

# **PRIVATE WATER SUPPLIES - PLANNING GUIDANCE NOTE**

## **Introduction**

This Planning Guidance Note is to be referred to for all applications and developments which have the potential to impact upon Private Water Supply (PWS). It is important to note that PWS could apply to a variety of different types of applications ranging from Section 36 and Section 37 applications made under the Electricity Act, to both 'Major' and 'Local' scale developments submitted under the Town and Country Planning Regulations/Legislation. Ultimately, this will depend on the nature and characteristics of the development itself, its geographical location and its proximity to a potential PWS or catchment.

In consideration of this guidance and in providing PWS related assessments and information, it will be necessary to read and consider all of the below legislation. Please note that this list may change with updates to legislation. Should you require any clarification on any aspect of the below, then please contact the Council's Environmental Health Service on 01292 61822, [environmental.health@south-ayrshire.gov.uk](mailto:environmental.health@south-ayrshire.gov.uk) .

### **Legislative Framework:**

- The EU Water Framework Directive (2000/60/EC)
- The EU Drinking Water Directive 2020/2184 re-cast
- The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.
- The Private Water Supplies (Scotland) Regulations 2006
- The Water Quality (Scotland) Regulations 2010
- The Water Supply (Water Quality) (Scotland) Regulations 2001
- The Housing Act 1987 Sect. 86,
- The Water (Scotland) Act 1980 (The Act),
- Protecting private water supplies during forestry activities – Guidance [www.Forestrywaterscotland.com](http://www.Forestrywaterscotland.com)
- Water Supply (Water Quality) Regulations (2016) - BS EN 15975-2:2013 Security of drinking water supply – guidelines for risk and crisis management – Part 2: Risk Management 2013
- [Tree felling in Scotland – Getting Permission' \(forestry.gov.scot\)](http://www.forestry.gov.scot)
- <https://www.confor.org.uk/media/247132/guidance-on-forestry-activities-near-pws-sept-2018.pdf>
- Scottish Water Guidance on Forestry Activities near Scottish Water Assets
- Forestry & water Scotland: Know the Rules
- Forestry Commission Practise Guide “Managing Forest operations to protect the water environment”
- The UK Forestry Standard (UKFS). The gov's approach to sustainable forestry, 2017.
- The Water Environment (Controlled Activities) (Scotland) Regulations 2011.
- The Water Environment (Controlled Activities) (Scotland) Regulations 2011, as amended A Practical Guide to the General Binding Rules. Vers 8.4 Oct 2019.
- EN 15975-2:2013 Part 2, EU Risk Assessment standards: Security of Drinking Water Supply – Guidelines for risk and crisis management
- <https://www.transformingplanning.scot/national-planning-framework/integrated-impact-assessment/>

- <https://www.transformingplanning.scot/national-planning-framework/integrated-impact-assessment/>
- <https://www.gov.scot/publications/scotland-2045-scotlands-fourth-national-planning-framework-draft-integrated-impact-assessment-environmental-report/pages/16/>
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The distinction between Catchment, Abstraction and Supply should be noted. Therefore, the DWQR registered catchment/recharge zone/well/aquifer/abstraction point must be identified, PLUS, the known or assumed (due to lack of knowledge) route of pipeline and any holding tanks etc., (The Private Water System) to the dwelling house(s) (DWQR - <https://dwqr.scot>).

### **Information to be provided Prior to Determination or Permission being Granted**

Where PWS is a relevant and material planning consideration in the context of a development and/or application, it is likely that the following information scheduled out below will be needed to inform the assessment of the application and consider and quantify its potential impacts on PWS to establish the mitigation that will be necessary. As such, the information outlined in sub-headings below should be provided and should form part of the suite of information accompanying an application. If this is not provided, then there will likely be a delay in progressing and processing the application.

This information must also be complied with to satisfy the Council's Environmental Health Service as Regulators of PWS legislation for South Ayrshire Council. Once again, it is advised that you make contact with the Council's Environmental Health Service on 01292 61822, [environmental.health@south-ayrshire.gov.uk](mailto:environmental.health@south-ayrshire.gov.uk) should you wish to clarify on any specific requirements relating to the below.

### **Impact on Water – Private Water Supplies (PWS) Report**

To ensure developments shall not adversely affect the private water supplies/catchments in the area they are being proposed, a report is required detailing how existing supplies will be maintained specifically in respect of specified criteria: qualitatively and quantitatively, catchments, abstraction points and connections to record and substantiate how these criteria will not adversely be affected.

It should be noted that under the Scottish legislation, if a house does not have an adequate piped supply of wholesome water available within the house, it would fail to meet the tolerable standards. Environmental Health may take action to have the house brought up to the tolerable standard, via the 1987 Housing Act. It should be assumed that there is no presumption of any grant support finance from the Local Authority, Housing Grant Department.

The PWS Report shall comprise of the following:

- A Method Statement detailing all agreed mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies, their sources and source catchment areas, to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. The Method Statement shall include a Private Water Supply System Site Specific Risk Assessment Plan and

an Emergency Plan of Action statement. These should include water quality sampling methods and shall specify abstraction points.

- A Water Management Plan covering the means of drainage from all hard surfaces, structures and borrow pit sites, or alike, within the site for the purposes of this plan, 'hard surfaces' includes internal access tracks, construction and lay-down areas, turbine pads and crane pads. The details to be submitted shall include the means of protecting surface water and ground water and controlling surface water run-off. Evidence MUST include a timeously prepared risk assessment in accordance with EN15975-2:2013 – Guidelines for risk and crisis management – Part 2:” Risk Management” (above).
- A Site-specific Hydrogeological Report in addition to desk top studies is required. The site-specific hydrogeological report shall be physically carried out by a suitably qualified person during site visits, and shall contain a review of the risks to all private water sources, their catchment areas, their abstraction points, the private water supply systems, (the supply lines, and private water user properties), that may have the potential to be affected by the development, during development and in the future after development completion. The list of private water supply properties, water systems, supplies, supply lines, sources, abstraction points and catchments as part of the report shall include those which are not situated within the marked development boundary areas, but whose private water source catchment areas have the potential to originate within the marked development boundary areas, and thus have the potential to be affected by the development in the future. The report should include a field survey of all private water user properties, supplies, supply lines, sources, abstraction points and their potential catchment areas, and focus on the effects of the development on the quality and quantity of water supplied to all private water users potentially impacted by the development.
- It is recommended that the field survey should be carefully designed as to promote meaningful response and should include qualitative research carried out through direct consultation with South Ayrshire Council Environmental Health, private water supply property owners, users, tenants, landowners, and other Relevant parties. It is requested that the field site risk assessment visits be carried out with South Ayrshire Council Environmental Health to all potentially affected private water supply users, abstraction points and catchments. This enables agreement and discussion between all parties on one visit, thus cutting down on time spent by all parties on site information gathering and mitigation decision making.
  - A conceptual site model shall be included to enable a robust assessment of all risks to all potentially affected private water supplies.
  - Identification of potential leachate generation, and any other type of run off or fluid leakage at any Borrow Pit excavations, including possible contamination during development phase, or in the future, through blasting, shall be included in the survey.
  - The conceptual site model shall be in addition to the field survey work.
  - The conceptual site model shall include illustrative as well as written representations of the processes, and potential impacts to support informed decision making.

Reason for this information: To maintain a secure and adequate quality and quantity of private water supply to all properties with private water supplies that may be affected by the development, in the interests of Public Health and compliance with DWQR Regulations. To minimise impacts on groundwater quality and hydrology.

In addition to the PWS Report, the following should also be provided in conjunction with it:

- All private water supply user properties, their private water supply lines, systems, sources, abstraction points and potential catchment areas are to be identified and shown as marked on maps, to scale, on minimum of 1:5,000, to allow an informed visual assessment of risk to catchment areas of the sources that private water supply water is potentially drawn from. The maps should also show the PWS in relation to the proposed layout of the development and development access route. This is to give realistic comparison to the siting's of the proposed development, construction, buildings, roads, turbines, structures, (including battery storage compounds), over ground/underground cabling, access tracks etc.

Reason for this information: To maintain a secure and adequate quality and quantity of private water supply to all properties with private water supplies that may be affected by the development, in the interests of Public Health and compliance with DWQR Regulations. To minimise impacts on groundwater quality and hydrology.

#### Forestry – Removal, Harvesting, Replanting, Compensatory Planting:

Prior to the commencement of development, in relation to all forestry works and development, all private water supply user properties, their private water supply systems, their private water supply pipes and lines, sources, abstraction points and potential catchment areas are to be identified and shown as marked on maps, to scale, on minimum of 1:5,000, as part of the development risk assessment, in order to assess risk to catchment areas of the sources that private water supply water is potentially drawn from. This is to give realistic comparison to the siting of removal plans, lay down areas, vehicle park areas, replanting, potential chemical contamination, and all associated forestry works in relation to private water supplies.

Reason: To maintain a secure and adequate quality and quantity of private water supply to all properties with private water supplies that may be affected by the development, in the interests of Public Health and compliance with DWQR Regulations. To minimise impacts on groundwater quality and hydrology.

#### Emergency Action Plan:

Prior to the commencement of development, for the duration of the construction phase of the development, an Emergency Action Plan (EAP) shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council's Environmental Health Service. The EAP shall detail who would be responsible, when they would be required to take action, where this would be implemented and what action and mitigation would be implemented for any emergencies arising. The EAP should detail who the emergency contacts would be 24/7, with contact telephone numbers and email addresses, to be provided to private water supply owners, and users, and to South Ayrshire Council Environmental Health service and Planning department.

Reason: To maintain a secure and adequate quality and quantity of private water supply to all properties with private water supplies that may be affected by the development, in the interests of Public Health and compliance with DWQR Regulations. To minimise impacts on groundwater quality and hydrology.

#### **Mitigation and Requirements to be covered through Planning Conditions**

In the event that sufficient PWS assessments have been undertaken and an application can be recommended approved, the following matters would likely be required to be covered as

planning conditions in the interests of safeguarding PWS. It should be noted that the wording scheduled below are template conditions, and these may require to be re-worded or re-formatted differently depending on the development/application being assessed.

#### Identification of Alternative Private Water Sources:

In the event of an incident, accident or event occurring (as a result of construction or operation of the wind farm) and as a consequence a private water supply source being impacted, the provision of a suitable, new, potable private water supply will be at no cost to the affected private water supply owner who has encountered problems arising, and will be undertaken in agreement with Environmental Health, South Ayrshire Council and the private water supply owners.

In the event of the provision being required of an alternative suitable potable private water supply (which may have to be an alternative abstraction) which may incur future maintenance costs associated, that these costs will be met by the applicant and will be agreed with the private water supply owner(s) and South Ayrshire Council Environmental Health Department (Please note, a water bowser is not considered to be a suitable long term solution for potable water provision).

Reason – an alternative abstraction may be required should a previous abstraction be contaminated permanently - quantity and quality permanently impacted and affected. Or PWS flow stopped or diverted and permanently impacted. Please note a water bowser is not considered to be a suitable long-term solution for potable water supply.

#### Advisory Note

#### Private Water Supply Impact Assessments (including Joint Site Visits):

Where the catchment areas for some private water supply end users appear to originate within or very near certain proposed development sites, the Council's Environmental Health require the entire private water supply system - from catchment to the PWS user property boundary including any areas where the development could have an impact - to be risk assessed for potential impact, for end user quality and quantity for present and in the future. It shall be therefore necessary for joint visits to be carried out by South Ayrshire Council Environmental Health and the applicant (alongside their appointment consultants) to risk assess the private water supplies to ensure ground truthing has been suitably accomplished and early agreement can be achieved.

Reason: These actions allow all parties to discuss and map the PWS GPS co-ordinates, in relation to the development, and agree on options during the joint site visit, thus cutting down on officer time. The assessment of the entire PWS system from catchment to end user is required, to ensure the protection of the quality and quantity of PWS for human consumption. To maintain a secure and adequate quality and quantity of private water supply to all properties with private water supplies that may be affected by the development, in the interests of Public Health and compliance with DWQR Regulations.