

Dear NPF4 Team,

WHERE NPF4 CAN IMPROVE PLANNING FOR PRIVATE WATER SUPPLIES IN SCOTLAND

I write to you on behalf of [REDACTED], to provide contribute to the 4th National Planning Framework consultation.

Private water supplies in Scotland supply 4% of the population with many more encountering private supplies through holiday accommodation and other tourist facilities. The following comments should be considered within the 'enabling delivery of new homes', 'rural development', 'sustainability', 'placemaking' and 'tourism' policy contexts.

At present, the only planning guidance for private supplies is covered in PAN note 79. This guidance is largely silent on private water supplies and therefore does not give planning authorities adequate advice on matters that need to be considered to ensure that a new development, which is to be connected to a private water supply, has a wholesome and sufficient supply of drinking water. In the absence of a suitable PAN note, some Local Authorities have developed their own planning guidance to mitigate some of the issues that arise in relation to private water supplies.

Research and data indicates that private supplies in certain regions of Scotland are already vulnerable to climate change, particularly in periods of prolonged dry weather as experienced in 2018. Many supplies ran dry with users of some 500 supplies requesting emergency assistance. The north east, central, southern uplands and south west coastal regions of the country are the most vulnerable, yet other regions have also experienced water abundance issues. Research confirms an increased probability of the number of drier years occurring more frequently in the future due to large precipitation deficits. It is estimated that approximately half of all Scottish private water supplies will be located within areas of high or very high risk of a drought between 2020 and 2050.

Furthermore, on average, private water supply drinking water quality can be significantly poorer than in the Scottish Water served public supplies owing to highly variable raw water and difficulties/lack of treatment. The Drinking Water Quality Regulator confirmed that for 2018¹, more than 11% of regulated supplies (larger supplies and those that supply commercial premises) were found to contain *E-coli* in routine annual tests. There are therefore both public health and resilience arguments for new developments to be connected to public water mains connections where possible.

With this in mind, some general considerations should be made when planning and delivering new developments. We have reviewed the consultation material on NPF4 and have provided an explanation in relation to private water supplies under each of the relevant sections in the attached annex.

It should also be noted that this was also further recommendation which arose from the VTEC/E.coli 0157 Implementation Group, which delivered the Scottish 2013 Action Plan and made further recommendations to Scottish Government in their final report (December 2018)

I trust the comments will be given the necessary consideration. Local Authorities wish to work with the Scottish Government in order to achieve outcomes that reduce the vulnerability of private water supplies to the future impacts of climate change and to protect the health and wellbeing of residents and visitors. Making connections to the Scottish Water mains a compulsory measure as part of the planning application stage where possible, and therefore reducing the numbers of developments connecting to private water supplies will only act to support the Scottish Government's aims outlined in the Scottish Planning Policy.

Yours sincerely,

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¹ <https://dwqr.scot/media/43310/dwqr-annual-report-2018-private-supply-final-report-approved-by-sp-for-publication-17-september-20192.pdf>

Annex 1

Should a connection to public water mains be made compulsory where this is possible?

If a mains connection is a feasible option, then it should be compulsory. From a planning perspective, there is currently no compulsory requirement for new developments to connect to mains supply nor is there in all Local Authorities a formal check that where private water supplies are to be used that there is a supply of sufficient quality or quantity of water. Furthermore, it has been noted that in some cases, developers choose to install private water supplies - often to avoid cost of connection to the public mains and on-going water charges. Whilst Local Authorities may have developed individual strategies to take account of this the provision of National Guidance that should be considered would have benefits to both developers and Local Authorities when planning new developments. The use of unsuitable or unsustainable water supplies may not always be spotted until some years later when issues arise either because the equipment has not been maintained or there are sufficiency issues.

Where a connection to the mains supply is not possible e.g. for reasons of proximity, accessibility or volume, the applicants should provide evidence that their proposed development cannot connect to the mains. In addition they should be able to show they will have access to a private water source that can provide a supply of wholesome and abundant drinking water. Applications should also explain whether the connection is to a new or existing private supply to ensure that existing users of the private water supply will not be adversely affected. This approach is already in place in some Local Authorities however clear National Guidance would provide consistency across all Local Authorities.

Pan note 79 guidance is still relevant in that 'initial pre-application discussions between the prospective developer and Scottish Water will establish whether adequate infrastructure capacity currently exists', and that, 'the planning authority should ascertain whether an applicant intends to connect to Scottish Water's network or pursue another option'. These points should go further to ensure that enough evidence is submitted ahead of planning permission being granted, and if the applicant diverges from what is stated in the application, a variation is required.

For developments intending to use a private water source, PAN note 79 states 'where a private solution is proposed, the developer should work closely with the planning authority and SEPA to establish whether it is suitable. The planning authority should be satisfied that proposals would not have an adverse impact on water quality, public health or the environment.' This is crucial part of the planning process. However, it fails to acknowledge that the roles of the Local Authorities Environmental Health Departments which have statutory obligations, as a regulator, to register and monitor the quality of drinking water from private supplies. Having a statutory requirement that prevents planning consent being granted without the necessary water and environmental assessments would ensure that future inhabitants of the premises have a suitable drinking water supply, and that this does not have an adverse impact on other users of the water source or other users of the private water supply where the supply is to be shared. A wholesome and abundant water supply is one of the requirements in the Tolerable Standards and granting planning permission in areas where water quality and abundance are already concerns is not in the best interest of those seeking to move there.

In summary, a planning application should only be deemed acceptable with evidence from Scottish Water that a mains connection is available. When a mains connection is not available, a planning application should only be acceptable when the applicant has provided sufficient evidence to prove that a private supply source has enough water in the system and can be treated to become a wholesome drinking water source.

Are new homes to be built in areas where water supplies are vulnerable to climate change and drought?

When planning on where to build new homes, the impacts of climate change on drinking water supplies should be given careful consideration. National strategic plans and local development plans should take a long-term view, taking into account climate projections to 2050 and beyond. The north east regions of Scotland in particular, is not only home to 40% of all private supplies in the country, it is also most vulnerable to water scarcity events. Building new homes in this region, and other similarly affected regions, should take into account the likely climate change impacts and any impacts that new developments that will impose on existing users of water sources.

To address specifically some of the consultation's guiding policy areas:

Affordable and Specialised Housing

Local Development Plans are to address housing needs for those in higher education, older and disabled people. The treatment systems of private water supplies can often require specialist knowledge to ensure drinking water is of good quality and is wholesome. If treatment is not adequate and/or maintained (it is the responsibility of the owners of the properties supplied), then there is a risk to the health and wellbeing of those using the water supply.

Maintaining private water supplies requires regular access to where the source is located and where the treatment is installed. For people living in such accommodation, it is essential that there are suitable arrangements to ensure maintenance, repair and funding of the private water supply. Vulnerable people are typically at greater risk from the impacts of poor quality water supplies. In 2018, samples taken from 11% of regulated supplies showed the presence of E.coli. 22% showed the presence of other potentially harmful bacteria.

Rural Development

The aims stated in the Scottish Planning Policy for rural development will not be achievable without the consideration of the above guidance on private water supplies. Only by reducing the number of those using poor or untreated private water supplies and increasing those connected to the mains, can prosperous and sustainable communities and businesses be supported whilst protecting the environment in the long term.

Sustainability

To achieve the right developments in the right place, and not to allow development at any cost, it is recognised in the Scottish Planning Policy that the delivery of water infrastructure should be supported to maintain long term sustainability. It also recognises the importance of over development and its impact on water sources. This is an extremely important consideration given the likely impacts of climate change on the future sustainability of private water supplies.

Placemaking

A key policy principle within the placemaking policy structure is to optimise the use of existing resource capacities for water, with one of the six qualities of a successful place stated as being 'resource efficient'. In water scarce and vulnerable regions, water efficiency measures will be required both to improve water resilience and to increase the capacity for new developments here.

Tourism

Tourism is a key sector for remote and rural areas and plays an important role in the local rural economy. Many tourists will encounter private water supplies when visiting these areas and if the private supply used is either of poor quality or has sufficiency issues, this could negatively impact local business reputation and the natural environment. Visitors who are accustomed to public water supplies and generally take quantity and quality for granted, are usually unaware of localised issues, such as water sufficiency, and it has been known that the overuse of water resources in tourist facilities places greater pressure on supply systems. If the Scottish Government intend to maximise sustainable growth of regional and local visitor economies, and wishes to safeguard nationally and regionally important locations for tourism, considerations must be made in protecting water resources and using mains connections where possible, whilst promoting improving of private water supplies and promotion of water efficient measures.

Finally, taking into consideration the consultations relevant guiding questions we put forward the following points:

1) What climate change-friendly places might look like in the future?

- To address long term resilience to the impacts of climate change, development that takes a long term approach is required. This includes consideration of private water supplies in water

scarce regions. A full assessment of local water supplies must form part of local development plans and requirement for all new developments to connect to the public mains where a mains connection is a viable option.

- Where private supplies are required then these should be considered fully at the planning stage to ensure a safe and sufficient supply will be available
- A climate change friendly place in the future would be able to sustain a wholesome, adequate and resilient supply of drinking water to all homes and businesses, where water use is managed efficiently.

2) How can planning best support our quality of life, health and wellbeing in the future?

- In supporting the best quality of life, health and wellbeing, good quality drinking water is a fundamental and basic requirement. People will want to live in a place knowing they have access to a wholesome and abundant water supply, and some may take for granted that this is a given anywhere in Scotland. As a whole, Scotland is not a water scarce country however there are regions that are prone to drought, with the likelihood of these years occurring more frequently in the future. The committee for climate change has noted that “Around 2050 a summer as warm as or warmer than 2018 would be expected in around 50% of years due to continued GHG emissions”². Private water supplies are particularly vulnerable as the majority of supplies are serviced by surface water sources.
- Those buying new homes will expect to live in a home that is resilient to climate change which includes the provision of safe drinking water regardless of the changes that climate change will bring. Connecting new developments to the mains supply where possible will reduce the risks associated with using a private supply.
- With regards to water sufficiency, development of new homes must be targeted so not to be built in vulnerable areas, which could not only reduce the quality of life of current residents, but also of those buying new homes.

3) What does planning need to do to enable development and investment in our economy to benefit everyone?

- Local Development Plans should recognise the difficulties associated with the provision of an adequate and wholesome water supply and identify sites where this may be a constraint to development. In such circumstances, specific works to extend or improve the capacity of the mains network may unlock development potential.
- The challenges posed to private water supplies in areas vulnerable to water scarcity apply to all classes of development. Rural areas offer considerable potential for economic expansion through tourism, leisure and small-scale commercial/industrial activities which utilise redundant agricultural premises. However, growth of this sector may be restricted by a lack of investment and connectivity within the mains network. This in turn would mean that certain areas will be excluded from economic development and could go into decline.
- The competing demand for water as a resource should be recognised.
- If connecting to the public mains is not possible, the resilience of private water supplies could be improved by promoting communal systems through planning. The use of communal systems which have greater capacity and a higher level of management reduces the risks posed to users.

4) How can planning improve, protect and strengthen the special character of our places?

- As previously mentioned, much of the private water supplies in Scotland are located in remote and rural areas. Planning legislation that is able to reduce the number of new private supply connections will only act to protect the supplies already in place and make rural and remote areas more resilient in the longer term.

5) What infrastructure do we need to plan and build to realise our long term aspirations?

- Investment in the mains network to retain capacity and to allow new connections where possible.

² <https://www.theccc.org.uk/publications/>