

Local knowledge and desktop studies for condition reports

1.0 Introduction

The Internet has become central to both our working and private lives. For residential practitioners, the large number of websites and apps offering 'free' information about environmental issues is a typical example. This proliferation is both a blessing and a curse. On the one hand, we now have easy access to a range of data that was beyond our wildest dreams just a few years ago and on the other, this information is at best too broad and at worst, misleading.

However, given the increasing abilities of our clients to use the internet (some would say usually better than most surveyors, with their average age of 50 +), a client who moves into a property is likely to take a very dim view of lack of such research; particularly when they discover the missed issue that provokes the complaint or claim is easily found in an internet search.

Recent debates through on-line forums, at conferences and within practices both large and small has failed to produce a consensus. In an effort to consolidate practice, this article sets the debate in context and discusses how practitioners can take advantage of this free information without putting themselves or their clients at risk.

2.0 Current guidance

In relation to environmental matters, the Guidance Note 'Surveys of Residential Property' states:

'All RICS members should be familiar with the type of property to be inspected and the area in which it is situated. Additionally, pre-inspection research should be carried out for every instruction (preferably before the inspection) to ensure the surveyor has all the necessary information to make professional judgments about the dwelling.'

The depth and breadth of the research will depend on a range of factors including the surveyor's knowledge and experience, the locality and the client's specific requirements. At levels one and two, the amount of research is likely to be similar. Research for a level three service is likely to be more extensive, especially if the client has requested additional services'.

In the HBR Practice Note:

The surveyor must be familiar with the characteristics of the local area. Although this varies between regions, this knowledge typically includes:

- *common vernacular housing styles, materials and construction techniques;*
- *environmental issues, including flooding, aircraft noise, radon levels, mining, soil conditions,*
- *major areas of potential contamination, etc.;*

- *the approximate location of the main conservation areas/historic centres. Although Article 4 directions are not specifically mentioned, clients need to know about the additional restrictions on permitted development ;*
- *local and regional government organisations and structures;*
- *an awareness of the socio-historical/industrial development in the area; and*
- *the housing market and property values in the area.*

If all this information is not known, the surveyor must fill in the gaps through research. If this cannot be achieved within an appropriate timescale, the instruction should not be accepted.

In the BS Practice Note:

1.4.1 Desk-top study

The surveyor may consider the following information, if available:

- *estate agent particulars*
- *relevant site information (e.g. the nature of the subsoil)*
- *particular exposure to wind-driven rain or frost attack*
- *details of previous works and permissions guarantees, warranties and any supporting reports, specifications and quotations*
- *conservation area or listed building status*
- *lease details (see section 4.9, Leasehold properties)*
- *any other technical reports relating to the property (for background information only, not for reliance), unless otherwise agreed.*

This list of information is not exhaustive, and it is for the surveyor to determine local conditions and obtain any information relevant to the particular circumstances of the property.

Even where the surveyor has acquired a good working knowledge of the type of property concerned and its locality, the surveyor must carry out a desk-top study using a structured approach.

Although the wording varies, the different standards are not contradictory. Collectively these standards describe the scope of 'local knowledge'. The phrase 'freely available' makes it clear that members are not required to pay for commercially available environmental data for the instruction.

3.0 So what is this local knowledge?

Before the Internet, local knowledge was a body of information practitioners and, or their firms amassed during their working lives. This would come from more experienced colleagues, involvement in related professional activities (for example, redevelopment projects, other surveys and so on), old maps from local libraries, coal searches, news in the local media, local history groups and even informal but helpful 'chats' with other local professionals such as building control officers, structural engineers and so on.

The development of the Internet has not changed this concept. It simply means the proliferation of this 'freely available' information provides the opportunity for practitioners to broaden and deepen their 'local knowledge' using these internet sources.

The ideal, well-organised surveyor who works a regular patch will already know the areas vulnerable to flooding, problematic soil types, past mining activities, land fill sites, former industrial uses, radon levels, conservation areas, the location of many listed buildings, areas subject to Article 4 directions, smoke control zones and so on. This body of knowledge (often kept in a physical file but also this can be stored in a searchable electronic format) is usually accessible to the practitioner and her/his colleagues for easy reference. It is only when instructions are received for a property in an unfamiliar area would further research be required.

However, we do not live in an ideal world but in one that is rapidly changing. Many practitioners are expected to cover larger areas than ever before, places about which they have little 'local' knowledge. Anecdotal feedback from practitioners indicates their areas can now be so widespread it is logistically unrealistic to build up 'local knowledge' in the traditional way. Consequently, many practitioners now rely on Internet searches as the only source of pre-inspection information about a property and its neighbourhood. It could be argued this has made internet based research before each inspection a necessity rather than a choice.

Additionally, many practitioners (even those who work for larger organisations and practices) work from home and do not benefit from the easy opportunity of sharing information with colleagues over a cup of tea.

For new entrants in the residential sector, the Internet offers distinct advantages. During their training and early qualification periods, large amounts of background information can be collected in a fraction of time it would have taken in pre web days.

4.0 Using 'free' internet information

There is no such thing as a free lunch and 'free' environmental information is no exception. For example, to ensure these free data sources do not undermine their commercial stable mates, the information is often degraded or made broad and general making it less than reliable. Although an Internet search can give a broad indication of the characteristics of a local area, it is far from an assured and unqualified environmental assessment. Additionally, many websites are strictly protected by copyright preventing practitioners from using the material directly in their reports. Therefore, over-reliance on this type of information may make the surveyor vulnerable to challenge.

4.1 An illustrated case study

So how should practitioners use this information? An example is a useful way of illustrating a suitable approach.

One of the main phenomena fueling the current debate are the 'sink holes' appearing in a number of areas across the country. These have provided dramatic pictures for a headline-hungry media. I found the sinkhole that appeared at an address in Hemel Hempstead particularly interesting.

This road is part of a small estate of over 40 dwellings (approximately three quarters were sold through a shared ownership scheme) built in 2008 by a national contractor on behalf of a housing association. The work was overseen by the local council building control department (and signed off) and the NHBC issued appropriate certificates and warranties. In media reports, the housing association said site investigations had been carried out and foundations appropriately designed by qualified professionals.

In February 2014, several large holes appeared on the estate with one very photogenic cavity opening up directly alongside a property on the edge of the estate. Further smaller scale movement took place over the next few weeks. The incident was covered by many national newspapers and an opportunist drone company flew a camera over the hole and uploaded the results on YouTube (and got over 7 000 hits).

To gain further insight into this event, I carried out Internet-based desktop research similar to that required for a HBR on a property on the estate including:

- I obtained a historic OS map from 1938 clearly showing a former brickworks together with associated clay pits across the site. The worst affected property appeared to be sited directly over a former clay pit;
- a 'Homecheck' postcode search showed red indicators for subsidence and historical land use. The rest of the criteria were rated green.
- no fluvial flooding risks were shown on the Environment agency flood maps although the pluvial maps identified small areas of potential surface water problems.

Although this represents a minimal search, it is my view this information would have raised a number of questions in the 'reasonable' surveyor's mind. In such a case, what should be the next step in a HBR?

I think the answer is straight-forward. Although I am not familiar with Hemel Hempstead, the location of these historic clay pits and brickworks would be considered as 'local knowledge' and should be known by the 'reasonable' practitioner. Even if the research was carried out by an 'out of area' surveyor, there was enough information in the public domain to have put the practitioner on notice of the previous use. I think the following phrase would be appropriate under the 'local environment' box of section D of the HBR.

The property is in an area that has historically been affected by previous industrial activity that could affect the property and its grounds (see section I1 and J1 Risks).

Because this is a matter on which the legal adviser must act, the following phrase would be appropriate under section I 'Issues for your legal adviser', I1 Regulation:

The property is built on, or adjacent to land believed to have been formerly used as a brickworks and associated clay pits. You should ask your legal adviser to check whether the remedial works to deal with any contamination and ground conditions have been to the satisfaction of the local authority and/or independent environmental consultants. If not, you should ask an appropriately qualified person to report on the nature and extent of the issues and proposed remedial works together with confirmation of completion of those works.

Under J1 Risks, the matter should be succinctly mentioned. This is not a section for waffle or new information:

The property is in an area that has historically been affected by previous industrial activity that could affect the property and its grounds (see section D and I1).

Making a number of broad assumptions about this hypothetical property in Hemel Hempstead, it is likely the legal adviser would have found the local authority building control department had signed off the site and properties and the NHBC had issued the necessary warranties. In normal circumstances, this would have allowed boxes to be ticked and the purchase to proceed. In other words, the hypothetical surveyor following such a course of action would have acted appropriately. When the earth moved and the hole appeared, it is **unlikely** the surveyor would have been found to have failed in her/his duties. The guilty parties (if indeed there are any) would be associated with investigating and remediating the ground conditions.

5.0 Clarifying the process

This illustration shows how difficult it can be to advise clients about environmental matters in mid-range reports like the Homebuyer and even in the Building Survey. Where the most important features are identified and clients properly advised, dramatic and sudden changes in ground conditions can still place a property at risk.

To help practitioners adjust their practice, I have described a process that should be considered good practice.

- Practitioners should establish and continually update a 'local knowledge file'. This is a dynamic body of information that could contain a broad variety of relevant information. A searchable spreadsheet based on postcodes would be ideal for this purpose.
- Where the instruction is local, specific Internet searches may not be required if this 'local knowledge' file is current and comprehensive; the practitioner just needs to use it (as long as there is a system for keeping the file updated).
- Where the instruction is in an unfamiliar area, more extensive desktop research may be required. The nature and extent will depend on the type of instruction and the nature of the client's requirements. In my view, the minimum required might typically include:

- Information on flooding
- Conservation areas
- Historic maps
- Previous mining activity (if relevant)
- Smoke control zones (if relevant)
- Radon map
- Major developments well known in the public domain (for example, HS2, fracking, major road proposals and so on);
- local and regional government organisations and structures;
- an awareness of the socio-historical/industrial development in the area; and
- if the instruction includes a valuation, the housing market and property values in the area.

If the practitioner cannot be confident about building up this material in a reasonable time, they should consider declining the instruction. The explanation that this research 'would take too much time' will not impress a court.

5.1 Recording the outcome

Whatever the outcome, the nature and extent of this research should be included in the site notes. Even if sufficient information was found in the 'local knowledge' file, the nature of this review should still be described. This description should be clear and meaningful for anyone reviewing the job file in the future (particularly a Judge).

5.2 Advising clients

When compiling the report, care should be taken about how the information is used. I have seen a number of reports describing the nature and extent of the desktop research in some detail in the report itself. Although helpful, this could give the client the impression a full environmental assessment has been carried out. The following approach may be more appropriate:

- If the desktop research reveals no matters of concern, then the phrase 'I am not aware of any issues in the local environment' may be appropriate in 'local environment'.
- If the desktop research identified some matters of concern, briefly identify the matter in section D 'local environment' and refer the reader to J2. Under J2, describe the matter in more detail and what action the client needs to take. Link this to the legal adviser section as required.

6.0 Difference between the HBR and the BS.

It is difficult to distinguish between the local knowledge and, or the desktop research required for a HBR and BS. If an environmental risk is known to the practitioner, clients would still need to know regardless of the survey type. The difference is in the reporting:

- In the HBR there would be a clear recommendation but less detail on the nature and extent of the issue; the specialist would be responsible for providing that;
- However, as well as a clear recommendation, a building survey report should also describe the potential problem in more detail together with an outline of possible future implications.

Using the Hemel Hempstead example, the following may be more appropriate for the 'local environment box' of a building survey:

The property is built on, or adjacent to land believed to have been formerly used as a brickworks and associated clay pits. It is likely that these pits were filled up in the past and the new estate built over. Hopefully, the developer would have properly assessed the ground conditions and designed and constructed the buildings to suit the situation.

To make sure, you should ask your legal adviser to check whether the remedial works to deal with any contamination and unstable ground conditions have been to the satisfaction of the local authority and/or independent environmental consultants (see section I1).

If not, you should ask an appropriately qualified person to report on the nature and extent of contamination and propose remedial works together with confirmation of completion of those works.

If the site has not been properly treated, the property could be affected by previous contamination and be subject to foundation problems all of which could affect the value and salability of the property.

7.0 Conclusion

Freely available information on the internet has not altered the duty of a practitioner to develop a satisfactory working knowledge of the local area. The various websites can help broaden and deepen this 'local knowledge' as long as practitioners remain aware of its limitation and give measured advice as a result.

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