

Briefing for the Public Petitions Committee

Petition Number: [PE1680](#)

Main Petitioner: Angela Flanagan

Subject: Private Water Supplies in Scotland

Calls 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.

Background

Private Water Supplies (Scotland) Regulations 2006: The regulation of type A (also known as regulated) private water supplies (those serving 50 or more individuals, and/or providing 10 cubic metres of water a day, and/or providing water to commercial or public activities) was recently updated by the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

Private Water Supplies (Scotland) Regulations guidance: The Drinking Water Quality Regulator provides [guidance](#) to local authorities on the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017, which was published in December 2017.

Drinking water quality: Private Water Supplies are regulated by the relevant local authority. The Drinking Water Quality Regulator (DWQR) monitors the work of local authorities and provides guidance and advice to authorities and private water supply system owners.

Rights of appeal in planning: Currently, after consideration of a planning application, a planning authority can decide to:

- grant permission unconditionally

- grant permission subject to certain conditions being met
- refuse permission

Where planning permission is granted subject to conditions or is refused, the applicant has the right to appeal that decision to either a local review body (for decisions on local developments made by a planning officer) or Scottish Ministers (for all other decisions).

The 'first party' to a planning application is the applicant, the 'second party' is the planning authority and the 'third party' is any individual or organisation that has made a formal representation to the planning authority about an application. The role of the third party in the development management process is limited to making representations to the planning authority, which are considered by the authority during the decision making process. A third party right of appeal (also known as an equal right of appeal) would grant certain categories of objector to a planning application a limited right to appeal against the award of planning permission for certain types of development, e.g. when the development is a departure from the policies and proposals in an adopted development plan.

Scottish Government Action

The Scottish Government has no current plans to review the regulation of private water supplies, following the recent introduction of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. The Scottish Government introduced the Planning (Scotland) Bill to the Parliament on 4 December 2017. However, Ministers have specifically ruled out the introduction of a third-party right of appeal as part of this Bill.

Scottish Parliament Action

The Scottish Parliament is [currently considering](#) the Planning (Scotland) Bill. The issue of private drinking water supplies has not been considered in any detail.

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22 January 2018

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