

7 AUG

SOUTH WEST WATER

Peninsula House, Rydon Lane, Exeter, EX2 7HR southwestwater.co.uk

Mr Layte
Goonhill End Cottage
Goongumpas
St Day
Redruth
Cornwall
TR15 5JL

Direct line: 01392 443322
Email: waterregs@southwestwater.co.uk
Fax:
Minicom: 0800 169 9965
Your ref:
Our ref: WRA 30457

7 August 2015

Dear Mr Layte,

**Non Compliance of the Water Supply (Water Fittings) Regulations 1999
Goonhill End Cottage, Goongumpas, St Day, Redruth, Cornwall. TR15 5JL**

Further to our telephone conversation on the afternoon of Tuesday 28 July 2015, this letter sets out details of the non compliance of the above Regulations at your premises and our enforcement activities to ensure compliance.

The Water Supply (Water Fittings) Regulations 1999 ("the Regulations") are provided for pursuant to sections 74, 84, and 213 (2) of the Water Industry Act 1991("the Act"). Section 73 of the Act makes it an offence for the owner or occupier of any premises, to which a supply of water is provided, to intentionally or negligently cause or allow any water fitting for which the owner or occupier is responsible to be, or remain, out of order, in need of repair, or so constructed or adapted or so used, that it causes or is likely to cause waste, misuse, undue consumption, contamination or erroneous measurement of the water supplied by the undertaker.

Following involvement in another matter at your premises, South West Water ("SWW") became aware of a rain water harvesting system installed at your premises and details were passed to the Water Regulations Department in April 2015. We had not received notification of this installation, (this is a legal requirement under Regulation 5 (material change of use)), and we had not carried out an inspection of the installation. Richard Harrison, our Regulations Officer for the area, contacted you and arranged an inspection of your rain water system. He identified several breaches of the Regulations and on 16 April 2015 issued you with a non-compliance notice stating when remedial works should have been completed.

During his inspection, and on subsequent re-inspections, Richard has discussed the nature of the contraventions identified and offered suggestions to you as to how they could be rectified.



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While it was noted that you have made an attempt to remediate some of the contraventions, you have refused to rectify the most serious issue regarding the provision of the correct backflow protection between the mains water supply and your rain water harvesting system. Rain water is considered by the Regulations to be of the highest category of contamination risk; fluid category five.

After Richard Harrison's first inspection on 16 April 2015 you were sent the initial contravention notice and accompanying letter outlining timescales for rectification. Since this inspection Richard has visited your premises on several occasions to check the progress of remedial works and offer advice to you. On 19 May 2015 you were sent a reminder letter together with a notice detailing the outstanding contraventions and on 8 July 2015 you were sent the final reminder and contravention notice. You have therefore had ample time to carry out remedial works to bring your plumbing system into compliance with the Regulations.

During our telephone conversation on 28 July 2015 you made your position very clear and confirmed that you had no intention of creating the correct air gap to your rain water harvesting system. You believe that your current installation more than meets the requirements of the Regulations and that the probability of contamination occurring was negligible. You also stated that by creating the correct fluid category 5 air gap this would cause issues with stagnant water and increase the risk of flooding your roof space.

I advised you that your current arrangement does not comply with the Regulations and that the air gap, you believe to be present, in your rain water cistern does not meet or fulfil the requirements of the Regulator's specification for a fluid category 5 air gap and I explained to you, as Richard has, how this could be achieved. I also advised you that probability plays no part in determining what level of backflow protection should be installed as has been determined in the court case *Wallis v Bristol Water*, where Bristol Water succeeded in establishing the need for back flow protection to be installed.

I am afraid that I do not accept your arguments that the creation of the correct air gap will cause stagnant water or increase the risk of flooding. The addition of the correct air gap will not increase the risk of stagnant water and has no bearing on how you currently operate the system other than in providing the correct backflow protection in the event of fault conditions. The risk of flooding is not increased in any way, either by cutting out a letterbox weir in the side of your cistern or by raising the float valve above the spillover level of it. In its current configuration, without the correct air gap, if the water inlets fail, the cistern will still overflow and flood your loft just as it would with the correct air gap; the overflow warning pipe, which is not backflow protection, is intended to alert you to an impending problem so that potential failure and flooding can be avoided.

SWW cannot permit the installation at your premises to remain in contravention of the Regulations and as I explained to you during our telephone conversation, there are various enforcement options available to SWW. SWW would prefer to see you implement the necessary backflow protection on a voluntary basis and not to have to invoke its statutory powers. I would therefore invite you to respond to this letter on or before 14 August 2015. If I have not heard from you by that date and/or you remain of the view that you are not prepared to install the necessary backflow protection, I will be passing this case to our Legal Department to pursue enforcement action against you pursuant to the Water Supply (Water Fittings) Regulations 1999.

Yours sincerely



Robert Goulden
Water Regulations Team Manager