

Garsdale Parish Council

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DEFRA
Drinking Water Quality
Area 3d
Nobel House,
17 Smith Square,
London SW1P 3JR

18/10/2017

The Water Industry Act 1991; The Private Water Supplies (England) Regulations 2016; Consultation of proposed changes to legislation

Dear Sir/Madam,

I am writing in response to the above consultation on behalf of Garsdale Parish Council. Garsdale Parish is a small rural parish located in South Lakeland District, Cumbria. All properties in Garsdale Parish are on private water supplies, as there is no mains water available. Nearly all supplies are either shared between no more than 2 or 3 properties, or single source. We do not have any typical larger regulation 9 supplies, but several small businesses, holiday cottages, farms and the village hall in individual supplies fall under regulation 9 due to the public aspect.

Garsdale Parish council strongly object to the proposed legislation for the following reasons:

- 1) Proposal for increasing the range of parameters sampled for: We do not believe that this proposal is based on any sound evidence or studies carried out; firstly, there is no statistical evidence presented to show that people on private water supplies suffer from increased levels of complaints potentially caused by their water. As many people in Cumbria have been living in the same properties for more than 70 years, this should be evident by now. Neither has any sampling study been carried out to establish the likelihood of various additional parameters being found in areas of different types of geology. Hence this proposal goes against all modern principles of risk assessment; where the risk is assessed and then action APPROPRIATE TO THE RISK LEVEL is taken. In this case, the local council has prudently risk assessed the parameters and is sampling for the ones most likely to cause problems, and we fully agree that sampling should be reduced even further where appropriate based on the existing results, However, we strongly object to the new proposal to subject all households on private water supplies to large increases in bills in order to sample for a wide range of parameters that are very unlikely to be present, just to establish that they are not present, and if at all present only in minute concentrations, as this is simply not reasonable or justified. The only benefactors would be the sampling laboratories.
- 2) Proposal for removing the upper limit on the charges local authorities can impose: we do not believe this is necessary or reasonable. Currently, the limit is set at £500 for a water risk assessment. This is set to increase to £700 for a regulation 9 supply. A regulation 9 supply is described as generally a larger supply serving multiple properties at more than 10 m³ /day. For this type of supply the increase would be shared between typically 20 or more properties, in which case each household's share of the increase would be £10 or less. The problem is that many small businesses, farms, village halls and holiday cottages on single sources are also classified under regulation 9 so could also be charged an additional £200, up to £700 under the proposed option 2. The reality is that many rural households, small businesses and farms, both regulation 9 and 10 supplies, are already struggling with the high costs of the water risk assessments and sampling, typically not much under the maximum of £500 and £100 even for

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just a single property, on top of the ongoing costs of maintaining water supply, pipework, filtration unit and UV filter. The proposed changes to the caps on charges would cause increased rural hardship and discriminate against rural households and small businesses. Furthermore, the current charges are already hitting the holiday cottage industry hard; people with holiday cottages on individual supplies are finding that if they rent their cottage out for holidays they now have to factor in the cost of a £500 water risk assessment, which just tips the balance so it is no longer worth renting out at all, resulting in reduced tourism and further damage to the local economy.

Hence we object strongly to an increase of the cap on local authority charges. We also object to the current implementation, when the cap on charges is applied to the overall cost for each source. This places an unfair burden on properties served from small sources where the cost is shared between just a few users, compared to larger more commercial sources serving a large number of households but subject to the same cap on overall charges, making the cost per property comparatively much lower.

- 3) Proposal to change the legislation so local authorities may do works in default: we strongly object to this. The local authority already has extensive powers to require householders to carry out improvements, such as issue of a Regulation Notice 18, and a court order if required. We do not believe that the local authority employees, who are neither elected nor professionally approved or monitored by an independent body, should have the powers to impose work on any householder without that householder's full agreement and an appropriate tendering process with a choice in what contractors to use, or alternatively having to go through the process to obtain a court order. Currently, the council does not have equivalent powers even for vastly more dangerous issues such as fire safety. The proposal as it stands does not in any way safeguard householder's rights, unlike the current legislation.

As a parish where all households are on private water supplies, we are extremely concerned about the principles of all this legislation which allows the local authority to incur costs on behalf of householders without prior permission, consultation, or a free choice of providers, and then pass these costs on to individual householders in full. There is no real incentive to the local authority to keep costs down as it will not affect their budget. In all other areas, this would be completely unacceptable.

We also feel very strongly that the legislation for improvement of private water supplies is being proposed and implemented by legislators none of whom have ever lived in a household with a private water supply themselves. We believe that in a true democracy, the primary stakeholders affected by any legislation should be involved in developing the legislation at a much earlier stage than this final consultation. The current proposal appears to only consider the benefits for the local authority budget, with no consideration for the impact on rural householders and micro businesses.

We trust that you will take our objections to all areas of the proposal into account as we speak for more than 90 rural households which are using private water supplies exclusively, most of which would face further financial hardships if the proposals go ahead. We would strongly recommend implementing option 0 "do nothing", as we do not believe any changes to legislation would take effect until after the UK leaves the EU. Failing that we would recommend option 1, "Transpose Commission Directive (EU) 2015/1787 in full with no further amendments.", as we are extremely worried about the lack of safeguards to householders' rights and potential hardships for rural residents resulting from option 2.

Yours faithfully,

Phil Johns, Clerk, on behalf of Garsdale Parish Council.

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