The Company as a result of any breach by either of them of the terms of paragraphs 4.1 to 4.4 inclusive.

### **Payment**

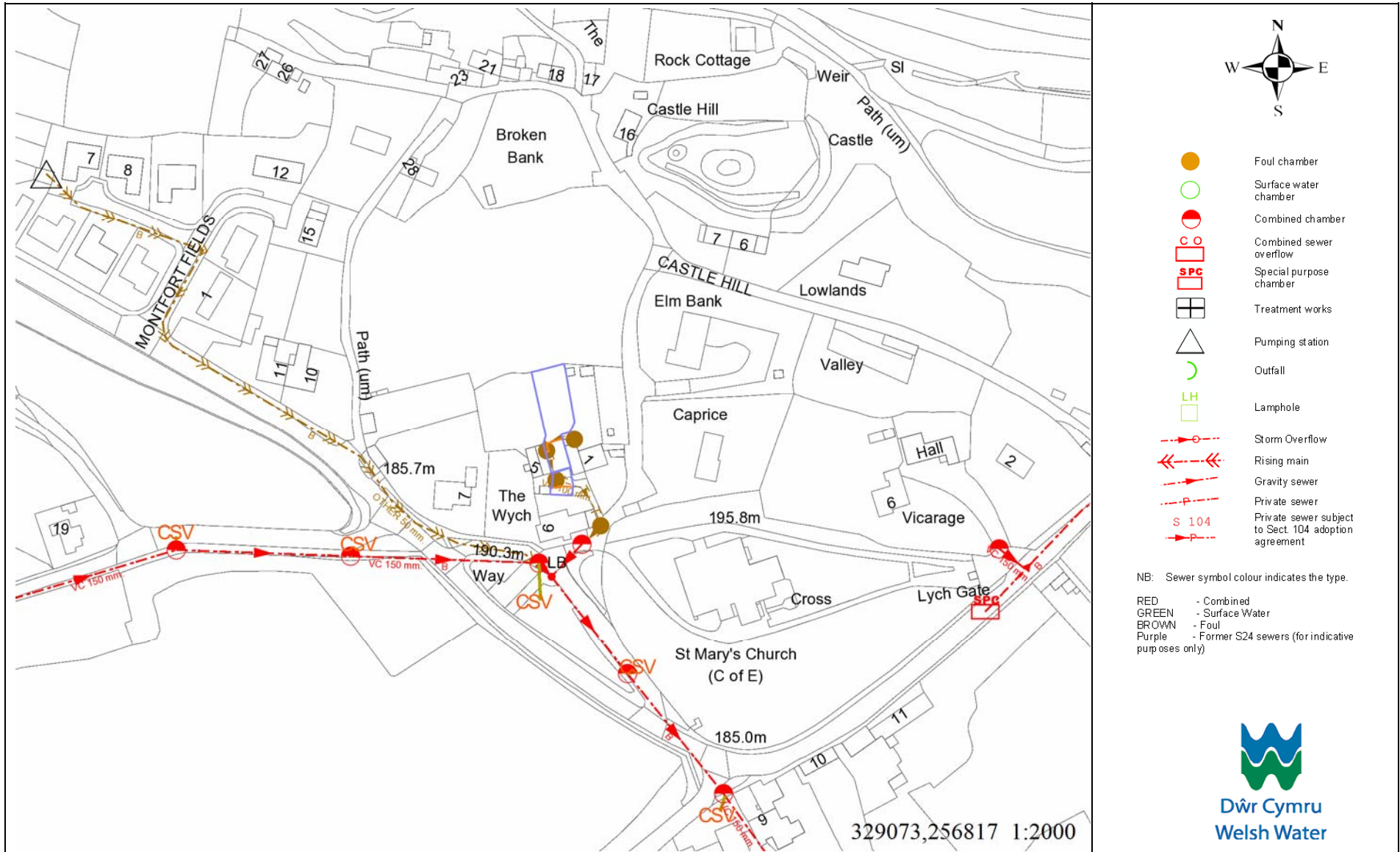
5. Unless otherwise stated all prices are inclusive of VAT. The Customer shall pay for the price of the Report specified by The Company, without any set off, deduction or counterclaim. Unless the Customer or Client has an account with The Company for payment for Reports, The Company must receive payments for Reports in full before the Report is produced. For Customers or Clients with accounts, payment terms will be as agreed with The Company.

### **General**

6. If any provision of these terms is or becomes invalid or unenforceable, it will be taken to be removed from the rest of these terms to the extent that it is invalid or unenforceable. No other provision of these terms shall be affected.

- 6.1 These terms shall be governed by English law and all parties submit to the exclusive jurisdiction of the English courts.
- 6.2 Nothing in these terms and conditions shall in any way restrict the Customer, the Clients or the Purchasers statutory or any other rights of access to the information contained in the Report.
- 6.3 We may disclose personal data you provide about yourself, or your clients, to other companies within our group in accordance with Data Protection Act 1998 and other applicable laws. We will analyse and utilise any information we collect so that we are able to correctly administer, develop and improve our business and services.
- 6.4 The terms and conditions may be enforced by the Customer, the Client and Purchaser.

Appendix 3 - Extract of the Public Sewer Map for the area surrounding the property/plot [29/04/2019]

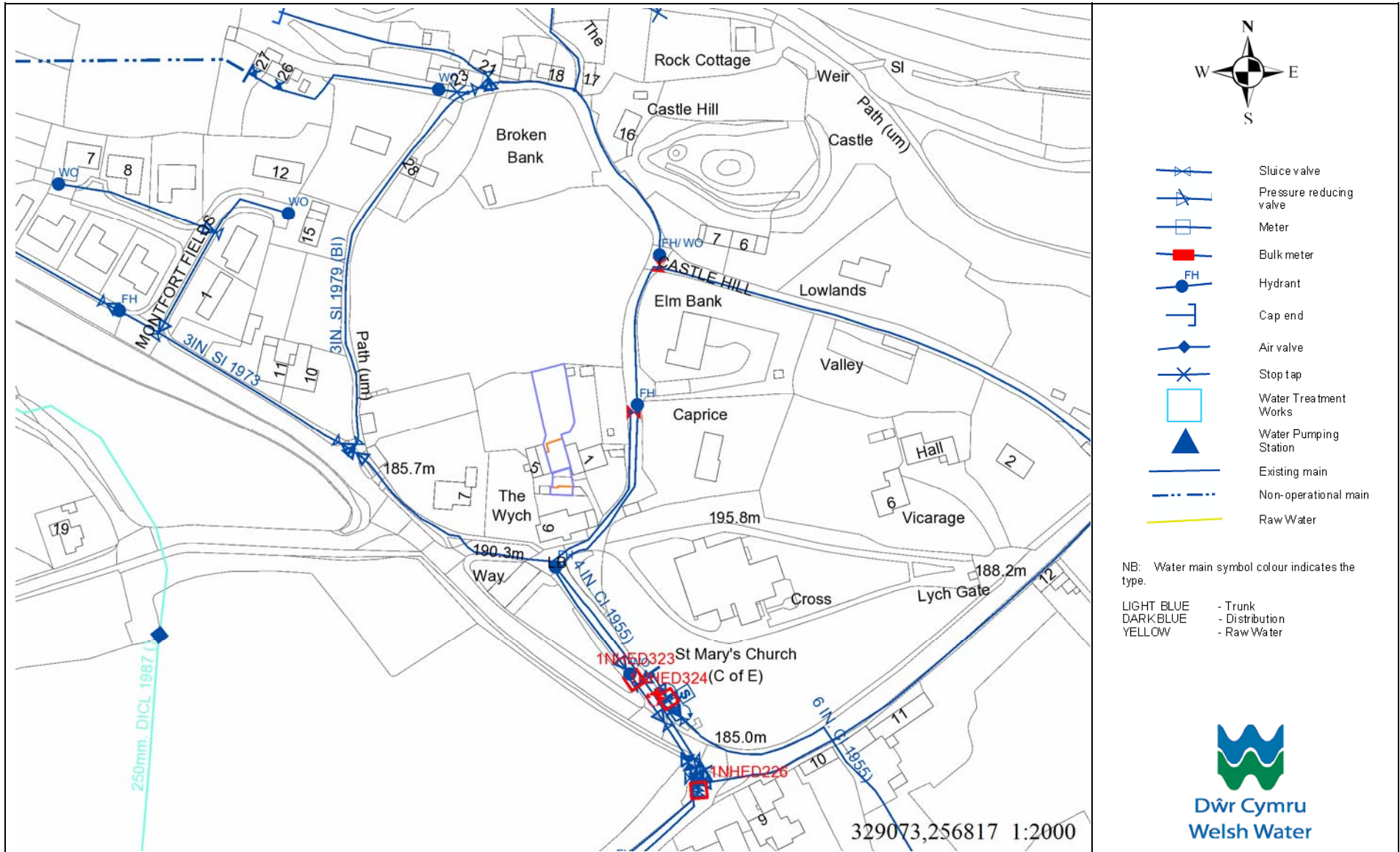


Dŵr Cymru Cyf gives this information as to the position of its underground apparatus by way of general guidance only on the strict understanding that it is based on the best information available and no warranty as to its correctness is relied upon in the event of excavations or other works in vicinity of the Company's apparatus and any onus of locating the apparatus before carrying out any excavations rests entirely with you. It must be understood that the furnishing of information is entirely without prejudice to the provision of the New Roads and Street Works Act 1991 and of the Company's right to be compensated for any damage to its apparatus. Service pipes are not generally shown but their presence should be anticipated.

**EXACT LOCATIONS OF ALL APPARATUS TO BE DETERMINED ON SITE.**

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Appendix 4 - Extract of the Public Water Map for the area surrounding the property/plot [29/04/2019]



Dwr Cymru Cyl gives this information as to the position of its underground apparatus by way of general guidance only on the strict understanding that it is based on the best information available and no warranty as to its correctness is relied upon in the event of excavations or other works in vicinity of the Company's apparatus and any onus of locating the apparatus before carrying out any excavations rests entirely with you. It must be understood that the furnishing of information is entirely without prejudice to the provision of the New Roads and Street Works Act 1991 and of the Company's right to be compensated for any damage to its apparatus. Service pipes are not generally shown but their presence should be anticipated.

**EXACT LOCATIONS OF ALL APPARATUS TO BE DETERMINED ON SITE.**

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## Appendix 5 – Additional Information

Additional information not required.



## **Appendix 6 – Residential Drainage & Water Search Complaint Procedure**

The Law Society endorses the use of a residential drainage and water enquiry on all occasions where a property is being sold. With our unique knowledge of the water industry, Dwr Cymru Welsh Water is best placed to identify any risks relating to the location and ownership of public water mains and sewers within our operational area, before property purchases are completed.

Should you wish to contact us about the service provided then our preferred method of dealing with your complaint is by telephone during office hours, Monday – Friday 09.00am – 4.30pm, tel no. 0800 917 2652. We will always aim to deal with your telephone complaint the first time you call us, however, if that isn't possible, we will advise you on how soon we can respond.

If you are not happy with our initial response, we will advise you to write to us at Dwr Cymru Welsh Water's Developer Services, P.O. Box 3146, Linea, Fortran Road, Cardiff, CF30 0EH or email us at [searches@dwrcymru.com](mailto:searches@dwrcymru.com) outlining the reasons for your complaint.

We will investigate and research the matter in detail and provide a written substantive response within 10 working days of receipt of your written complaint.

If you remain dissatisfied with the response you have received, or the way your complaint was handled, you can ask for a Director to carry out a formal review of your complaint. To do this, please contact Head of Customer Relations, Dwr Cymru Welsh Water, P.O. Box 8, Nelson, CF46 6YH.

A response from a director will be sent within 10 working days. If we have fully reviewed your complaint and you remain dissatisfied, you can refer your complaint to the Consumer Council for Water. This is an independent body which represents customers' interests and investigates complaints. Their address is Consumer Council for Water Wales, Room 140 Caradog House, 1-6 St Andrews Place, Cardiff, CF10 3BE.