



PUBLIC PETITION NO.

PE01680

Name of petitioner

Angela Flanagan

Petition title

Private Water Supplies in Scotland

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to:

- review The Private Water Supplies (Scotland) Regulations 2006;
- produce guidance for all relevant bodies to comply with the Private Water Supplies (Scotland) Regulations 2006;
- transfer the Regulatory powers over the Drinking Water quality of private water supplies from Local Authorities to the Drinking Water Quality Regulator for Scotland;
- ensure an Equal Right of Appeal in the Planning process where objections on public health grounds are intimidated by interested parties.

Action taken to resolve issues of concern before submitting the petition

Over time we have raised these issues with:-

- Local Councillors, Council Planning Officers, and Environmental Health Officers;
- MSPs Elizabeth Smith and Roseanna Cunningham, MP Gordon Banks and MEP Iain Houghton;
- Ombudsmen, QC, Senior QC, successive Lord Advocates;
- Petitions to the Scottish Parliament (PE 439, PE 809, PE 1009);
- Petition to the European Parliament (0971/2009) which requested of the Scottish Government that it provide “measures to address the unnecessarily dangerous water situation” we and our community were facing;
- Director of Public Health (Tayside) and the Drinking Water Quality Regulator for Scotland;
- Scottish Human Rights Commission

Currently with:

- Scottish Government’s Standing Council on Europe (referred to sub-group).
- Scottish Parliament’s Commission on Parliamentary Reform (referred to Equalities and Human Rights Committee).

Petition background information

The benefits of a review would be:

- to eliminate inconsistencies in the implementation of the Scottish Regulations and

through them with the EU Directive with which they should be compliant.

For example, whereas paragraphs 27 and 28 of the Directive provide that the member state should take action to restore water quality where that is necessary to protect human health, and Article 130 r (2) requires that priority be given to action which rectifies the problem at source, the Scottish Minister responsible for the Directive states that in Scotland responsibility for the ongoing maintenance and any remedial action to bring a private water supply into Compliance rests with the owners and users of those supplies and not with national or local authorities.

- to reconsider the powers of enforcement granted to local authorities so that any remedial action required is proven effective.

The benefits of guidance provision would be:

- to ensure consistent practice across different services;
- to ensure that Environmental Health departments are involved where Planning matters are raised which are pertinent to Public Health.

The benefit of transferring the regulatory powers over the quality of private water supplies to the Drinking Water Quality Regulator for Scotland would be:

- more objective and focused examination of water-specific issues
- more reliable avoidance of cases of water-borne disease;
- a specialist unit would achieve better liaison with the UK Cross-Government Strategy to 'increase the prevention of infection' (The Lancet) in parallel with increasing Anti-Microbial resistance, now listed on the National Risk Register of Civil Emergencies.

The benefits of an Equal Right of Appeal would be:

- to avert unduly preferential treatment of commercial developers over individual households;
- to ensure that Developers cannot pass on provision and maintenance costs for essential services to individuals or their communities.

Personal Experience

The developer contracted to repair the water collecting tank for the private water supply serving 35 households reneged on this. The Council's planning department failed to enforce this repair at 'source', and refused to defer further building on site, thereby obstructing legal Action and allowing the passing on of these costs and associated health risks to us and the community.

Boil water notices have been issued over the past two decades, with cases of water-borne disease, including E.Coli 0157, notified. Bacterial contamination of our own domestic supply despite the presence of a UV filter necessitated our attachment to mains water at full cost.

The European Parliament Petitions Committee wrote to the Scottish Government to ask for measures to address the "unnecessarily dangerous" water situation faced by our community. These were refused by the Scottish Minister responsible for the Directive who indicated that this situation was "fairly typical" of supplies drawn from farmland.

Approval in principle for further development on the same supply still leaves Compliance with Regulations with regard to essential services reliant on the "honour" of commercial Developers.

Unique web address

<http://www.parliament.scot/GettingInvolved/Petitions/PE01680>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

18 / 01 / 2018

Comments to stimulate online discussion

Do you support a change to the way private water supplies are regulated in Scotland?
Have you had similar experiences?