



CUSTOMER UPDATE

The Law Society, Practice Note on [Climate Risk and Property](#)

21st May 2025

Dear Customer,

On the 12th May 2025, the Law Society of England and Wales issued a new practice note on [Climate Risk and Property](#).

The note arrives just over two years since the publication of the Law Society's initial guidance ([The Impact of Climate Change on Solicitors](#)), which was met with requests from the membership for more detailed, sector-specific guidance on how to address climate risks in practice, due to widespread uncertainty. The recent publication of the note is a welcome development, offering support to members and giving some much-needed clarity to the sector.

This customer update is intended as a short summary of the new practice note. It is not intended to replace a thorough review of the note itself, but it is hoped that this gives you a flavour of some of the content and brings out some of the core underlying principles.

In addition, the update builds on the practice note to further explain how you and your firm may wish to consider introducing Climate Risk guidance when dealing with residential property transactions by leveraging the availability of appropriate 'Climate Risk Searches', equipping you with sufficient detail to make informed decisions which will empower your practice to stay ahead of this emerging and evolving consideration.

Thank you for reading this update – I hope you find it useful. I'd also encourage you to read the practice note itself in full and consider exploring the range of climate-inclusive and non-climate-inclusive environmental search products offered by Dye & Durham which are available to help you align with the now-clarified best practice guidance, regardless of which path you choose to take in terms of reporting on climate-related risk.

Please don't hesitate to contact the Dye & Durham team if we can be of any assistance on 0800 038 8350 or at uksearchsupport@dyedurham.com, including with further advice, training or guidance on the subject of this update.

Warmest regards



Tim Champney BA (Hons) PgDip MCIWEM C.WEM AssocRICS PIEMA AEA
Director, Property Risk & Geodata
Dye & Durham (UK) Limited

1. CLIMATE CHANGE – IMPACT ON PROPERTY

Climate Change refers to long term shifts in temperature and weather patterns. These can be natural, but human activity is known to be the key driver of climate change, owing to an accumulation of gases in the atmosphere emitted from the burning of fossil fuels which trap energy.

UK property is exposed to what the Law Society terms 'Climate Risks' in several ways. The practice note itemises three categories of risk, being:

Physical Risks – where physical damage to a property or infrastructure may arise from increasingly common or severe weather events.

e.g. heavy rainfall leading to flooding; storms driving advancing coastal erosion undermining the stability of a property; or prolonged periods of drought followed by intense wet weather exacerbating subsidence issues.

Transition Risks – where new policies, regulations or attitudes may have implications for a property's value, cost to maintain or saleability.

e.g. proposed changes to Minimum Energy Efficiency Standards (MEES) Regulations for lettings.

Legal Risks – which describe the possible implications of the above Physical/Transition risks, where they lead to a legal liability or obligation.

e.g. said flooding impeding a right of access; and the cost implications (or risk of fines) for residential landlords who are required to improve the EPC rating of their properties under new MEES Regulations.

2. THE PRACTICE NOTE – A BRIEF SUMMARY

The Law Society has stated that its intention in publishing the new practice note is to equip solicitors with a basic understanding of the key fundamentals of Climate Risks and how these may impact the sale of property, as well as offering practical guidance to address common challenges or concerns.

The below is an independent interpretation which summarises and categorises some of the fundamental, core or underlying principles which are mentioned throughout the new practice note or in some instances captured in discussion by the participants in the Law Society's follow-up webinar delivered on the 14th May 2025.

The new **Climate Risk and Property Practice Note**:

is **SPECIFIC** to **Property Transactions**, and aimed at **all solicitors and their teams** (of any size or scale) who deal with Property Transactions.

is **RELEVANT** for **all Residential, Commercial and Mixed-use** transactions.

IDENTIFIES and provides a framework for **what solicitors should think about and action regarding climate change risk** when acting on property transactions (See section 3.1).

ACKNOWLEDGES that :

- clients should be **directed to obtain information from suitably qualified professionals** to identify physical risks, and seek advice on the potential non-legal consequences;
- solicitors are **not qualified** (and unlikely to be insured) **to advise on physical climate risks**;
- **however** solicitors **should advise on the legal implications arising from physical or transition risks**, having first taken the time to understand the clients' specific circumstances to tailor an assessment of possible legal implications;
- a solicitors' approach to climate change issues should be **proportionate to the transaction and the client**;
- the issue of climate change **will continue to develop**, and therefore the practice note may need frequent refinement to keep pace;
- **Lenders and Insurers may already** (*and as a climate change data supplier to the financial markets, D&D can confirm that many indeed are*) **be investigating climate risks** at the point of application or valuation. This may add extra conditions to (i) their solicitor instructions, (ii) the terms of any loan or cover, or (iii) restrict their appetite to lend or offer appropriate insurance coverage. This should be considered before allowing a client to contractually commit to a purchase; and
- whilst the practice note itemises a variety of physical risks, **not all these risks are available or considered appropriate for inclusion** within Climate Risk Searches.

EMPHASISES :

- the critical importance of ensuring clients are as a minimum **made aware of the availability** and potential **benefit** of **commissioning a climate risk search**;
- the importance of **recording what actions WILL/WON'T and HAVE/HAVEN'T been taken** by the solicitor regarding climate risk;
- that it is essential to demonstrate that the above has been **communicated** to the client, and **documented** clearly in the terms of engagement, the report on title or elsewhere as appropriate; and

- that **different clients** with different levels of knowledge, experience, risk appetite, expected duration of ownership or those with access to additional experts **will require different levels of explanation** regarding climate risks.

CLARIFIES that:

- **commissioning a “climate risk search” is an appropriate method of exploring climate risks**, including both integrated search modules and standalone offerings (see Section 3.2 and Section 4 for more information);
- the practice note is the Law Society’s view of **Good Practice only** (not a strict requirement), although practically speaking adherence is expected to make it far easier to demonstrate your actions to oversight bodies such as the SRA. And, as with previous practice notes the subject matter is likely to become the standard to which most practitioners adhere, in due course; and
- Online risk-checking services, such as the UK government long term flood risk checker can be useful but should not be considered a replacement for a climate risk search.

ASSISTS solicitors:

- by setting out of a **seven-point checklist** for how members and their team should consider dealing with climate-risks in property transactions. *Please see Section 3.1 below for more detail; and*
- highlighting organisations which may be able to recommend suitably qualified professionals with expertise on climate change and physical property risks, such as the:
 - [Royal Institution of Chartered Surveyors \(RICS\)](#)
 - [Chartered Institution of Water and Environmental Management \(CIWEM\)](#)
 - [Society for the Environment \(SocEnv\)](#)
 - [Residential Property Surveyors Association \(RPSA\)](#)

3. TOOLS TO ASSIST

3.1 The Law Society 7-Point Checklist

The practice note sets out what solicitors should consider doing about climate risk when acting on a property transaction. A summary of this checklist is given below:

#	CHECKLIST FOR PROPERTY TRANSACTIONS	
(1)	Explain to the Client the implications of Climate Risk, what you will or won't be doing in relation to climate risk, and highlighting the availability of reports, studies or expertise (such as climate risk searches) which can offer further information.	<input checked="" type="checkbox"/>
(2)	Advise the Client on the potential legal liabilities that might arise as a result of climate change.	<input checked="" type="checkbox"/>
(3)	Consider Lender requirements for a climate risk search .	<input checked="" type="checkbox"/>
(4)	Record whether a climate risk search has been requested by your client.	<input checked="" type="checkbox"/>
(5)	Report the results of a Climate Risk Search but confirm in writing that you are: Not qualified to provide technical interpretation of Climate Risk Searches, nor can you advise on the technical, practical or financial consequences of the result. Advise your client to consult with the Search Provider for more guidance, or a relevant expert.	<input checked="" type="checkbox"/>
(6)	Document all advice in writing.	<input checked="" type="checkbox"/>
(7)	Refer any concerns raised in a climate risk search to the lender, whether or not a search was required by the lender.	<input checked="" type="checkbox"/>

3.2 Law Society Guidance on “Climate Risk Searches”

The practice note acknowledges that “Climate Risk Searches” have a role to play in supporting busy solicitors and their teams, providing an easy method of investigating and identifying potential physical (and to some extent transitional) risks, whether as standalone offerings or integrated into a full Environmental Search.

The role that Climate Risk Searches play is very similar to the role that traditional environmental searches already play, in so far as they are designed to quickly and efficiently identify and highlight the existence of risk (or lack thereof), but are not necessarily the final word on the matter nor should they be considered as having been tailored to the specific individual needs of any one client.

The practice note discusses some elements that solicitors may wish to consider when commissioning a Climate Risk Search, listed below:

#	THINGS TO CONSIDER
(1)	Who can rely on the search?
(2)	The search may be based on one or several climate change modelling scenarios, called Representative Concentration Pathways, or RCPs. Is this clear, consistent and understood?
(3)	Does the search include analysis of the findings, including helpful context and advice?
(4)	Can the search provider offer help over the phone?
(5)	If commissioned by a seller, or landlord – can potential buyers or tenants, and their advisors rely on the search?
(6)	Is the search covered by the providers professional indemnity insurance?
(7)	Which risks are captured?

4. AVAILABILITY OF CLIMATE RISK SEARCHES

Dye & Durham has developed a specialist Climate Risk Search module, **ClimateCheck™**.

ClimateCheck™ is D&D's proprietary climate analysis tool, integrated seamlessly into the following full environmental search products:

- **EnviroAssure** Please click [here](#) for the brochure and [here](#) for a sample
- **Enviro360™** Please click [here](#) for the brochure and [here](#) for a sample

In addition, Dye & Durham's *Climate Report* is available for those who want to explore a standalone option. The *Climate Report* was the first climate risk search on the market, released in March 2022 at the request of early adopters ahead of Law Society guidance.

The below FAQ addresses some of the pertinent questions around Climate Risk Searches, including those specifically highlighted by the Law Society in its practice note, and summarised above at Section 3.2 of this update.

QUESTION	ANSWER
Q. Is D&D qualified?	YES – Dye & Durham's team comprises experts registered with the Chartered Institution of Water and Environmental Management (CIWEM), the Royal Institution of Chartered Surveyors (RICS) and the Institute of Environmental Management and Assessment (IEMA).
Q. Can D&D offer help over the phone?	YES – our Risk Team, comprising a mix of environmental consultants and geologists, are available by phone to discuss report results with customers.
Q. What risks does ClimateCheck™ cover?	River Flooding ; Coastal Flooding ; Surface Water Flooding ; Subsidence ; Coastal Erosion ; Heat Stress – as well as inclusion of Energy Efficiency data (EPC, where available) for a view of transition risk.
Q. Does the search include analysis of the findings, including helpful context and advice?	YES – all risks included within ClimateCheck™ offer context to help the end user understand the risks without referring to their legal advisor, as well as helpful and actionable advice where necessary.
Q. The search may be based on one or several climate change modelling scenarios, called Representative Concentration Pathways (RCPs). Is this clear, consistent and understood?	ClimateCheck™ uses RCP4.5 for all risk categories, which is widely thought to be the most likely pathway for global emissions. This ensures a balanced and comparative view across all the risks and crucially ensures consistency. We believe this approach is preferable to jumping between different predictive future scenarios, or creating confusion by displaying the whole range of possible outcomes and expecting a client to know which scenario is most appropriate to base their judgement upon.

Q. Who can rely on the search?	The Client and their Professional Advisors as well as any person providing funding to the Client (i.e. Lender) can rely on the EnviroAssure and Enviro360 which contain ClimateCheck™ .*
Q. If commissioned by a seller, or landlord – can potential buyers or tenants, and their advisors rely on the search?	YES – the first person purchasing or letting the property (and their professional advisors and lenders) can rely on the EnviroAssure and Enviro360 which contain ClimateCheck™ .*
Q. Is the search covered by the providers professional indemnity insurance?	YES*

*Please see the T&Cs linked from the Notes & Guidance Section of any relevant report for full Terms and Conditions.

5. FURTHER INFORMATION

For a further review, the full Law Society practice note and the 2023 initial guidance are available via these links (with a login to the Law Society website):

- [The Impact of Climate Change on Solicitors \(19th April 2023\)](#)
- [The Law Society Practice Note on Climate Change and Property \(12th May 2025\)](#)

Further information on the products containing **ClimateCheck™** mentioned in this update are provided in the Appendix below, and can be accessed via these links:

- [Dye & Durham Ground and Environmental Searches \(Including ClimateCheck™\)](#)
- **Webinar:** [Climate Change Issues for Residential Conveyancers](#), with:
 - Ian Quayle, IQ Legal Training and Editor of Property Law Magazine
 - Tim Champney, Director of Property Risk & GeoData, Dye & Durham

Thank you again for reading this customer update.

Please don't hesitate to contact the Dye & Durham team if we can be of any assistance on 0800 038 8350 or at uksearchsupport@dyedurham.com.

APPENDIX

- 1. QUICK REFERENCE GUIDE TO THE DYE & DURHAM
'ENVIRO' PRODUCT SUITE**
- 2. ENVIROASSURE PRODUCT CARD**
- 3. ENVIRO360™ PRODUCT CARD**



I QUICK REFERENCE GUIDE **ENVIRO REPORT SUITE**

	EnviroEssential	EnviroStandard	EnviroPremium	EnviroPremium +Planning	EnviroPremium +CON29M	EnviroAssure	Enviro360™
CONTAMINATED LAND	✓	✓	✓	✓	✓	✓	✓
FLOOD	✓	✓	✓	✓	✓	✓	✓
RADON	✓	✓	✓	✓	✓	✓	✓
COAL & BRINE FLAG	✓	✓	✓	✓	✓	✓	✓
GROUND STABILITY		✓	✓	✓	✓	✓	✓
ENERGY, TRANSPORT & INFRASTRUCTURE			✓	✓	✓	✓	✓
PLANNING				✓		✓	✓
CON29M COAL MINING					✓		✓
CLIMATECHECK™						✓	✓

Notes

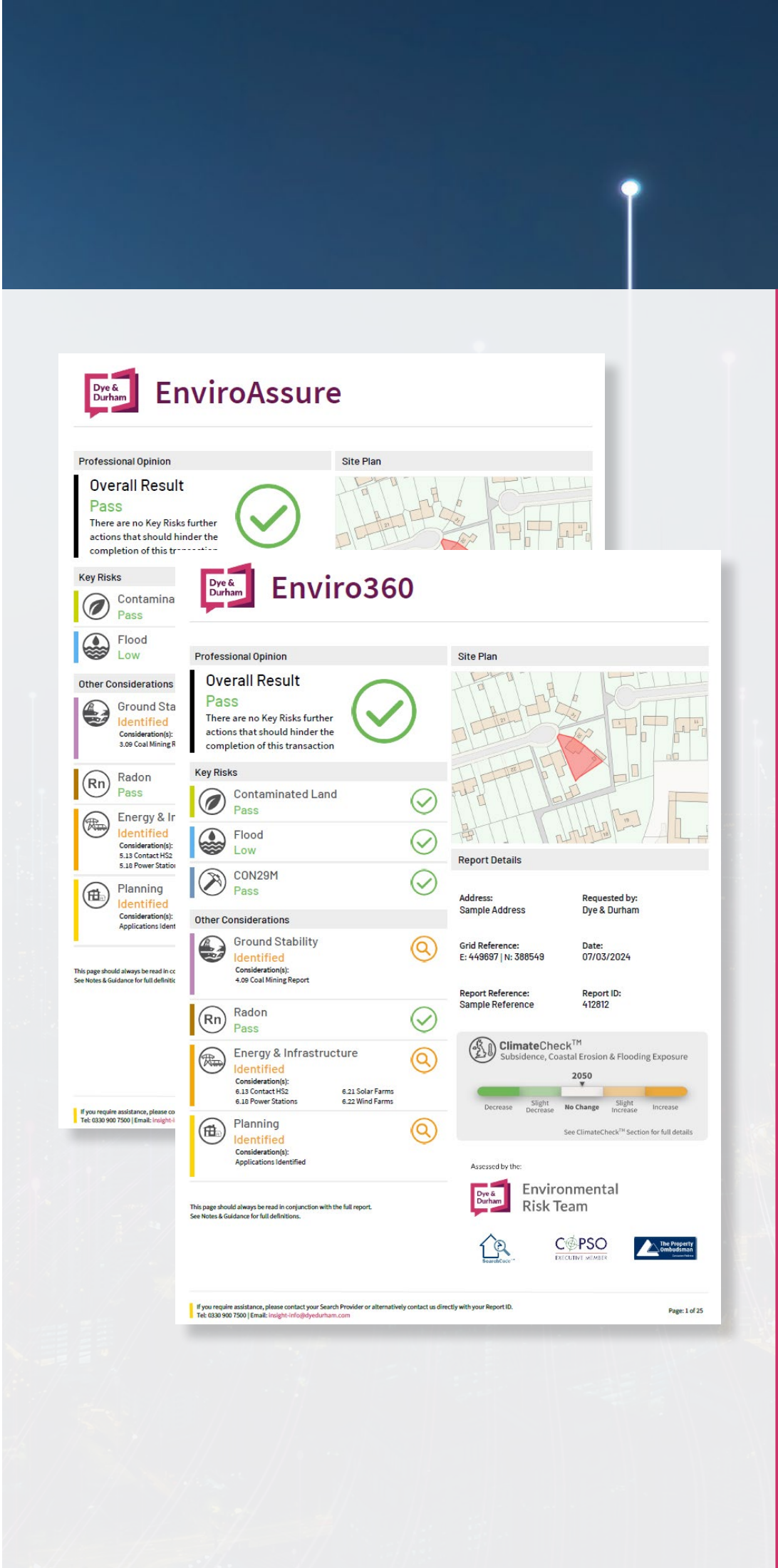
Available for residential properties in England & Wales.

Turnaround Times: Reports including a CON29M, 2 working days. All other reports 1 working day.

Property Size Bandings: EnviroEssential, Standard and Premium intial banding for properties up to 1Ha in size, with additional banding available up to 150Ha. EnviroPremium +Planning initial banding up to 5Ha, EnviroPremium +CON29M, EnviroAssure and Enviro360 up to 15Ha as standard.

The EnviroAssure & Enviro360 Ground Stability module includes a Coastal Erosion Risk assessment section.

All reports include a zero-excess Contaminated Land Warranty where applicable on ‘Passed’ reports.



EnviroAssure

A comprehensive environmental search report, including an assessment of all key environmental risks with an integrated ClimateCheck™ solution. Provides the key insights needed to support all residential transactions.

Use: **Residential Property**

Delivery Time: **<24hrs**

Site: **0-15Ha**

Reliance: **£10m***

Combining a comprehensive assessment of all major Environmental Risks with our integrated ClimateCheck™ solution, EnviroAssure supports your compliance with the Law Society Contaminated Land, Climate and Flood Risk Practice Notes.

EnviroAssure enables you to go above and beyond, to offer key analysis and advice on emerging climate risks and other environmental due diligence hazards relevant to your client. All reports are produced under the trusted independent regulation of the Search Code.

Includes:



Contaminated Land



Flood



Ground Stability (Including Coastal Erosion)



Energy & Infrastructure



Planning



Radon



ClimateCheck™

Designed to:

- Support your compliance with the Law Society Practice Notes on Contaminated Land and Flood Risk.
- Support compliance with the May 2025 Law Society Practice Note on Climate Risk and Property.
- Report to your client on other key considerations which could impact saleability, lending, insurability or quiet enjoyment, including Ground Stability, Energy, Transport and Infrastructure and Planning.

I KEY FEATURES

- ✓ A **Professional Opinion** on all core modules with results clearly displayed on the front page for 'at-a-glance' review.
- ✓ Meets the requirements of the **Law Society** Contaminated Land and Flood Risk Practice Notes.
- ✓ Uses **Land Registry Polygons** to base assessments on the real extent of the property, not a radius around a point.
- ✓ An **enhanced, full Flood assessment module**, uniquely presenting an intelligently-weighted assessment of both the property boundary and building footprint, resulting in fewer adverse results and end-user enquiries.
- ✓ A full analysis of **Radon** risk, as well as flags where the property is within a **Coal Mining Reporting Area** or the **Cheshire Brine Compensation District**.
- ✓ An enhanced **Ground Stability** assessment of natural and non-natural perils, including **Coastal Erosion** and the use of the British Geological Survey Property Subsidence Assessment combining soil type, tree proximity, building age and foundation depth to offer a more realistic assessment of shrink-swell subsidence risk specific to the property.
- ✓ A **Free Contaminated Land Remediation Warranty** on all passed environmental modules, offering zero-excess protection for 6 years, up to £100,000.
- ✓ **Key insight into Local Planning Applications** using:
 - **Innovative Capture Technology**, we identify and report on applications that are often missed by standard searches.
 - Our **Dynamic Search Radius**, tailored to the property's urban density, ensures only relevant applications are highlighted, enabling an efficient review of applications which present risk or opportunity for the homebuyer.
- ✓ **Integrated ClimateCheck™**, an essential tool for assessing the potential impacts of climate change on environmental risks.
 - Presents a summarised view of exposure to **coastal erosion, subsidence** and **flood** risk by 2050, with additional short-term projections for 2030.
 - Tailored recommendations equip end-users with proactive strategies to navigate environmental challenges confidently, including commentary on potential insurability considerations.
 - Additional analysis of **Heat Stress risks** and property **Energy Performance**.

WHY CHOOSE DYE & DURHAM ENVIRONMENTAL SEARCH PRODUCTS?

- Our searches are **reliable and trustworthy**, produced under the industry-recognised Search Code and independently regulated by the Property Codes Compliance Board and The Property Ombudsman, with hundreds of thousands of property assessments under our belts.
- Our products are designed and managed by **qualified experts** in environmental and ground risk management, professionally accredited by the Chartered Institution of Water and Environmental Management (CIWEM), the Institute of Environmental Management and Assessment (IEMA) and the Geological Society.
- Each module contains the **best-available data and assessment**, no matter the price-point of your search or where it falls in the range. The only difference is which modules you choose to report on.
- Our in-house team of experts are **on hand to answer any queries** you might have on environmental search results, and ultimately help you to best advise your client and resolve any queries.

NEXT STEP SOLUTIONS

- **Free Further Action reviews — £0**
An assessment of certain site-specific evidence, supplied by the client, to re-evaluate the risk of Contaminated Land liability and where possible re-issue the original search report with a 'Passed' Environmental result.
- **EnviroAppraisal — Fixed fee inclusive of disbursements (from £245 Excl. VAT**)**
Providing a solution to an identified Contaminated Land risk, but where the legal professional or client either do not have additional material to take advantage of the Free Review Service or would rather such information is sourced and analysed by an expert.
- **FloodAppraisal — Fixed fee inclusive of disbursements (from £195 Excl. VAT**)**
Helping legal professionals provide their clients with more detailed advice following the identification of Flood Risk. The Flood Appraisal offers a property-specific manual assessment of the risks, taking into account the street-level characteristics of the property, and additional Local Authority information.

YOU MAY ALSO BE INTERESTED IN:

- CON29M Coal Mining Search
- ChancelCheck®

*Subject to Terms and Conditions applicable at the time of purchase.

**Appraisal products for residential properties up to 0.25Ha in size. Above 0.25Ha additional fee bandings apply.

Enviro360™

Our flagship all-in-one environmental search report. Provides the key insight conveyancers need to support all residential property transactions.

Enviro360™ combines a comprehensive assessment of all key environmental risks with a CON29M Official Coal Mining Report, and a fully integrated ClimateCheck™ solution.

Use: **Residential Property**

Delivery Time: **<24hrs**









Site: **0-15Ha**

Reliance: **£10m***

Helping you ensure compliance with the Law Society Practice Notes on Contaminated Land, Flood Risk and Climate Risk, as well as requirements for Coal Mining areas.

Enviro360™ enables swift, informed decision-making, ensuring you navigate transactions confidently while safeguarding your clients' investments. All produced under the trusted independent regulation of the Search Code.

Includes:

-  Contaminated Land
-  Flood
-  Ground Stability (Including Coastal Erosion)
-  Energy & Infrastructure
-  Planning
-  Radon
-  **ClimateCheck™**
-  CON29M Official Coal Mining Search

Designed to:

- Satisfy the requirements of the Law Society Practice Notes on Contaminated Land and Flood Risk, adhere to Law Society best practice guidance and UK Finance Mortgage Lenders' Handbook requirements (section 5.4.1) for transactions in coal mining areas.
- Support compliance with the May 2025 Law Society Practice Note on Climate Risk and Property.
- Report to your client on other key considerations which could impact saleability, lending, insurability or quiet enjoyment, including Ground Stability, Energy, Transport and Infrastructure and Planning.

I KEY FEATURES

- ✓ Uses **Land Registry Polygons** to base assessments on the real extent of the property, not a radius around a point.
- ✓ An **enhanced, full Flood assessment module**, uniquely presenting an intelligently-weighted assessment of both the property boundary and building footprint, resulting in fewer adverse results and end-user enquiries.
- ✓ Law Society-licensed Coal Search including all **11 CON29M Official Coal Search questions**, with consultative Mine Entry Interpretive Report (MEIR) included when required. Inclusive **Triple-Tier Protection** comprising a £100k Coal Search Data Warranty; a unique Non-Coal Minerals Warranty offering additional protection against loss relating to the numerous non-coal mining features existing within Coal Authority data; and a Cheshire Brine Screen with integrated warranty for affected properties.
- ✓ A **Free Contaminated Land Remediation Warranty** on all passed environmental modules, offering zero-excess protection for 6 years, up to £100,000.
- ✓ Enhanced **Ground Stability** assessment of natural and non-natural perils, including **Coastal Erosion** and the use of the British Geological Survey Property Subsidence Assessment combining soil type, tree proximity, building age and foundation depth to offer a more realistic assessment of shrink-swell subsidence risk, specific to the property.

- ✓ **Key insight into Local Planning Applications using:**
 - **Innovative Capture Technology**, we identify and report on applications that are often missed by standard searches.
 - Our **Dynamic Search Radius**, tailored to the property's urban density, ensures only relevant applications are highlighted, enabling an efficient review of applications which present risk or opportunity for the homebuyer.
- ✓ **Integrated ClimateCheck™ to assess the potential impacts of climate change on environmental risks:**
 - At a glance, **ClimateCheck™** presents a summarised view of exposure to coastal erosion, subsidence and flooding risk by 2050 using the UKCP18 models and a consistent view across climate scenarios (RCP4.5 — widely considered to be the most probable scenario), with additional short-term projections for 2030.
 - Additional analysis of **Heat Stress risks** and property **Energy Performance**.
 - **ClimateCheck™** uses tailored recommendations and equips end-users with proactive strategies to navigate environmental challenges confidently, including commentary on potential insurability considerations.

WHY CHOOSE DYE & DURHAM ENVIRONMENTAL SEARCH PRODUCTS?

- Our searches are **reliable and trustworthy**, produced under the industry-recognised Search Code and independently regulated by the Property Codes Compliance Board and The Property Ombudsman, with hundreds of thousands of property assessments under our belts.
- Our products are designed and managed by **qualified experts** in environmental and ground risk management, professionally accredited by the Chartered Institution of Water and Environmental Management (CIWEM), the Institute of Environmental Management and Assessment (IEMA) and the Geological Society.
- Each module contains the **best-available data and assessment**, no matter the price-point of your search or where it falls in the range. The only difference is which modules you choose to report on.
- Our in-house team of experts are **on hand to answer any queries** you might have on environmental search results, and ultimately help you to best advise your client and resolve any queries.

NEXT STEP SOLUTIONS

- **Free Further Action reviews — £0**
An assessment of certain site-specific evidence, supplied by the client, to re-evaluate the risk of Contaminated Land liability and, where possible, re-issue the original search report with a 'Passed' Environmental result.
- **EnviroAppraisal — Fixed fee inclusive of disbursements (from £245 Excl. VAT**)**
Providing a solution to an identified Contaminated Land risk, but where the legal professional or client either do not have additional material to take advantage of the Free Review Service or would rather such information is sourced and analysed by an expert.
- **FloodAppraisal — Fixed fee inclusive of disbursements (from £195 Excl. VAT**)**
Helping legal professionals provide their clients with more detailed advice following the identification of Flood Risk. The Flood Appraisal offers a property-specific manual assessment of the risks, taking into account the street-level characteristics of the property, and additional Local Authority information.

YOU MAY ALSO BE INTERESTED IN:

- **ChancelCheck®**

*Subject to Terms and Conditions applicable at the time of purchase.

**Appraisal products for residential properties up to 0.25Ha in size. Above 0.25Ha additional fee bandings apply.