

**From:** [Michael Coates](#)  
**To:** [Lisa Walton](#)  
**Subject:** FW: P/21/045/COU Lawrences Brow, St Martins  
**Date:** 09 September 2021 17:33:16

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Hi Lisa,

Thanks for the email and I've taken a look at the attached from a EH perspective in relation to EH regulations, in this case the intended water supply.

As this supply is non mains water, rainwater collected in two 2000 gallon sealed tanks it would be classed as a private water supply under the Private Water Supplies Regs 2016 which EH now enforce on the islands. From the description this water is intended to be used for **domestic purposes** which includes showering (**see definition below**) and therefore should meet the water quality standards laid down under the Private Water Supplies Regs 2016 as follows;

[Consumers receiving PWS - Drinking Water Inspectorate \(dwi.gov.uk\)](#)

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The Regulations apply to private water supplies where the water is intended for **human consumption**. The Regulations **define** water intended for **human consumption** as:

- all water either in its original state or after treatment, intended for **drinking, cooking, food preparation or other domestic purposes**, regardless of its origin and whether it is supplied from a distribution network, from a tanker, or in bottles or containers;
- all water used in any food-production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption;

*Therefore if the supply is used solely for irrigation in a garden or to provide water for animals it is not covered by the Regulations and therefore not subject to the monitoring or risk assessment requirements.*

The Regulations require all private water supplies intended for human consumption to meet regulatory standards to ensure the water is safe and sufficient at all times. The Regulator responsible for ensuring that these requirements are met, is the Local Authority. Local authorities have powers, where relevant, to compel consumers and other [relevant person\(s\)](#) to comply with the regulations where a potential danger to human health has been identified.

The majority of private water supplies in England and Wales supply only single dwellings, where the water is used exclusively for domestic purposes. Further information on supplies to single dwellings only can be found [here](#).

Definition of domestic purposes is highlighted below;

[Single \(domestic\) dwellings - Drinking Water Inspectorate \(dwi.gov.uk\)](#)

The majority of private water supplies in England and Wales supply only a single dwelling, where the water is used exclusively for **domestic purposes**

**(e.g. where the water is used for cooking, drinking, food preparation, bathing, showering and laundry)** and where the water is not used for any commercial activity (such as bed and breakfast or tea shop/cafe)). Some examples of single dwellings include the following (this list is illustrative and is not exhaustive)

Looking at the details so far although it is a **single dwelling** I would if installed at this stage class this supply as a **Commercial Supply, a Reg 9 under the PWS regs** (requiring a risk assessment and regular sampling and analysis) under the private water supplies because it may meet all of the following;

#### c) **Tenanted properties**

A private water supply serving only a single domestic dwelling (SDD) or where a SDD is one of multiple properties supplied from the same source, is considered to constitute part of a commercial activity when ALL of the following criteria apply:

1. The landlord/owner of a property is offering accommodation to paying tenants, where without a private water supply to provide a wholesome supply, as required by the enforcement guidance to the Housing Act 2004, the property could not be let.
2. The tenant(s) does not have full responsibility for the whole water supply (as agreed as part of the tenancy agreement, and clearly understood by both parties); these are excluded from the category as the tenant is exercising his right to water and can control its quality.
3. There is a commercial element to the let (i.e. it is not social housing or not-for-profit arrangement, or one where the domestic dwelling is not the primary commercial arrangement (e.g. a tied cottage) where the tenant has complete control of the supply and its maintenance).

The following example is where water is being supplied as part of a commercial activity: • Any property where the landlord/owner retains responsibility for the water supply system (due to the location of the source and/or treatment systems for example) or where they chose to keep responsibility for maintenance and operation of key aspects of the supply (e.g. to ensure correct operation of a treatment system).

The following examples are **where water is not considered as being supplied as part of a commercial activity** so would not be fall within scope of regulation 9:

- Properties or housing provided as part of a job, where the occupants of the property have special rights of occupation and maintenance that are akin to ownership, e.g. tied cottage, lifetime tenancy/occupation rights.
- Agricultural tenancies – where the provision of accommodation is not the primary purpose of the tenancy and it is generally long term with maintenance obligations akin to ownership.

There are also expected wholesome/potable water quality standards for **dwellings** as defined under the Housing Act 2004;

**For the purposes of an assessment, a dwelling is any form of accommodation which is used for**

**human habitation, or intended or available for such use.**

I have attached details of Hazard 18 under the HHSRS for information to show what is expected for a water supply serving a **dwelling** highlighting main requirements i.e. **All dwellings should have at least one tap for drawing drinking water, and there should be adequate arrangements for connection to a wholesome supply of drinking water** and therefore the supply of bottled water would not be adequate for this dwelling.

Cheers,

Mike

Mike Coates  
Head of Regulatory Services  
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**From:** Lisa Walton <Lisa.Walton@scilly.gov.uk>  
**Sent:** 07 September 2021 18:13  
**To:** Michael Coates <Michael.Coates@scilly.gov.uk>

**Subject:** P/21/045/COU Lawrences Brow, St Martins

Hi Mike,

We did send a consultation out to EH back on 23<sup>rd</sup> August: <https://www.scilly.gov.uk/planning-application/planning-application-p21045cou>

It would be useful to flag anything up now that you think he will need to comply with under EH legislation, even if its not particularly relevant for planning – but if there are any issues with providing bottled potable water as opposed to a water connection, or any issues with the site and its proposal, can you let me know. I've attached some of the bits of info hes sent me, but there are photos in the above link.

Thanks

**Lisa Walton** *MRTPI*  
**Chief Planning Officer**  
Council of the Isles of Scilly

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