NEWHILL ROAD

SMITHIES, BARNSLEY S71 1UG
OS Grid E434994 N408005



15 February 2008

Prepared By
Billinghurst George & Partners

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bramhallblenkharn
Architecture Design Landscape

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1 Introduction

As part of the planning application for the site, The Environment Agency, as consultees have requested the preparation and submission of a flood risk assessment (FRA)
Bramhall Blenkham, as Architects and Billinghurst George & Partners as Structural Engineers, have been asked by their mutual client, Yorkshire Housing, to prepare the FRA report on their behalf.

The Environment Agency has requested that a Flood Risk Assessment (FRA) is undertaken for the proposed housing scheme known as "Residential Development of 57 dwellings and refurbishment of 3 existing dwellings / Land at Newhill Road, Smithies, Barnsley."

The Environment Agency has been consulted to ascertain the level of assessment required. It was confirmed that the criteria to be followed is with in "FRA Guidance Note 1: Development Greater Than 1 Hectare in Flood Zone 1"

There have been extensive discussions and provision of design calculations to Yorkshire Water with regard to existing and proposed stormwater discharge by Billinghurst George & Partners Consulting Engineers(BGP). These calculations are included with in this assessment as evidence that measures have been designed to protect against flooding within and adjacent to the proposed scheme in addition climate change has been factored within these calculations.

The proposals designed by BGP ensure that the calculation and design of the site drainage system meets the aims of sustainable drainage management, and does not increase, and where practicable reduces, the current runoff from the site.

2 Summary

The residential development of 57 new dwellings and 3 refurbishments alongside 13 existing dwellings will occupy the area previously occupied by 64 dwellings.

The site is located on a slope which falls from Bedford Terrace to the junction with Carlton Road approximately 10.00m in height.

The proposed drainage system is designed in accordance with Sewers For Adoption 6th Edition (SFA 6) and where appropriate will be constructed under relevant agreements (Water Industry Act 1991) and will be offered for adoption to Yorkshire Water Services Ltd (YWS)
The system is designed to restrict flow from the proposed development at the discharge point in Carlton Road to no more than the existing (estimated) flow.

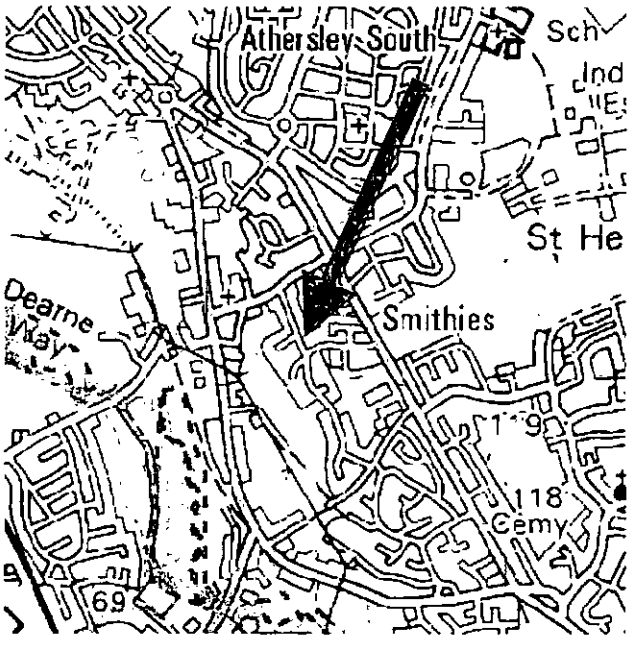
Microdrainage (WINDES) simulation has been carried out to show that the system will not flood any part of the site in a 1:30yr return period design storm and includes 10% for climate change.

3 Assessment facts and requirements

- The flood Vulnerability for this site according to table D2 PPS25 is in the **More Vulnerable category - Housing)**
- Barnsley Metropolitan Council has confirmed there is **no Strategic Flood Risk Assessment available** for this area.
- There are **no culverting operations or development that controls the flow of any river**.
- The proposed development **is not:**
    - Within a designated zone 2 or 3 area.
    - Within 20m of the bank top of a main river.
    - An Island between any zone 2 or 3 designated areas.
- The site is located above 85m above see level
- The development is located with in a zone 1 area as shown in the map below fig.1. The zone one category comprises of land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%). All uses of land are appropriate in this zone
- FRA requirements
    - For development proposals on sites comprising one hectare or above the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a FRA. This need only be brief unless the factors above or other local considerations require particular attention.
- Policy aims
    - In this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage techniques.

Fig.1

Environment Agency Flood Risk Map for Post Code S71 1UG



4 Previous Reports

Billinghurst George & Partners in the compiling of this report are not aware of any reports commissioned for this site. Further we are not aware of any reports commissioned for the adjacent sites.

5 Flood Risk Assessment

5.1 Development description and location

5.1a. What type of development is proposed and where will it be located?

The proposed development is for Housing. The site address is Newhill Road, Smithies, Barnsley, S71 1UG, Os Grid ref. Coordinates 434994 : 408005

5.1b. What is its vulnerability classification?

More Vulnerable category - Housing

5.1c. Is the proposed development consistent with the Local Development Documents?

Yes – this is part of the Barnsley MBC Housing renewal programme.

5.1d. Please provide evidence that the Sequential Test or Exception Test has been applied in the selection of this site for this development type?

- **Sequential test.**

(Taken from Figure3.1 Application of the sequential test - Development and flood risk: a practice guide companion to pps23 living draft)

- Is the potential site in an area at low risk of flooding? **YES**
- Is the flood risk likely to affected by climate change effects? **No**
- Will the proposed development type be acceptable in this flood zone? – **Yes**
- Are there other allocation sites in the same flood risk zone – **No** (no other sites available to the developer)
- Consider site details and flood risk management requirements. Is the proposed development site likely to be safe and appropriate – **YES**

- **Result - The Proposed development is acceptable.**

The site is located in a zone 1 area as shown in figure 1. The proposed use is housing and as indicated above is in the 'More Vulnerable' category which is indicated in table D.3 Flood risk vulnerability and Flood zone compatibility within PPS25 pg27 as "Development is Appropriate."

There is no SFRA available for this area.

- **The Exception Test**

a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared.

  - The site is a Housing renewal site, regenerating a specific area of decline.
  - Strategic Housing BMBC supports/actioned the redevelopment of this site.
  - The site is being developed for affordable rent and shared ownership to be managed by Yorkshire Housing Association there are 16 Private sale properties to financially balance the scheme.

b) the development must be on developable previously-developed land or, if it is not on previously-developed land, that there are no reasonable alternative sites on developable previously-developed land; and

  - The site is on previously developed land. The site has been recently cleared as part of the housing renewal programme. See existing drawings

c) a site-specific Flood Risk Assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

  - the design of any flood defense infrastructure; **N/A**
  - access; **N/A**
  - operation and maintenance; **N/A**
  - resident awareness; **N/A**
  - flood warning; and **N/A**
  - evacuation procedures and funding arrangements. **N/A**
  - See BGP Consulting Engineers calculations that prove none of the above points are required. **Appendix A**

5.2. Definition of the flood hazard

5.2a. What sources of flooding could affect the site?

- Flooding from Land
- Flooding from Sewers

5.2b. For each identified source, describe how flooding would occur, with reference to any historic records wherever these are available.

- Flooding from Land – no records of any such event as suggested in the safe move document appendix 3. Also see engineers calculations to show capacity of proposed system, see appendix A.
- Flooding from Sewers – no records of any such event as suggested by the safe move document in appendix B. Run off similar and storage provided in new drainage Also see Engineers capacity calculations, see appendix A.

5.2c. What are the existing surface water drainage arrangements for the site?

- Please see appended information from Safe Move in appendix B.
- A 225mm/375mm/450mm surface water sewer additional storage provided in new system

5.3. Probability

5.3a Which flood zone is the site within?

- Zone 1

5.3b If there is a Strategic Flood Risk Assessment covering this site, what does it show?

- None available.

5.3c What is the probability of the site flooding taking account of the contents of the SFRA and of any further site-specific assessment?

- Very Low

5.3d What are the existing rates and volumes of run-off generated by the site?

- For calculations see BGP appendix A

5.4. Climate change

5.4a How is flood risk at the site likely to be affected by climate change?

- For calculations see Calculated in appendix A

6 Detailed development proposals

6a Please provide details of the development layout, referring to the relevant drawings. Appendix C

See drawings Numbered – 07T773-001 Proposed Drainage layout
844_01_SO10_01 Proposed Site layout
2388/001A Topographical Survey

The drawings attached show the following

- A location plan that includes geographical features, street names and identifies the catchment, watercourses or other bodies of water in the vicinity.
- existing site
- development proposals and
- identification of any structures, which may influence local flood flow overland or in any watercourses present on the site.
- Surveys: Site levels related to Ordnance Datum, both existing and proposed are included.

6b Where appropriate, demonstrate how land-uses most sensitive to flood damage have been placed in areas within the site that are at least risk of flooding. N/A

7 Flood risk management measures

7a. How will the site be protected from flooding, including the potential impacts of climate change, over the development's lifetime? N/A

8 Off site impacts

8a How will you ensure that your proposed development and the measures to protect your site from flooding will not increase flood risk elsewhere?

Discharge from the site will be restricted to "no increase from existing"

8b How will you prevent run-off from the completed development causing an impact elsewhere?

Attenuation will be provided within the site controlled by hydrobrake
Net discharge from the site will be a reduction of 1.07l/sec compared with existing

9. Residual risks

9a What flood-related risks will remain after you have implemented the measures to protect the site from flooding?
N/A

9b How, and by whom, will these risks be managed over the lifetime of the development?

The sewers are public and managed by Yorkshire Water Services

10. Conclusion

The above systematic approach in accordance with the PPS25 guidelines, clearly demonstrates that this existing site and the proposed development is not at risk from flooding based on there being no history of flooding and the improved drainage provision within the designed layout proposals.

Prepared by: Mark Wilson/Ben Stone
Date: 15 February 2008
Report No: 07T773 – FRA001
Report Title: Flood Risk Assessment Newhill Road

Mark Wilson IEng MICE
For and on behalf of Billinghurst George & Partners

Appendix A– Drainage Calculations/philosophy

Billinghurst George & Partners
CONSULTING ENGINEERS
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Sheet : 1	of 1
Rev :	Date :Feb 08
Project No :07T773	

Project Title :Newhill Road/Bedford Terrace		
Calculations for :Surface water		
Made by :M.Wilson	Checked :J.Conway	Refs :

Surface water Drainage Design Philosophy

It is proposed that the area of Newhill Road and Bedford Terrace be redeveloped for housing. Some of the original properties are to remain, some have been demolished and some are still to be demolished.

The area of the site to be owned by our client, Yorkshire Housing, originally had 64 dwellings and will now have 73 dwellings.

It is proposed that to a greater degree the existing drainage system will be utilised with some modification which includes a combination of diverted sewers (S185 The Water Industry Act 1991) and new sewers to be adopted (S104 The water Industry Act 1991).

From discussions with Yorkshire Water Services Ltd (YWL) they have requested that the proposed discharge from development is limited to approximately the same as the existing.

Existing (Pre-demolition)

Dwellings – 64nr
Impermeable area – 7496m²
Q= 2.78 x Rainfall Intensity (mm) x Cumulative Area (Ha)
Q= 2.78 x 62 x 0.75 = 129.7 l/sec

Proposed Development

Dwellings – 73nr
Impermeable area – 8480m²
Q= 2.78 x Rainfall Intensity (mm) x Cumulative Area (Ha)
Q= 2.78 x 62 x 0.848 = 146.16 l/sec

Proposed – Existing = 146.16-129.27 = 16.89l/sec

Area A (See dwg 07T773-001)
Dwellings – 12nr
Impermeable area – 1335m²
Q= 2.78 x Rainfall Intensity (mm) x Cumulative Area (Ha)
Q= 2.78 x 62 x 0.1335 = 22.96 l/sec

We therefore propose to create an element of storage within Area A which will be controlled by a hydrobrake which will restrict flow to 5l/sec. Attenuation will be provided by the installation of a 2x375mm diameter concrete surface water sewer.
Therefore the proposed discharge/flow from the site = 146.16-22.96 +5 = 128.2l/sec

Comparison of existing / proposed

Existing = 129.27l/sec
Proposed = 128.2l/sec
The net discharge from the site as a result of the proposed development is -1.07l/sec
this therefore meets with the requirements of YWL

References:

Sewers for adoption 6th edition

Hydraulic Research Station - for pipe flows

Met office rainfall charts

Storm Event
a return period of 30yrs /15minute duration

Ks value of 0.6 adopted

Appendix B- Safe Move information

Wed, 06 Feb 2008 2008-02-06-005 1

Safe-Move
DX 723020 BRADFORD 20
or
PO Box 99 Bradford BD3 7YB

Tel: 0800 1 385 385
Fax: 01274 804086

Your Ref: SF4536108000
Our Ref:

Searchflow
Nepicar House
London Road
Wrotham Heath
Sevenoaks
TN15 7RS

20 April 2007

Dear Sirs,

Thank you for your request dated 11 April 2007.

Please find enclosed the results of your Drainage & Water Enquiry. If you need to discuss any of the points raised, please do not hesitate to contact us.The fee detailed below will be charged to your account, the invoice for which will be sent at the end of the month.

Safe-Move Drainage & Water Enquiry completed for:
Land At **Newhill Road** **Barnsley** **South Yorkshire** **S71 1UG**

VAT Regn. No. 500 5557 80

Payment Exc. VAT	£79.15
VAT @ 17.5%	£13.85
Total Inc. VAT	£93.00

Please pay particular attention to the information highlighted in bold. We thank you for your enquiry and hope we can be of assistance in the future.

Yours faithfully,

Sarah Adams
Searches Advisor - Safe Move

SAFE-MOVE

Land At, Newhill Road, Barnsley, South Yorkshire, S71 1UG

SEWER PLAN

A copy of the statutory sewer map is provided.

1. The Company is not generally 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.
2. 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.
3. Assets other than public sewers may be shown on the copy extract, for information only.

DRAINAGE

Foul Drainage

This enquiry appears to relate to a plot of land or a recently built or redeveloped property. It is recommended that drainage proposals are checked with the developer.

1. The Company is not responsible for those private drains and sewers which connect the property to the public sewerage system, and does 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. The buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.
2. An extract from the public sewer map is enclosed. This will show known public sewers in the vicinity of the property and it should be possible to estimate the likely length and route of any private drains and/or sewers connecting the property to the public sewerage system.
3. 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.

Surface Water Drainage

This enquiry appears to relate to a plot of land or a recently built or redeveloped property. It is recommended that drainage proposals are checked with the developer.

1. The Company is not responsible for those private drains and sewers which connect the property to the public sewerage system and does 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. The buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.
2. An extract from the public sewer map is enclosed. This will show known public sewers in the vicinity of the property and it should be possible to estimate the likely length and route of any private drains and/or sewers connecting the property to the public sewerage system.
3. In some cases Company 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 Company.
4. 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.

ADOPTION AGREEMENTS

The Company's records indicate that the sewers serving the development, of which this property forms part, are not the subject of an application for adoption under Section 104 of the Water Industry Act 1991.

1. 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.

LOCATIONS OF SEWERS

Sewer Within the Boundary

The public sewer map indicates that there is a public sewer within the boundary of the property.

1. The boundary of the property has been determined by reference to the Ordnance Survey record.
2. The presence of a public sewer within the boundary of the property may restrict further development within that boundary. 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.
3. 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 these details be checked with the developer.

Building over agreement

The Company's records indicate that there is not a statutory agreement or consent in respect of building over a public sewer at this property. For historical reasons the Company may not be aware of some agreements or consents which have been entered into by the Local Authority.

Sewer within 100 feet

The public sewer map indicates a public sewer, **OR** sewer subject to an agreement under Section 104 of the Water Industry Act 1991, within 30.48 metres (100 feet) of the building(s) within the property. (See supplied extract from the public sewer map.)

1. 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 Environmental Health Department requiring a property to be connected to the public sewer.
2. 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.
3. The measure is estimated from the Ordnance Survey record, between the building(s) within the boundary of the property and the nearest public sewer.

WATER PLAN

The water supply for this area is provided by Yorkshire Water Services Limited who should be contacted regarding all water supply details. A copy of the map of waterworks is provided.

1. Assets other than vested water mains may be shown on the plan, for information only
2. The Company is not responsible for private supply pipes connecting the property to the public water main and does 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.
3. An extract of the public water main record is enclosed, this will show known public water mains in the vicinity of the property. It should be possible to estimate the likely length and route of any private water supply pipe connecting the property to the public water network.

WATER SUPPLY

This enquiry relates to a plot of land or a recently built or developed property. It is recommended that the water supply proposals are checked with the developer.

LOCATION OF WATER MAINS

The map of waterworks indicates that there is a vested water main within the boundary of the property.

1. The boundary of the property has been determined by reference to the Ordnance Survey record.
2. The presence of a vested water main within the boundary of the property may restrict further development within that boundary. 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.

INTERNAL FLOODING FROM OVERLOADED PUBLIC SEWERS

The property is not recorded as being at risk from flooding from Overloaded Public Sewers on the Regulatory Register maintained by the Company.

1. Overloaded Public Sewers a sewer is overloaded when the flow from a storm is unable to pass through it due to a permanent problem (eg flat gradient, small diameter). Flooding as a result of temporary problems such as blockages silation, collapses and equipment or operational failures are excluded.
2. Internal Flooding from public sewers is defined as a material flow or seepage or inundation which enters a building or passes below a suspended floor "Buildings" are restricted to those normally occupied (including integral/attached garages but excluding linked/detached garages) and used for residential, public, commercial, business or industrial purposes
3. At Risk properties are those that the 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
4. 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
5. Public Sewers are defined as those for which the Company holds statutory responsibility under the Water Industry Act 1991
6. 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
7. Properties may be at risk of flooding but not included on the Register where flooding incidents have not been reported to the Company

LOW WATER PRESSURE

The property is not recorded on the Regulatory Register maintained by the Company as a property which has received and is likely to continue to receive pressure below the reference level when demand is not abnormal.

1. The boundary of the property has been determined by reference to the Ordnance Survey record
2. The reference level refers to the minimum pressure when demand on the system is not abnormal
3. The Company is 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. The information provided from this Register is valid from latest DG2 return period as at 31 March last This will be updated annually in line with the regulatory return period.
4. Allowable exclusions are events which can cause pressure to temporarily fall below the reference level This includes:
   - Abnormal demand - defined as abnormal peaks in demand and not the daily, weekly or monthly peaks in demand which are normally expected
   - Planned maintenance - normal water supply system maintenance activities by the Company
   - One off incidents, eg mains bursts, failures of the Company's equipment (such as pressure reducing valves or booster pumps), firefighting and action by a third party
   - Low pressure incidents of a short duration

TRADE EFFLUENT

Discharge Consent

The Company's records indicate that the property does **not** have a consent to discharge trade effluent under S118 of the Water Industry Act 1991 into the public sewerage system.

1. Trade effluent is defined by S141 of the Water Industry Act 1991 as 'any liquid, either with or without particles of matter in suspension in the liquid which is wholly or partly produced in the course of any trade or industry carried on at the trade premises' but does not include domestic sewage
   Trade premises are defined by S141 of the Water Industry Act 1991 as 'any premises used or intended to be used for carrying on any trade or industry'
2. The boundary of the property has been determined by reference to the Ordnance Survey record.
3. *The Company is not responsible for trade effluent sewers that connect the property to the public sewerage system, unless by written agreement. The property owner will normally have sole responsibility for the trade effluent sewer(s). These may pass through land outside the control of the seller. The buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.*
4. For historical reasons, the Company may not be aware of some agreements or consents that have been entered into by the local authority.
5. Prescribed trade effluent processes and substances shall be taken as those included in Schedule 1 of the 'Trade Effluents (Prescribed Processes and Substances) Regulations 1989' Statutory Instrument Number 1156 or any amendment or addition to the same
6. An extract from the public sewer map is enclosed. This will show known public sewers in the vicinity of the property and it should be possible to estimate the likely length and route of any trade effluent sewers connecting the property to the public sewerage system.

A GENERAL GUIDE TO WATER SERVICES

The Company provides general water related information for commercial development and this includes the following:

1. Water main diversion - Where a public water main crosses a site, a developer must request the Company to undertake a reasonable diversion of that water main. The Company **will not** allow the developer to carry out the work. **All the costs relating to the diversion are payable by the developer**.

2. Water Main requisition - Under section 41 of the Water Act 1991, an individual or developer can request the Company to provide off-site water mains. The **developer is responsible for the cost** of the works less a discount for some of the estimated future income from water consumption that the Company will receive from the development.

1. More detailed information is available in the Company's customer information called the *Developer Charter*

A GENERAL GUIDE TO SEWERAGE SERVICES

The company provides general sewerage related information for commercial development and this includes the following:

1. Flood risk assessment - Before granting any planning approval, the Local Planning Authorities have a duty to consider Planning Policy Guidance Note 25: *Development and Flood Risk* . They often require developers to undertake an assessment of flood risk.

2. Sustainable drainage - The Company is fully in favour of Sustainable Drainage Systems (SuDS). Where appropriate, the Company will play its part in adopting methods suitable to form part of the public sewer network.

3. Sewer diversion - Where a public sewer crosses a site, a developer may request the Company to undertake a reasonable diversion of that sewer. Sometimes the Company will allow the developer to carry out the work which will be monitored by the Company's inspector. **All the costs relating to the diversion are payable by the developer.**

4. Sewer requisition - In many instances it is possible for a developer to request the Company to provide off-site public sewers. The **developer is responsible for the cost** of the works, less a discount for some of the estimated future sewerage income that the Company will receive from the development.

1. Each Local Authority (Council) within the Company's area has a copy for their district. This is available for the public to view free of charge at an office of the Local Authority.
2. More detailed information is available in the Company's customer leaflet called *Providing Public Sewerage Facilities*.

DRAINAGE & WATER ENQUIRY
TERMS AND CONDITIONS

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

Definitions

'Company' means the water service company or their data service provider producing 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

Agreement

1 The Company agrees to supply the Report to the Customer and the Client subject 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

The Customer and Client agree that the placing of an Order for a Report 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 and the Client 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 and the Client for any change in the information contained in the Report after the date on which the Report was produced and sent to the Client

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 supplied by the Customer or Client

2.4 The Report provides information as to the location & connection of existing services and should not be relied on for any other purpose. The Report may contain opinions or general advice to the Customer and the Client and 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

3.1 The Company shall not be liable to the Client 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.

3.2 Where the Customer sells this report to a Client (other than in the case of a bona fide legal adviser recharging the cost of the Report as a disbursement) The Company shall not in any circumstances (whether for breach of contract, negligence or any other tort, under statute or statutory duty or otherwise at all) be liable for any loss or damage whatsoever and the Customer shall indemnify the Company in respect of any claim by the Client.

3.3 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

3.4 The Report is produced for use in relation to individual domestic property transactions and if used other than in relation to individual domestic property transactions for example in relation to commercial developments of domestic properties or commercial properties for intended occupation by third parties the Company's entire liability (except to the extent provided by clause 3.5) in respect of all causes of action arising by reason of or in connection with the Report (whether for breach of contract, negligence or any other tort, under statute or statutory duty or otherwise at all) shall be limited to £2,000,000

3.5 The Company shall accept liability for death or personal injury arising from its negligence

Copyright and Confidentiality

4.1 The Customer and the Client acknowledge that the Report is confidential and is intended for the personal use of the Client. 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 or the Client except to the extent expressly provided

4.2 The Customer or Client is entitled to make copies of the Report (other than any maps contained in the, or attached to the Report, where no copying is permitted)

4.3 The Customer and Client 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

4.4 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

4.5 The Customer and the Client agree 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

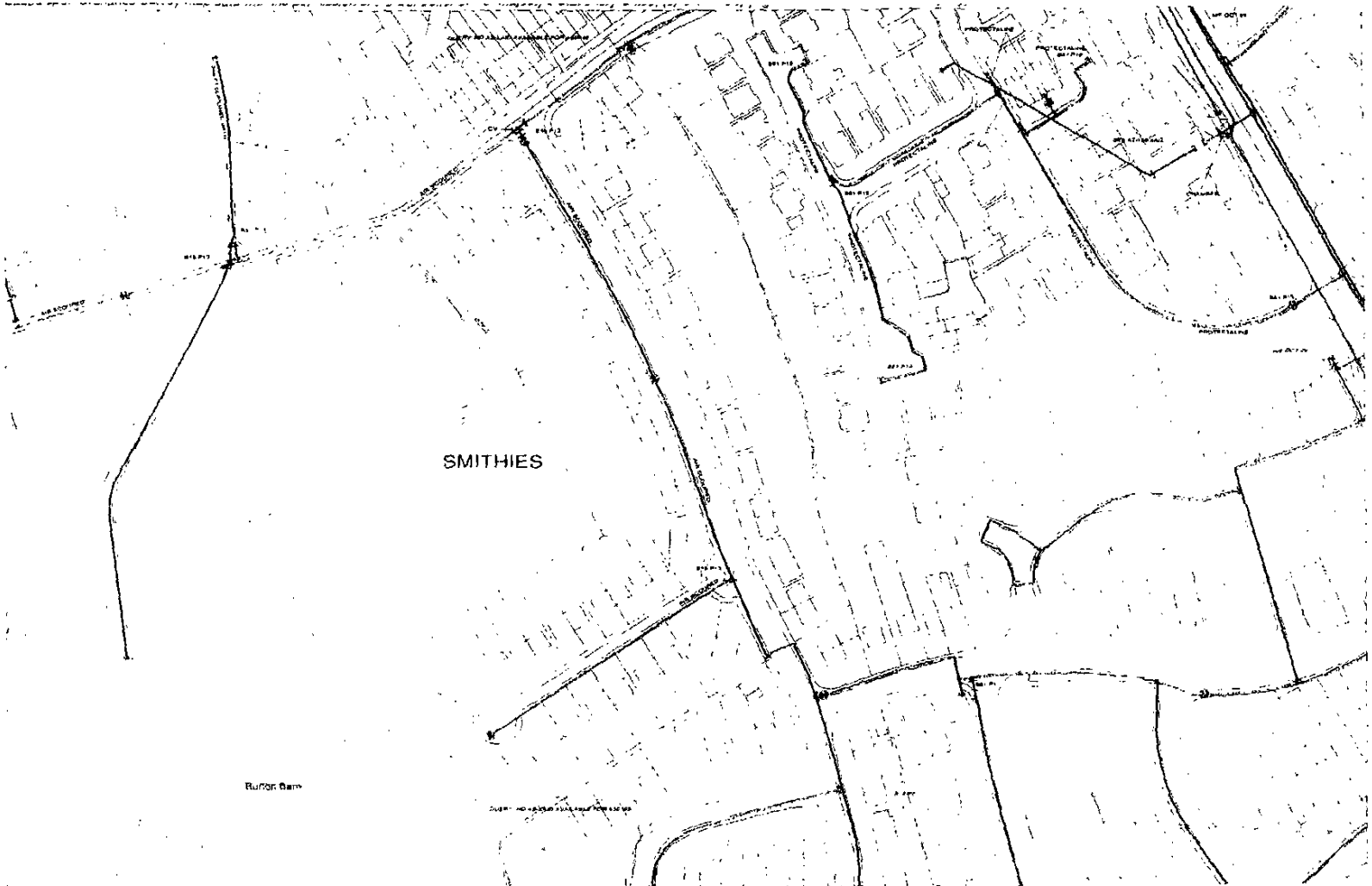
5.1 Unless otherwise stated all prices are inclusive of VAT. The Customer shall pay for the price of the Report specified by The Company, without any set off, deduction or counterclaim. Unless the Customer or Client has an account with The Company for payment for Reports, The Company must receive payments for Reports in full before the Report is produced. Where a customer orders an expedited search for 24 hour return, payment must be made in full to The Company within 48 hours of placing the Order. For Customers or Clients with accounts, payment terms will be as agreed with The Company.

General

6.1 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.

6.2 These terms shall be governed by English law and all parties submit to the exclusive jurisdiction of the English courts

6.3 Nothing in this notice shall in any way restrict the Customer or Clients statutory or any other rights of access to the information contained in the Report.



Public Clean Water Network 20/04/2007 14:27:56 OS Grid Coordinates: 434994 · 408005 Map Name · SE3408SE adamss

Public Clean Water Network Key

- Water Main with Diameter greater than 125mm or 4 inches Not Privately Owned For Treated Water
- Water Main with Diameter less than or equal to 125mm or 4 inches Not Privately Owned For Treated Water
- Water Main Privately Owned
- Water Main. Not Privately Owned. For Raw Water.
- Water Main. Not Privately Owned. No data on Water Type or Diameter
- Water Pumping Station

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