

27 June 2017

Stacey Harper
Consumer Council for Water

Dear Stacey

Thank you for your 12 June 2017 email which contains the following statement –

South West Water provided CCWater with the following information regarding central heater header tanks:

Mr Layte's concerns regarding his own central heating system were clarified in detail in point 2.5 of my letter of 22 February 2017. In summary, Mr Layte's heating system was compliant at the time of our inspections therefore no further comment or enforcement action appeared on any of the contravention notices issued to him. South West Water manages backflow risks from central heating systems in compliance with section 73 of the Water Industry Act 1991 and the Water Supply (Water Fittings) Regulations 1999. Every installer, owner or occupier, whose installation has been inspected, is treated in exactly the same way - if a breach of the Regulations is identified, a contravention notice will be issued which will require the customer to rectify the breach within agreed timescales.

You attribute this statement to SWW's Dr Parry and as you know from our 22 June 2017 phone call I am not at all happy about his statement as it is totally untrue and once again suggests he has been seriously misinformed. My complaint was that the regulation team failed to warn me of the danger in all their visits and on their last visit on 13 October 2015 (the only visit I had, by then, installed backflow prevention to the central heating header tank) SWW's regulation Officer, Jeff Steere, stated "there was no regulation requiring me to do this" but as I thought him to be wrong I asked my MP to check and her enquiries to the relevant Government department revealed that protection is required.

At the 4 March 2016 meeting with Mike Shannon mentioned in [Chris Broxton's 9 June 2017 letter](#) I gave him a folder with about 4 documents in it. Whilst discussing Central Heating header tank regulations Mike Shannon said he did not think there were any relevant ones. I pointed out the [letter](#) in his folder from my MP Sarah Newton with the regulations and asked him to read it. He said he could not as "he had not brought his reading glasses with him". His assistant started to read it but about half way through Mike Shannon stated "that this was not what the meeting was for" and stormed out in a huff without taking the folder with him. The statement in [Chris Broxton's 9 June 2017 letter](#) "No correspondence from Sarah Newton was shared with him (Mike Shannon)" is not true.

I have asked SWW to warn ALL their customers of the risk to their health from unprotected non-compliant (by today's regulations) central heating header tanks and ask again that SWW do this.

Also at the same 4 March 2016 meeting Mike Shannon stated that the "first part of the pipe from Tailings End to Harmony Cottage's gate (<-> 104 metres) was indeed a communication pipe and SWW's responsibility but from there, according to Google Maps, Lower Goongumpas lane led to Harmony Cottage and not Goon Farm". Both Mr Bellward and I disagreed as we say Lower Goongumpas lane leads to Goon Farm and Google maps is wrong to state that the part from Harmony Cottage's gate to Harmony Cottage is Lower Goongumpas Lane. It is Harmony Cottage's drive and a bridleway (see the photos attached to my [27 October 2016 email](#) to Tracy Symons and my [10 May 2016 Draft complaint](#) also attached to it) Since then we have contacted Ordnance Survey and they agree that Lower Goongumpas Lane does not lead to Harmony Cottage. I understand from your 12 June 2017 email that Mike Shannon has no recollection of stating that the first part of the pipe in Lower Goongumpas lane is a communication pipe and obviously has decided to side with Tracy Symons who has stated in her [25 November 2016 letter](#) (and 7 December 2016 phone call) that the pipe does not go down the lane but enters Five Acres land and crosses about five different private properties until it reaches our properties about half a mile away making the full length private.

As mentioned in my [20 December 2016 letter](#) to Tracy Symons the only way to find out if the pipe is in the lane or enters Five Acres private land at Tailings End is to dig up the lane and find out. Dr Parry in his [22 February 2017 letter](#) states that SWW are not willing to do this on the grounds of cost leaving us no alternative other than employ a contractor to investigate or to dig it up ourselves. On 20 June 2017, we excavated the lane around the Tailings End meter and can confirm that the pipe does **not** enter Five Acres land as Tracy says but **does**, as we have always said, go down the lane towards Goon Farm ([see attached Photo](#)). This discovery means that –

- The pipe from Tailings End is a communication pipe, laid before 1989, and is SWW's responsibility not ours. Our responsibility begins where the pipe enters private land which we maintain is Goon Farm.
- Tracy Symons is wrong to say the pipe enters private land at Tailings End – it doesn't.
- Dr Parry is wrong to state in his [22 February 2017 letter](#) that "*The pipe from the (Tailings End) stop tap is Mr Layte's private supply pipe*" – it is not but he is correct in stating, in the same letter, "*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*". The excavations prove that the pipe travels from the stop tap and meter that SWW installed (at our request) in late 2013 along Lower Goongumpas lane towards Goon Farm. The communication pipe leading to our properties from Tailings End is not the only one as Dr Parry and Tracy Symons have both admitted there is a separate pipe leading to Goon Farm and there are probably others leading to The Homestead and Wheal Maid Cottage. These pipes are SWW's responsibility and beg the question as to why SWW installed Goon Farm's meter at Goon Farm rather than Tailings End? Perhaps SWW are aware other properties are connected to what should be Goon Farm's communication pipe but is in effect an extension of their main.
- It is interesting that Dr Parry should state "*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*". In his [22 February 2017 letter](#) because, if this is the case now then this was the case when we first reported low / zero water pressure to Allister Symonds in about 2009 / 2010. Allister Symonds should have known that it was more than likely the pipe was laid in the lane rather than than it entered private land at that point and should have checked before claiming "*that SWW's responsibility ended at Tailings End and the rest of the pipe was a private supply pipe*". Thousands of hours of work and many millions of litres of water would have been saved if he had done.
- Kevin Bray told us that he installed the stop tap / meter at Tailings End (in late 2013) and it must have been obvious to him that the pipe he connected to was laid in the lane and did not go through the wall to Five Acres land. Surely Tracy Symons should have checked with the person who installed the stop tap / meter as to whether the pipe entered Five Acres land or continued down the lane to Goon Farm before writing her [25 November 2016 letter](#) ?
- Dr Parry is wrong to state in his [22 February 2017 letter](#) that "*There is nothing connected to the water main from where the hydrant is positioned and the road which branches off to Goon Farm*". We informed SWW that following our turning off and locking of the stop tap in March 2015 that Five Acres had to start feeding their animal troughs with yellow garden hose and Iona Cottage also had to start feeding their caravan yard (behind their property) by hose pipe. When a SWW inspector witnessed these hose pipe connections he also informed me that Tailings End was the only property to respond to SWW regarding our [notice](#). According to SWW's inspector Tailings End reported their outside tap had stopped working when we turned off the supply but the rest of the property was connected to a meter in the lane which he pointed out.
- Dr Parry is wrong to state in his [22 February 2017 letter](#) that "*Samples were taken on the 29 April 2015 from where SWW responsibility ends at Tailings End*" because SWW's responsibility does not end at Tailings End – it ends at the end of their communication pipe. The samples taken revealed slightly raised levels of contamination due (apparently) to "*old*

pipe fittings” but were these fittings on the communication pipe or on the private part of the pipe crossing Goon Farm? Relevant samples must be taken from where the pipe enters Goon Farm land and the communication pipe replaced if the contamination is found to be on that pipe. The pipe is between 50 and 60 years old and probably due for replacement anyway.

- All of the letters and statements made by SWW that their responsibility “*ends at Tailings End*” and from there it is a “*private*” pipe can now be said to be untrue. There are many such letters and statements made over the years. Dr Parry’s [22 February 2017 letter](#) has 12 mentions of the word “*private*” in it for instance.
- The reason SWW gave for refusing to pay our invoices was because “*we were working on a private pipe*” is not acceptable as most of the time we were working on theirs - one could say as their subcontractor following their 28 April 2014 [letter threatening litigation](#) if we did not fix the problem. Since we fixed the problem we will re-submit our invoices and add one for installing an utterly pointless check valve at Goonhillend and also for [excavating the communication pipe](#) on 20 June 2017.
- All decisions made by CCWater based on SWW’s false statements that the total length of the pipe from Tailings End is a private supply pipe must be re-opened and re-examined. CCWater ref 140206 000083 being one of them – see [11 April 2014 email](#) from Brendan Green. Dr Parry, in his [22 February 2017 letter](#), mentions another – “*On 15 October 2015 CCWater (Neil Whiteman) closed its case on Mr Layte as it was a private issue and had exhausted the complaints procedure. Please see email exchange dated 15 October 2015 attached (Appendix 1)*”. I do not have a copy of this email (possibly because it was lost in one of the computer crashes I had at the time) so would be grateful if CCWater would send me a copy.
- Kristian Barber’s [14 February 2014 email](#) is interesting in that it contains the following statement – “*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 to disconnect them from the private supply pipe*”. Presumably SWW sought recompense for the 90,000 litres (£184) per week usage we discovered on Goon Farm’s land which had been going on for at least 7 years (£72,000) and the 7,000 litres (£14) per week usage by Five Acres, Iona Cottage’s caravan, Carn View and Tailings End’s outside tap. Goon Farm’s connection was on our private pipe and has been dealt with. Five Acres, Iona Cottage and Tailings End connections are on SWW’s communication pipe and must be removed by SWW as we cannot tamper with their pipe ourselves. Carn View’s connection may be on the private pipe crossing Goon Farm but could be on the communication pipe. Once SWW have replaced the communication pipe we will know which. A stop tap / meter must be installed on Goon Farm’s boundary so that we will know if Goon Farm and possibly Carn View start using our supply again.

It is about 7 years since Allister Symonds first stated that SWW’s responsibility ended at Tailings End and in that time we have had to put up with low / zero water pressure, polluted water and spent a great deal of time and money investigating and, ultimately, resolving most of the problems. Because of our efforts we have saved SWW millions of litres of wasted water. SWW should have installed the stop tap / meter on the edge of Goon Farm’s land (as we had asked see map on www.goongumpas.com and the [map](#) attached to my [27 October 2016 email](#)). This would have revealed the substantial leak (90,000 litres per week) on Goon Farm land which we could have dealt with quickly and easily as a genuinely private issue at the time but of course the connections on the communication pipe in Lower Goongumpas Lane (7,000 litres per week) would not have been revealed. There is little doubt that the animal troughs on Five Acres land and the feed to Iona Cottage’s caravan / yard are connected to the communication pipe in Lower Goongumpas Lane. These animal troughs are non-compliant and although currently being fed by hosepipe the possibility that that the connection to the communication pipe could be turned back on at any time exists. If the connection(s) were turned back on then the chances of polluted water back flowing into the pipe which ultimately feeds our properties is high. We repeat our request for SWW to replace their communication pipe and permanently disconnect all properties connected to it and to install a meter

on the boundary of Goon Farm so that we can monitor if Goon Farm (and possibly Carn View) re-connect to our "free" supply rather than feed their animal troughs from behind their meter.

What SWW can learn from this affair is to admit to their responsibility for communication pipes from the beginning and what CCWater can learn is to question any future SWW claim that a pipe laid in the road is a "private" pipe.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'JH Layte', written on a light-colored background.

JH Layte

Attachments / [www links](#)

[Annotated photo of the Tailings End stop tap / meter](#)

[11 April 2014 email](#) from Brendan Green

[14 February 2014 email](#) from Kristian Barber

[28 April 2014 letter](#) from SWW threatening all three of us with litigation if we did not fix the leak.

[27 October 2016 email](#) to Tracy Symons

[25 November 2016 letter](#) from Tracy Symons

[20 December 2016 letter](#) to Tracy Symons

[22 February 2017 letter](#) from Dr Parry

[9 June 2017 letter](#) from Chris Broxton