

DRAFT

10 July 2017

Chris Broxton
South West Water

Complaint 170621 000022

Dear Ms Broxton

Thank you for your 26 June 2017 letter and enclosures an on-line copy of which can be viewed [HERE](#).

I am no more impressed with this letter than I was with your [9 June 2017 letter](#) and enclosures.

Your [9 June 2017 letter](#) enclosed documents requested some six months earlier in my [21 December 2016 email](#) to Tracy Symons that you stated *"I can assure you that all these documents were reviewed as part of Tracy's investigations prior to her detailed response to you of 25 November 2016"* but as SWW had downloaded about half of them from www.goongumpas.com between 8 May 2017 and 8 June 2017 your statement cannot possibly be true and I emailed you pointing this out on [12 June 2017](#).

Your [26 June 2017 letter](#) encloses copies of the documents I requested that admittedly have not been downloaded from www.goongumpas.com that you describe as *"These original documents were obtained from your various correspondence"* but they are mostly not the originals as they are copies of the ones I had forwarded to SWW "after the event" which is a different thing altogether. Many of them do not include the attachments without which they are meaningless. For instance your [9 June 2017 letter](#) enclosed a copy of my [4 March 2013 email](#) to Allister Symonds (with monochrome version of the attachments) downloaded from www.goongumpas.com on 6 June 2017 at 17:05 whereas your [26 June 2017 letter](#) enclosed a copy of the email main body (ONLY) with no copy of the attachments which you say was obtained from an email I sent to CCW on 6 February 2014 which of course is not the original. The original (and its attachments) can only be obtained from Allister Symonds' inbox of 4 March 2013 and will you please obtain a copy from him and ask him why he did not respond to it?

I consider my [4 March 2013 email](#) to Allister Symonds to be very important as prior to that (since about 2008 - 2010) all contact with SWW regarding our complaint of low / zero pressure had been verbal (phone or in person). Allister and the several other SWW contacts before him (I did not record their names) had stated that *"SWW's responsibility ended at the end of their main in what is now known as Lower Goongumpas Lane and the pipe from there was a private supply pipe"*. Allister (and the others) blamed the low / zero pressure on *"too many properties using the same supply pipe"*. Allister told us that two other properties – Carn View and Harmony Cottage had also complained of low water pressure and he had advised them to lay new pipes to the Tailings End main and suggested we do the same and join with them to reduce the cost. At the time we had no idea what route our supply pipe took but had long suspected it crossed Goon Farm and requested Allister inspect Goon Farm to check if they were tapping into our supply. On one of many visits from Kevin Bray he reported that he had

inspected Goon Farm and not found any connections and also reported that the pressure on Goon Farm was far higher than at our properties and thus, in his opinion, a different supply. We decided not to join in with Carn View and Harmony Cottage and lay new pipes mainly due to the cost but also reasoning that if they were connected to the same supply as ourselves then when they laid new pipes and disconnected from ours our pressure would increase. Following their installing new pipes (from memory 2012) there was no difference. Our pressure was still low and dropped to zero more or less daily and we continued to complain. As has been said before I am not impressed with Allister Symonds because he should surely have realized that if two of the three properties in the area complaining of low water pressure lay new pipes but it makes no difference to the pressure at our properties then the fault must be elsewhere and as the only other property in the area is Goon Farm then something on that property is most likely to be the cause as turned out to be the case years later in February 2015.

In early 2013 we obtained the deeds to Winter Cottage with a view to first registering the land and, by chance, Mrs Layte noticed the [map and easement](#) for the water supply in the deeds. For the first time we knew the exact path of our water supply and emailed a copy of the map and easement to Allister attached to my [4 March 2013 email](#) . Although we did not know anything about communication pipes and SWW's responsibility for them at the time **Allister Symonds should have done and realized the significance of the [map](#)** showing the pipe to be (mostly) in the lane and the easement showing the pipe existed prior to 1989 meaning the part in the lane was a communication pipe and SWW's responsibility ended where the pipe entered private land on Goon Farm's boundary and not where he had told us at Tailings End.

Following my [4 March 2013 email](#) we continued to experience low / zero pressure and continued to complain. Alan Brand took over from Allister Symonds and was made aware of the [deeds](#) on one of his visits (and later by email) and the path of the pipe across Goon Farm pointed out to him on one of his visits. I mentioned my suspicions that something on Goon Farm was the likely cause of the low pressure and understand he visited but the problem persisted. We asked that he install a meter on the boundary of Goon Farm but he would not suggesting we did ourselves. Eventually we persuaded SWW to identify the pipe leading to our properties from Tailings end and, after intervention from CCWater, SWW installed a stop tap and meter there in late 2013 and a logging meter on 12 February 2014 (see [14 February 2014 email from Kristian Barber](#)).

According to Alan Brand the new stop tap / meter revealed there was a steady flow of about 5 or 6 litres per minute which he identified as a leak and in addition, he said, someone else was extracting about 200 litres per day. On 6 February 2014 I spoke to and [emailed Brendan Green](#) of CCWater expressing my concerns about this wastage.

On 14 February 2014 I received an [email from Kristian Barber](#) of SWW containing the following *"In regards to the suspected illegal connection to your supply pipe, this would be **a private issue** as South West Water has no jurisdiction regarding customer supply pipes. If our investigations identify an illegal connection to your supply pipe, we will seek recompense from the user for the water used however we would not be able disconnect them from **the private supply pipe**".* This is despite SWW having a copy of [the deeds map](#) showing that two thirds of the pipe is not a private pipe but a communication pipe.

On 11 April 2014 I received this [email from CCwater](#) closing our complaint against SWW on the grounds **that it involved a private pipe**. This is despite CCWater having a copy of [the deeds](#)

[map](#) showing that two thirds of the pipe is not a private pipe but a communication pipe as you have confirmed in [your 26 June 2017 letter \(appendix 2\)](#). I have to say that I am not impressed with CCWater who obviously preferred to take the easier option that SWW's opinion that it was a private pipe rather than the evidence they were given that two thirds of it was not. I think CCWater needs to learn from this case and question a water company that claim a pipe laid in the highway is a private pipe as it is much more likely to be a communication pipe.

On 28 April 2014 my neighbours at Goonhillend and The Annexe Winter Cottage and I received this [threat of litigation](#) if we did not repair the leak SWW claim they had "found" on the **private service pipe** leading to our properties **within 30 days**. This is despite SWW having a copy of [the deeds map](#) showing that two thirds of the pipe is not a private pipe but a communication pipe.

We did nothing as we believed the serious waste of water to be SWW's problem and not ours (as stated in the [6 February email to Brendan Green](#)). SWW removed the meter from the Tailings End stop tap and we continued to complain about low / zero water pressure. In early 2015 SWW's Kevin Bray personally threatened me with litigation if I did not fix the leak which he justified as only our (my) problem by stating "*nobody else had complained about loss of their supply when he had installed the stop tap / meter at Tailings End in late 2013 which apparently had interrupted their supply for a day*". I need hardly point out that if someone had a knowingly illegal connection to our supply pipe (or SWW's communication pipe for that matter) then it is very unlikely they would complain!

As you know we conducted a survey on SWW's communication pipe and our private pipe crossing Goon Farm between 24 January 2015 and 31 August 2015 which revealed that Goon Farm had an illegal connection to our private pipe supplying at least two of their animal troughs and had connected the land they had recently sold (The cabin) to our private pipe who had then in turn connected that supply to their neighbour (Mr Lanyon's tenant) and furthermore there was a serious leak (<>90,000 litres per week) on Goon Farm's illegal connection which had been the main cause of our low / zero pressure for at least the **previous 5-7 years**. We informed SWW about the illegal connections as soon as we found them and provided a [map showing the connections we had found](#) (see our [30 January 2015](#) and [2 February 2015](#) emails). We requested SWW take urgent action whilst they had a chance but SWW appeared to do nothing.

We later also found that Five Acres and Iona Cottage's caravan / yard had a (presumed illegal) connection to SWW's communication pipe and Carn View had a connection to the supply which fed their animal troughs and also one on Mr Lanyon's land (disconnected soon after our survey began). Carn View's connection point is uncertain in that it could be to our private pipe crossing Goon Farm or on SWW's communication pipe. Additionally a SWW inspector (Dennis ????) told me that Tailings End's outside tap was connected to the communication pipe.

Of the <> 97,000 litres per week usage our survey revealed <> 90,000 litres was due to Goon Farm's illegal connections and leak and was "fixed" within three days of us turning off the Tailings End stop tap on 2 February 2015 because when we turned it back on again on 5 February 2015 to allow us, The Cabin and Mr Lanyon's tenant to replenish their water tanks it was found that Goon Farm had disconnected the illegal connection to our private pipe and the overall usage had dropped from <>97,000 litres to <>7,000 litres per week **and we no longer had a low / zero pressure problem**. At this point (6 February 2015) we asked SWW (Alan Brand) to take over the investigation but he refused still insisting it was a private matter despite

the 7,000 litres per week was more likely to have been on the communication pipe than on Goon Farm.

SWW's refusal to take over meant that we had to complete the installation of the rainwater harvesting installation we had informed Tudor Cornish and Matt Nicks about (see our [30 January 2015](#) and [2 February 2015](#) emails) and continue our investigations until 31 August 2015 when SWW's Mike Shannon said SWW would take over the task of continuing the survey by reading the meters (but in the event didn't). Our actions reduced the illegal connections / leak(s) from <>97,000 litres per week to <>7,000 litres per week and eventually to virtually zero and cured our low / zero water pressure and additionally revealed serious regulation violations on other properties that had been and still could affect our water quality.

At a meeting on 4 March 2016 at Goonhillend Cottage between Mike Shannon, his assistant, Mr Bellward and I there was a bit of a breakthrough as for the first time, exactly three years after we provided SWW with copy of Winter Cottages deeds in my [4 March 2013 email](#) showing that part of our supply is private (where it crosses Goon Farm land) and part of it is a communication pipe (where it is laid in the lane) Mike Shannon admitted the first part of the pipe (<> 104 metres) was indeed a communication pipe and SWW's responsibility, Apparently he has since said he doesn't recollect admitting this but as I have stated several times (including my [10 May 2016 draft complaint sent to Tracy Symons](#)) he did admit this at the 4 March 2016 meeting he is challenging my word and I object. You have now stated in your [26 June 2017 letter](#) regarding Annotation 33 ([3 March 2016 email from Sarah Newton](#)) "*Document not provided to Mike Shannon*". Your [9 June 2017 letter](#) states "*As we have previously confirmed, although Mike discussed central heating systems regulations with you during his visit on 4 March 2016, no correspondence from Sarah Newton was shared with him*". I can assure you that the document from Sarah Newton was shared with Mike Shannon. As I have said previously it was handed to him at the 4 March 2016 meeting but he said he couldn't read it as "*he had not brought his reading glasses with him*". His assistant started to read it for him but Mike Shannon stopped him about half way through and called a halt to the meeting at that point. I had only received the [3 March 2016 email from Sarah Newton](#) the day before the meeting and it is inconceivable it was not part of the admitted discussion about central heating systems at the meeting. I provided the document (and a few others) in a folder to Mike Shannon at the meeting and it is not my fault that he did not take it away with him.

Finally SWW's Dr Parry confirmed in writing in his [20 February 2017](#) letter to CCWater that "*In the event that the pipe travels from Mr Layte's stop tap along Lower Goongumpas Lane and within the boundary of the street then this would be a communication pipe and the responsibility of SWW*". It is a pity that Allister Symonds did not admit that back in 2013 when we provided him with a [map](#) showing the pipe to be in the lane because a vast amount of time and money (and water!) would have been saved if he had.

You say Tracy Symons took **all** the documents you provided into account whilst researching her [25 November 2016](#) response to my [27 October 2016 email](#) (attaching a copy of my [10 May 2016 draft complaint](#)). I think it very unlikely she took the [4 March 2013 email](#) to Allister Symonds into account for the following reasons –

1. The [4 March 2013 email](#) to Allister Symonds has a [map](#) that clearly shows that the pipe is laid in the lane and does not enter Five Acres land at Tailings End as her [25 November 2016 letter](#) states it does (she later confirmed this in a 7 December 2016 phone call). Surely if Tracy Symons had seen the [4 March 2013 email](#) to Allister

Symonds then she would have checked with him and obtained the original and then instructed SWW to dig up the lane to see if the [map](#) was accurate? Before boldly stating that the pipe enters Five Acres land at the Tailings End stop tap / meter.

2. Her [25 November 2016 letter](#) states that the first record of our complaint about water pressure and our suspicions that others were connected to our supply was 29 August 2013. Obviously this is about six months after the [4 March 2013 email](#) to Allister Symonds suggesting that Tracy Symonds did not take it into account.
3. Her [25 November 2016 letter](#) states *“we do not know the exact path of your private supply pipe. We would however advise that such private pipes are often shown on properties’ deeds”* but the [4 March 2013 email](#) to Allister Symonds has a copy of Winter Cottage’s deeds which includes a map which shows of the exact path of the supply pipe and which parts of it are private and which are not and are SWW’s responsibility. In effect Tracy is suggesting we provide SWW with a copy of the deeds which we had already done (several times). This obviously suggests that SWW withheld a copy of the [4 March 2013 email](#) and [map](#) from her. Do you still think Tracy took all the documents you have provided into account whilst preparing her response to my [27 October 2016 email](#) (attaching a copy of my [10 May 2016 draft complaint](#))?

You say Tracy Symonds took **all** the documents you provided into account whilst researching her [25 November 2016](#) response to my [27 October 2016 email](#) (attaching a copy of my [10 May 2016 draft complaint](#)). I think it very unlikely she took the 2 February 2015 email to Tudor Cornish into account and you have now admitted she did not take the 30 January 2015 email Tudor Cornish and Matt Nicks into account. Your [9 June 2017 letter](#) enclosed a copy of the 30 January 2015 email [SWW downloaded on 8 June 2017](#) which is an accurate copy of the one actually sent but obviously not the original. Your [26 June 2017 letter](#) however encloses a copy of supposedly the same email as attached to my [23 December 2016 email](#) which indeed it was but it was not an accurate copy due to a problem with the “print to PDF” facility in Gmail under Chrome and in any case it is **impossible** she took an item attached to a [23 December 2016 email](#) into account when investigating her [25 November 2016](#) response to my [27 October 2016 email](#) (attaching a copy of my [10 May 2016 draft complaint](#)) because **she obviously had not seen that copy at the time**. Your [26 June 2017 letter](#) admits this by annotating item 7.

(appendix 7) with *“Copy attached – attached to Mr Layte’s email sent on 23 December 2016 at 1637 – not previously seen although spreadsheet of daily meter readings was previously sent. It does not provide any new information”*. Your statement is not true as it is a very important email and provided important information. Your statement *“although spreadsheet of daily meter readings was previously sent”*. Is also untrue - The email attaching the spreadsheet was sent at 15:32 on 30 January 2015. Since the last reading of the meter shown on the spreadsheet was taken at 12:25 on the same date meaning that any *“previously sent”* spreadsheet would have to have been sent between 12:25 and 15:32 which I think you will agree is unlikely. More important is your statement *“It does not provide any new information”*. This is utter nonsense - I consider this email very important indeed to the case – This email provided SWW (Tudor Cornish of SWW Leakage) with proof that there is considerable usage, almost certainly a serious leak, on the pipe (97,190 litres per week!), one known illegal connection and one suspected one and if SWW had acted quickly then they would have caught Goon Farm “red-handed” and could as Kristian Barber says in his [14 February 2014 email](#) *“If our investigations identify an illegal connection to your supply pipe, we will seek recompense from the user for*

the water used” sought recompense for at least one weeks usage (£199) but as the illegal connection and leak had been going on for about 7 years considerably more (£72,500).

The copy of my [2 February 2015 email SWW downloaded](#) on 8 June 2017 at 10:58 from www.goongumpas.com as enclosed with your [9 June 2017 letter](#) is an accurate copy, but a copy - not the original - of my original email to Tudor Cornish and includes a Google maps image showing the exact positions of the newly discovered illegal connections on Goon Farm, The Cabin and the Lanyon shed. The copy you have provided with your [26 June 2017 letter Appendix 8 \(copy can be viewed HERE\)](#) is just the email main body without the all important [map](#). As can be seen from your [Appendix 8](#) it is not the original 2 February 2015 copy as emailed to customerleakage@southwestwater.co.uk (copy viewed [HERE](#)) but a copy “Customer Leakage” forwarded to Tudor Cornish on 3 February 2015 and as it is headed **Broxton Christine M** it appears you too had a copy. The original email clearly had “Goongumpas water pipes.jpg” **attached** to it but your [Appendix 8](#) does not. Why? Even more interesting is that the heading **Follow Up Flag** is “Follow up” and the **Flag Status** is “completed”. As I see it this can only mean one of two things –

1. The email was not “followed up” and Goon Farm was not visited and the **Flag Status** of “completed” is untrue.
2. The email was “followed up”, Goon Farm was visited and told to disconnect from our private pipe, connect the land that they had just sold to a legal water supply (behind their meter rather than connected to our supply), modify their non-compliant animal troughs and repair the substantial leak on their connection to our supply **without telling us they had “followed up” our 2 February 2015 email and there was no need for us to continue our investigation, install a rain water harvesting system to allow us to turn off the stop tap at Tailings End, set up a web site, walk nearly 200 miles reading meters and investigating further, deal with SWW regulations team’s so called “violations” and failures, attend meetings with Mike Shannon who we all find untruthful and confrontational and so on.**

If it is 1. Then I need to know who it was that untruthfully set the **Flag Status** to “completed”? And why SWW did not investigate Goon Farm despite the evidence we had provided over the years that something on Goon Farm was causing our low / zero water pressure problem. If it is 1. then the highlighted text in Sarah Harvey’s [3 July 2015 email](#) should be noted as should the remainder of her email.

If it is 2. Then it means that SWW were aware that most of our problem of low water pressure and illegal connections had been rectified (<>90,000 litres per week) but were happy to let us continue investigating for a further 8 months to identify the other illegal connections / leaks (<>7,000 litres per week) some, if not all, of which were connected to what SWW knew was a communication pipe and not a private pipe. If it is 2. then the highlighted text in Sarah Harvey’s [3 July 2015 email](#) should be noted as should the remainder of her email.

You must answer the question – Is it 1? is it 2? or is it some other scenario that I have not thought of? (will CCWater please insist SWW answer this question).

My [30 January 2015 email](#) informed SWW of one illegal connection on Goon Farm, one suspected one on the land Goon Farm had recently sold and a 97,000 litres per week usage. My [2 February 2015 email](#) confirmed there were now two (non-compliant) animal troughs on Goon Farm illegally connected to our supply and 2 other illegal connections to a pipe coming

from Goon Farm and furthermore **attached to the email was a detailed map of their positions**. What more did SWW want? Surely SWW should have immediately inspected Goon Farm and dealt with the leak and illegal connections and (as above) Kristian Barber says in his [14 February 2014 email](#) *"If our investigations identify an illegal connection to your supply pipe, we will seek recompense from the user for the water used"* sought recompense for at least one weeks usage (£199) but as the illegal connection and leak had been going on for about 7 years considerably more (£72,500).

Further the map attached to my [2 February 2015 email](#) shows the communication pipe to be in the lane until it reaches private land at Goon Farm's boundary. In your [9 June 2017 letter](#) you say Tracy Symons reviewed all documents you enclosed into account whilst preparing her [25 November 2016](#) response and your [26 June 2017 letter](#) says the same but you have supplied different documents in each of your letters. For instance

1. The 2 February 2015 document supplied with your [9 June 2017 letter](#) [looks like this](#) and includes a map (SWW downloaded it from www.goongumpas.com on 8 June 2017 at 10:58) whereas the one you supplied with your [26 June 2017 letter](#) [looks like this](#) which is the same text but does not include the very important map.
2. The 4 March 2013 document supplied with your [9 June 2017 letter](#) [looks like this](#) and includes a map, deeds easement, 1960's Arial photo and log of zero water pressure dates (SWW downloaded the attachments (map, easement etc from www.goongumpas.com on 8 May 2017 at 11:31 and again on 12 May 2017 at 13:40) whereas the one you supplied with your [26 June 2017 letter](#) [looks like this](#) which is the same text but not the original as it is a forwarded copy and does not include the very important map, easement etc.
3. The 8 February 2015 document supplied with your [9 June 2017 letter](#) [looks like this](#) SWW downloaded this from www.goongumpas.com on 8 June 2017 at 10:59 but did not supply a copy of any of the attachments listed ([Water easement winter cottage.pdf](#), [Survey 1.pdf](#), [Survey 2.pdf](#), [28 April 2014 swwthreat.pdf](#) and [Water supply Goongumpas 3.jpg](#) (An updated version of the map supplied with my [2 February 2015 email](#) in light of new information discovered in the last 6 days). The one you supplied with your [26 June 2017 letter](#) [looks like this](#) which appears a genuine version sent to your own inbox but crucially does not include any of the attachments mentioned in the **Header** and of course has the suspicious heading **Follow Up Flag** - "Follow up" and the **Flag Status** - "completed".
4. The 2014 schematic you supplied with your [26 June 2017 letter](#) [looks like this](#) and it is obviously not a 2014 schematic as it shows Five Acres and Iona Cottage as suspected of being connected but this was not known in 2014. You say that it was included with correspondence to Mike Saldivar dated 24 February 2015 but **I have no record of such correspondence (probably due to a computer crash) thank you for providing a copy (Appendix 6) as it appears to be important**. However I do have a record of a 2015 schematic which was attached to my [11 February 2015 email](#) to "The West Briton" and "Customer Leakage". As can be seen at the time of this email we suspected that Five Acres and Iona Cottage were illegally connected to SWW's communication pipe but SWW inspectors had not confirmed at the time however by March 2015 they had and also informed us that Tailings End outside tap was connected resulting in the schematic you provided being updated to the [March 2015 one](#) as handed to Mike Shannon. Your

statement that the 2014 schematic (as handed to Alan Brand) and the 2015 schematic (as handed to Mike Shannon) are the same is not true and the one you have provided is in between the two. Did Tracy take the [11 February 2015 email](#) into account? If so please supply an original copy from customer leakage's inbox. Will Dr Parry please confirm he has had sight of the [11 February 2015 email](#) because if he had then his statement in his [20 February 2017](#) letter to CCWater that *"There is nothing connected to the water main from where the hydrant is positioned and the road which branches off to Goon Farm"* is obviously untrue.

5. The 24 April 2015 document supplied with your [9 June 2017 letter](#) [looks like this](#) . SWW downloaded this from www.goongumpas.com on 8 June 2017 at 11:00. The email states *"I forward a copy of my March 2013 email....."* but you did not supply a copy of this attachment ([Water easement winter cottage.pdf](#)) albeit you had downloaded it from www.goongumpas.com on 8 May 2017 at 11:31 and again on 12 May 2017 at 13:40. The copy of this document ([Appendix 11](#)) you supplied with your [26 June 2017 letter](#) [looks like this](#). This appears a genuine copy of my email forwarded to you on 27/4 by Customer Relations (**Subject** DS 27/4 Fwd: Water supply) but once again the all important **attachment** ([Water easement winter cottage.pdf](#)) mentioned in the header is not included in [Appendix 11](#).

There is quite a lot more "anomalies" between the documents enclosed with your [9 June 2017 letter](#) and the ones enclosed with your [26 June 2017 letter](#). Despite your assurances (in both letters) that Tracy Symons took all the documents into account whilst researching her [25 November 2016](#) response to my [27 October 2016 email](#) (attaching a copy of my [10 May 2016 draft complaint](#)) it is obvious she couldn't have taken all the documents enclosed with your [9 June 2017 letter](#) into account as half of them SWW downloaded some six months after she composed her [25 November 2016](#) letter. As to the documents you enclosed with your [26 June 2017 letter](#) then it is hardly surprising Tracy Symons came to the conclusion that the pipe entered Five Acres' private land at Tailings End and did not proceed down the lane towards Goon Farm because it seems that all the maps, easements etc that showed the pipe to be in the lane were withheld from her.

My [21 December 2016 email](#) was addressed to Tracy Symons and it was her that I requested supply the documents she took into account whilst preparing her [25 November 2016](#) response. Your response on her behalf is obviously unacceptable and it must be for Tracy Symons herself to confirm which documents she took into account, particularly as regards the route of the pipe. I will be writing to Tracy Symons asking her what documents or other evidence she based her statement *"The pipe enters private land at Tailings End"* on?

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Yours sincerely

JH Layte

