

PE1680/A

Scottish Government submission of 03 May 2018

Thank you for your email of 3 April 2018 seeking the Scottish Government's views on the actions called for in Petition PE1680 (Private Water Supplies in Scotland). This response covers both the drinking water quality and planning issues raised in the petition.

The Private Water Supplies (Scotland) Regulations 2006 have been amended a number of times to include further provisions relating to the EU Drinking Water and Euratom Directives, whose water quality requirements they transpose into domestic legislation. They were substantially reviewed and a new set of regulations were produced in 2017 – the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 - to incorporate the requirements of the Drinking Water Amending Directive. The opportunity was taken at this point to carry out a major overhaul of the Private Water Supplies Regulations to transpose the Drinking Water Directive more effectively and strengthen existing the enforcement provisions. The new provisions include powers for local authorities to serve remediation, enforcement and emergency notices to bring private supplies into compliance with the water quality requirements of the Regulations. Some provisions in the 2006 Regulations as amended relating to supplies which are exempt from the Drinking Water Directive remain in force.

Local authorities have been provided with full guidance on the requirements and enforcement of the 2017 Regulations, which can be viewed on the Drinking Water Quality Regulator for Scotland (DWQRS) web pages at <http://dwqr.scot/private-supply/regulatory-information/guidance-on-the-water-intended-for-human-consumption-private-supplies-scotland-regulations-2017/>, and the DWQRS and her staff have delivered seminars aimed at familiarising local authority environmental health officers who are responsible for private water supplies with the new provisions.

The Scottish Government are of the view that local authorities are best placed to implement the legislative requirements relating to private water supplies because of the number (around 20,000), geographical spread and variety of private supplies across Scotland, which necessitates a local presence and which the small number of technical staff of the DWQRS would not be in a position to deliver effectively. Local authorities are however obliged under provisions in the Water Industry (Scotland) Act 2002 to provide the DWQRS with information in relation to the enforcement of the drinking water quality duties which it is local authorities' responsibility to enforce, and the DWQRS can under the 2017 Regulations give directions and guidance to local authorities in relation to their functions under the Regulations. The Scottish Government believe these powers to be sufficient and effective and have no plans further to review the regulatory regime for private water supplies at this stage.

An additional consideration in relation to the management of private water supplies has however recently arisen in that the European Commission has tabled proposals for a substantial revision of the Drinking Water Directive, which may be finalised as soon as the end of this year. The proposals include a significantly different suite of provisions relating to the delivery of the drinking water quality requirements of the

Directive and will almost certainly result in further changes to the Regulations being necessary.

The Scottish Government is currently taking forward a programme of reforms to the planning system, following a review carried out by an independent panel which reported in 2016. As part of these reforms, we introduced the Planning (Scotland) Bill to the Scottish Parliament on 4 December 2017. In line with the recommendations of the independent panel, we do not propose to introduce a third party, or equal, right of appeal against planning applications. There are opportunities for people to get involved and contribute their views throughout the planning system; and we want to increase and improve collaboration with communities through the Bill. Stronger early engagement in development planning is a more constructive approach than adding an adversarial appeal at the end.