

BRIEFING NOTE FOR SCRUTINY COMMITTEE

18 February 2016

Protection of Private Water Supply

Protection of Private Water Supplies – *"in relation to Planning (e.g. when a planning application is granted which requires an additional private supply or taking water from an existing private supply), how do existing householders ensure that their supply is protected? This may be purely a civil matter or the Council may have a role. This is further exacerbated with large forestry/wind farm applications."*

INTRODUCTION

The purpose of this Briefing Note is to assist Members in their discussions relative to the above agenda item. When a planning application is made, Scottish Borders Council (SBC) and the Scottish Environment Protection Agency (SEPA) both have a role in ensuring that private water supplies are protected.

This report provides a summary of these roles and responsibilities, where consideration must be given to the protection of water supplies whether a proposed development does or does not need a water supply. For example, some developments will not require a water supply, but they will have the potential to impact on water supplies in their locality.

Finally, three examples of planning applications are provided to demonstrate the approaches/responses required for developments of varying size and complexity, one of which is a large wind farm application.

ROLES AND RESPONSIBILITIES

Scottish Borders Council (SBC)

Under the Water (Scotland) Act 1980, there is a duty on any person erecting a building to satisfy SBC that there will be a sufficient supply of wholesome water in pipes for the domestic purposes of the persons occupying or using the building. SBC also has a duty to keep itself informed about the wholesomeness and sufficiency of water supplies to all premises in its area.

For these reasons, Regulatory Services (SBC) reviews every planning application in relation to (a) the proposed water supply required for the development and/or (b) the impact the development could have on existing water supplies.

(a) Water supply required for the development

If the proposal is for the development to be serviced by the public (mains) water supply, the applicant is expected to provide written communication from Scottish Water to this effect.

If the proposal is for the development to be serviced by a private water supply (i.e. any supply of water not provided by Scottish Water), the applicant is asked to provide the following information:

- The type of supply/source – i.e. borehole, spring, well, etc.

- The location of the source by way of an 8 figure grid reference
- Details of other properties on the supply (if the supply is an existing one)
- Estimated volume of water that the supply will provide (details of flow test)
- Evidence that using this supply will not have a detrimental effect on supplies in the area
- Details of any emergency tanks
- Details of treatment to be installed on the system
- Details of any laboratory tests carried out to ensure that the water is wholesome

Where this information is unknown or not provided with the application, a suspensive condition is recommended. This information is normally provided as part of a report by a suitably competent person who has undertaken a flow test/survey of the site on behalf of the applicant.

The standard condition is as follows:

No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

Once this information is received, it is assessed and a decision is made on the suitability of the proposed supply. On occasion, it may be appropriate to consult SEPA on the potential impact on neighbouring supplies.

SBC do not request information on any legal agreements between the applicant and any other users or persons with responsibilities for the water supply, as this is a civil matter.

- (b) No water supply required for the development, but there is potential impact on existing water supplies

Smaller developments will typically not be expected to have an impact on existing water supplies in the locality of the development.

However, larger developments can have a detrimental impact, and it is important to ensure that they do not affect the wholesomeness and sufficiency of any existing supplies.

This is normally achieved by requesting a monitoring programme as part of a condition for the construction and decommission stages of the development. It is important to note that SEPA takes a lead role in these circumstances.

Scottish Environment Protection Agency (SEPA)

Most private water supplies arise from groundwater sources. SEPA have developed the *Groundwater Protection Policy for Scotland* which sets out its legal responsibilities and guidance on how groundwater is to be protected. SEPA has also issued specific guidance for the protection of groundwater from planning applications, including wind farms.

As part of a wind farm application, SEPA will request that the applicant provides detailed information on all water resources located on or near to the development site. Where a resource is

a private water supply, the applicant will need to provide details on the number of properties each supply serves. Where infrastructure from the development will be within 250m of a water resource, a detailed risk assessment is required to ensure its protection and an appropriate condition is recommended.

SEPA have the expertise and responsibility to protect groundwater sources and, once they are satisfied that the information provided demonstrates that the water resources will be protected, they will recommend a condition.

Planning Advice Note 51 (Planning, Environmental Protection and Regulation) includes SEPA's role as described above.

EXAMPLES

Examples of three types of planning applications have been provided to demonstrate the approaches/responses required for developments of varying size and complexity, including a wind farm application.

1. Single Dwellinghouse

Should Regulatory Services identify an application for a single dwelling house proposing to utilise a private water supply, a consultation would be requested.

If the applicant was unable to provide all of the necessary information at this stage of the application, a suspensive condition would be recommended.

The applicant would be expected to provide the necessary information in a report before the development commenced.

Once the information is received it would be reviewed and, if found suitable, the condition could then be discharged.

2. Small Commercial Premises

Should Regulatory Services identify an application where higher volumes of water are likely to be used (from ground water already providing local private water supply resource) for example, say from a small horticultural business, a consultation would be requested which would be considered in liaison with SEPA. SEPA would also have to consider whether, in addition to planning consent, an abstraction license would be required.

The applicant would be expected to provide the necessary information in a report before the development commenced.

SEPA would be responsible for ensuring that the applicant's information was sufficient for the purposes of an abstraction license, if required.

Once the applicant's information is received it would be reviewed and, if found suitable, the condition could then be discharged.

3. Large Wind Farm Development

With applications such as large wind farms, there is the potential for construction and installation works to impact on groundwater and local private water supplies.

Given the scale of the development, a hydrogeological risk assessment would be required, which would include consideration of the impact on any private water supplies.

SEPA would take the lead in these circumstances and, in consultation with them, conditions for protecting and monitoring groundwater, including any private water supplies, would be agreed and recommended.

It is likely that should the application be successful SEPA would be involved in discussions with the applicant to confirm the monitoring and assessment programme, reporting and contingencies.

Updates of progress with the agreed monitoring programme would then be provided by the applicant.

ADDITIONAL INFORMATION

Planning Advice Note (PAN) 51

<http://www.gov.scot/Resource/Doc/152228/0040973.pdf>

SEPA Groundwater Policy

<http://www.sepa.org.uk/media/34371/groundwater-protection-policy-for-scotland-v3-november-2009.pdf>

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