

# Private Water Supplies

Yorkshire Water's Policy

01/04/2021



YorkshireWater

# Contents

1.	Introduction .....	3
2.	Aim.....	3
3.	Principles .....	3
4.	Details.....	3
5.	References .....	8
6.	Contact details .....	8
7.	Review date/ version control .....	8
8.	Appendix/ Appendices .....	9

## **1. Introduction**

This policy has been created due to prolonged periods of warm and dry weather, which has results in non-Yorkshire Water (YW) customers contacting the Company to request support in circumstances where their own private supplies (springs, boreholes etc.) may be running dry and resulting in a loss of their supply.

## **2. Aim**

This document outlines our policy for private water supplies following contacts / requests for support when such supplies fail.

## **3. Principles**

This document clearly sets out circumstances in which YW may / not be able to support. It recognises that in cases where there is a danger to human life or health that an appropriate level of response is required.

## **4. Details**

The responsibilities of Yorkshire Water in these situations is stipulated in guidance and documentation provided by the Drinking Water Inspectorate (DWI);

### **1. DWI – Managing insufficiency of private water supplies (Appendix 1)**

*“If a private water supply should become insufficient due to drought conditions (i.e. where a Borehole or spring no longer yields water), a relevant person(s) should refer to their contingency plan. Where a contingency plan is not yet in place, the relevant person(s) may seek advice from the local authority or the water company, but there is no obligation on either to provide*

*an alternative supply of water (irrespective of the supply type and volume consumed) except where the local authority considers the circumstances to pose a danger to life or human health. Where the local authority considers there to be a danger to human health, the local authority has power to require, if practicable, the local water company to supply water by means other than in pipes at reasonable cost for a specified period (e.g. a supply of bottled water, or water supplied in tanks or bowsers). Those costs can be recovered from any relevant persons."*

## **2. DWI – Legislation of private water supplies and drought (Appendix 2)**

*"The Water Industry Act 1991 defines the functions of local authorities where supplies become insufficient.*

*The Act is very specific to those situations where the private supply to premises is provided for domestic purposes...Domestic supplies are those which are essential for life and human health and do not include supplies for livestock, birds or any other agricultural or horticultural activity."*

**Based on DWI information and the Water Act 1991, all private requests (domestic and non-domestic) should be directed to their Local Authority for an initial assessment.**

**Our communication to Local Resilience Forums (LRF's), which includes Local Authorities, the Environment Agency and other partner agencies during periods of prolonged, dry, hot weather has been as follows;**

*Yorkshire Water has received a handful of requests for advice and/or support from LRF Partners regarding some communities and areas which are not supplied by Yorkshire Water. Often these rural communities are supplied by springs, it may be the case that these supplies run dry due to ongoing warm weather conditions.*

*We would ask that LRF partners proactively review their contingency plans for these areas and ensure they can be enacted. If there are areas which suffer from an immediate loss of their water supply, Yorkshire Water will support LRF partners and the community, until contingencies are enacted. This would be in the form of supplying bottled water for any establishments and members of the public which are vulnerable. This is on a best endeavours basis, LRF partners should understand that if our resources are required for any operational issue or interruption to Yorkshire Water customers, this would take precedent.*

## **Triggers to support the requirements of local communities without water due to private supplies failing:**

The areas below stipulate the process by which YW will manage and govern requests for support from Non-YW customers who have a private supply.

### **Up to 50 properties:**

- Exhaust Local Authority / Local contingency plans (e.g. village halls metered supplies)
- Suggest purchase of bottled water / alternative from 3rd party / well drillers association
- Seek a new supply connection from YW Developer Services
- 1" metered standpipe process (Appendix 3)
- **Only once the Local Authority can demonstrate that the above solutions have been exhausted will YW consider requests for support, in the form of:**
- Deliveries for up to 3 days max (usage) of bottled water for immediate loss only and for those with priority needs first where circumstances "*pose a danger to life or human health*".

### **50 to 250 properties and above:**

- Exhaust Local Authority / Local contingency plans (e.g. village hall metered supplies)
- Suggest purchase of bottled water / alternative from 3rd party / well drillers association
- Seek a new supply connection from YW Developer Services
- 1" metered standpipe process (Appendix 3)
- **Only once the Local Authority can demonstrate that the above solutions have been exhausted will YW consider requests for support, in the form of:**
- Alternative supplies in the form of bottled water pallets may be deployed to local village halls. (This will be done in conjunction with local authorities for immediate loss only and up to 3 days max usage – those with priority needs first). where circumstances "*pose a danger to life or human health*"

### **Farms:**

- Exhaust Local Authority / Local contingency plans (e.g. village hall metered supplies)
- Suggest purchase of bottled water / alternative from 3rd party / well drillers association
- Seek a new supply connection from YW Developer Services

- 1" metered standpipe process (Appendix 3)
- **Only once the Local Authority can demonstrate that the above solutions have been exhausted will YW consider requests for support, in the form of:**
- (Unable to provide support for non-potable use if they have a metered supply, that must be used and includes irrigation for farms).
- We may be able to offer bowsers etc. to support with central agreement
- Priority (in order, as per NFU guidelines, starting with): Pigs, Poultry thereafter Dairy and Beef. Arable and Horticulture are to be considered thereafter.
- Recipient may retain our assets for an agreed period but must replenish water themselves

**Other commercial requests:**

- Unable to support for non-potable use. If they have a metered supply, they must use that.

**Note**

In the interests of protection of human life and relief of suffering, support will be made for fire fighting, as per business as usual practice. If a private reservoir is used for firefighting and a request is made to YW to replenish the reservoir, YW are unable to do so. This is primarily because replenishing a raw water reservoir could cause environmental impact.

## **Key message for all approved requests:**

YW reserve the right to withdraw best endeavours support at any time due to public health needs our statutory obligations as water undertaker for customers in Yorkshire.

All requests for support must be directed to YW from the Local Authority only. This must be in writing to [private.supply.support@yorkshirewater.co.uk](mailto:private.supply.support@yorkshirewater.co.uk) confirming:

a) That the following have been exhausted:

- Local contingency plans
- Procurement of alternative supply
- New Supplies connection
- Metered standpipe

b) Details of residents affected i.e. numbers

c) Any residents with needs with priority health related needs or where circumstances pose a danger to life or human health

## **Procedure / Responsibilities**

Appendix 4 for high level process flow chart

## **YW message for requests for support**

*Yorkshire Water Services have received your request for support with your private water supply.*

*Please note, you must demonstrate that you have enacted your own contingency plans, including support from your Local Authority. This may include procuring temporary alternative water supplies from a 3rd party.*

*All requests must be directed to your Local Authority, in conjunction with their obligations under the Water Industry Act 1991. We will then consider requests from the Local Authority only. This is on a best endeavours basis. For support with immediate loss of supply and advice for those with constant supply needs only, please contact the Yorkshire Water contact centre on 0345 1 24 24 24.*

*We are currently busy managing supply and demand of water for our customers and have limited additional resource available for private supplies. If you are not the originator of the request, please forward on this message.*

*Thank you,*

*Yorkshire Water Services*

## 5. References

- The Water Industry Act 1991
- The Civil Contingency Act 2004
- YW Terms and Conditions of Metered Supply

## 6. Contact details

Please provide contact details if relevant, use job titles not names, use generic contact numbers and / or mailboxes

## 7. Review date/ version control

### Document Control

<b>Document Control Ref:</b>	Private Water Supplies Policy, External Guidance
<b>Document Custodian:</b>	Emergency Planning Team
<b>Review Period:</b>	Annually

### Document Approval

Emergency Planning Advisor <b>Document Owner (Author)</b>	Manager of Resilience (Water) <b>Document Approval Manager</b> Cc Emergency Planning Manager
--	--

### Document Revision History

Version	Date	Amendment Details
1	01/04/2021	
2		

\* or following any significant regulatory/ legislation changes



## 8. Appendix/ Appendices

### APPENDIX 1 – DWI

#### Managing insufficiency of private water supplies – Version 1 November 2017

##### Introduction

This guidance note is intended to assist stakeholders of private water supplies manage periods of water insufficiency. It supersedes the previous guidance document (Provision of alternative supplies in emergency and non-emergency situations) which was associated with the 2009 (2010 in Wales) Private Water Supply Regulations.

This guidance is applicable only to private water supplies in the context of the scope of the following regulations:

The Private Water Supplies (England) Regulations 2016.  
The Private Water Supplies (**Wales**) Regulations 2017.

Further guidance for these Regulations can be found here:

<http://www.dwi.gov.uk/private-water-supply/regs-guidance/Guidance/info-notes/england/reg-3.pdf> (England)

[http://www.dwi.gov.uk/private-water-supply/regs-guidance/Guidance/info-notes/wales/Reg-2\\_3.pdf](http://www.dwi.gov.uk/private-water-supply/regs-guidance/Guidance/info-notes/wales/Reg-2_3.pdf) (Wales)

Private water supply stakeholders include local authorities, water companies, and any relevant person (e.g. owner and occupier of a premises supplied by a private water supply) as defined in Regulation 2 of The Private Water Supplies Regulations (**England**) 2016 and in section 80 of The Water Industry Act 1991 (<http://www.legislation.gov.uk/ukpga/1991/56/contents>).

Typically insufficiency situations arise as a result of drought or severe cold weather (e.g. when the source dries up or freezes); from undetected leaks or pipe bursts or a pump failure; or when users are disconnected inadvertently or intentionally, typically by a person in control of a supply. Temporary insufficiency can also occur as part of planned maintenance or improvement works.

Section 1: Proactive Emergency Planning for Insufficiency by local authorities

#### Framework agreements between local authorities and water companies

Local authorities are advised to meet with local water companies to identify the local options available for the provision of alternative water supplies in emergency situations, for example, during periods of national drought or extreme flooding. It is recommended that these discussions should lead to the setting up of framework agreements between local authorities and water companies so that arrangements are in place and available to be called upon immediately when needed. This could include use of a designated standpipe when required, much in the same way that commercial contractors may have arrangements with water companies to draw from their supply, or bottled water, or water in tankers or bowsers. These frameworks should clarify:

I. the type of assistance that is available and the circumstances in which each water company would deploy alternative supply arrangements. This knowledge would allow local authorities to identify gaps in provision that may need to be filled by other means;

II. any local limitations; for example a water company may not be able to provide tankers or bowsers but may be able to provide bottled water.

III. any restrictions on availability use throughout the year.

IV. The cost to provide each arrangement

Water companies may not always be able to provide an emergency supply of water in bowsers or in bottles (e.g. if they have their own emergency on-going such as a mains burst). Local authority are advised to explore alternative arrangements or plans (e.g. with private providers of emergency water supplies) for such potential scenarios as appropriate.

### **Planning for insufficiency by relevant persons**

The relevant person(s) should ensure that robust documented contingency procedures are in place to mitigate risks when supplies are temporarily interrupted, for situations such as planned maintenance work on distribution systems or when reactive unplanned work is necessary, for example repairs following burst mains. Procedures should include arrangements for alternative supplies of water. Local authorities should ensure that such documentation is in place through their Regulation 6 risk assessments (with the exception of those serving a single domestic dwelling, unless a request has been made to do so) and take appropriate action where this is missing or considered deficient. This is particularly important for large supplies and those where the water is consumed as part of a commercial or public activity (Regulation 9 supplies). Local authorities may assist the relevant person(s) with their procedures by providing details of recognised providers or their framework agreement with the local water company.

As a guideline, if a public water supply fails, public water companies are required to plan to supply their customers with alternative supplies of at least 10 litres per person per day for the first 24 hours, and for a prolonged event, 20 litres per person per day.

Additionally, attention is drawn to BS 8551 'The Provision and Management of Temporary Water Supplies and Distribution Networks (not including provisions for statutory emergencies)' Code of Practice, which contains estimated flow demands for temporary supplies in a wide range of different settings. This Code of Practice also sets out best practice for securing that a temporary supply is wholesome including any sampling arrangements.

When land and property is sold, or ownership/rights transferred, searches can be made that will identify details of any water supply arrangements (e.g. through environmental searches, drainage searches or water authority searches). To ensure that any deficiencies are made known to those acting for the property purchasers/vendors it is advised that local authorities and water companies when responding to search requests flag up any concerns about sufficiency as well as details of testing to demonstrate wholesomeness.

To minimise the likelihood of insufficiency disputes arising in the future, where local authorities are aware of the existence of any informal water supply arrangements in their area then these should be prioritised for risk assessment and appropriate advice given to the relevant person(s) to seek professional legal advice to formalise the arrangement or appropriate action taken as a result of the findings of the local authorities risk assessment.

Section 2: Guidance in the Event of Insufficiency

### **Contingencies during drought conditions**

If a private water supply should become insufficient due to drought conditions (i.e. where a borehole or spring no longer yields water), a relevant person(s) should refer to their contingency plan. Where a contingency plan is not yet in place, the relevant person(s) may seek advice from the local authority or the water company, but there is no obligation on either to provide an alternative supply of water (irrespective of the supply type and volume consumed) except where the local authority considers the circumstances to pose a danger to life or human health. Where the local authority considers there to be a danger to human health, the local authority has power to require, if practicable, the local water company to supply water by means other than in pipes at reasonable cost for a specified period (e.g. a supply of bottled water, or water supplied in tanks or bowsers). Those costs can be recovered from any relevant persons.

Options for provision of an emergency supply include:

- Commercial providers of alternative supplies; relevant person(s) can put in place arrangements directly with commercial suppliers. The local authorities can be asked to assist with this process for example where there are multiple stakeholders involved. Arrangements must ensure that the temporary water supply is wholesome by specifying best practice (e.g. BS 8551); the local authorities should be able to offer advice in this respect.
- Water company alternative supplies; as a general rule, the provision of alternative supplies by a water company (i.e. bottles, tanks or bowsers) where no agreement is in place, should be limited to short term unplanned emergencies.

### **Local authority powers to secure an alternative supply where required**

Where no emergency plan exists and the supply is likely to, or has, become insufficient, or where a person in control of a supply (see later) intends to permanently disconnect the supply, the local authority can secure a remedy by serving a notice under section 80 (s80) of the Water Industry Act 1991 ('the Act'). This is because s80 powers address sufficiency of supply, as well as wholesomeness. All costs incurred by the local authority in making a temporary emergency supply available would be recoverable from the appropriate relevant person(s) (where a s80 notice has been put in place).

Where there is a risk of a supply becoming insufficient on a longer term basis due to reasons such as adverse weather conditions, or where a supply has become compromised through severe contamination that cannot be readily remediated, then under section 79 of the Act, the local authority may require the local water company to provide a wholesome water supply to the premises for a length of time that the local authority specifies. However, this would only apply if:

1. the supply of water for domestic purposes is either of insufficient quantity or quality (unwholesome) such that it causes "a danger to life or health", and
2. It is practicable at reasonable cost for the water undertaker to provide a supply of wholesome water for domestic purposes by means other than pipes (i.e. in bottles, tanks, bowsers, etc).

In the above situation, the water company would charge for providing these supplies, which is recoverable from the relevant person(s) to which the supply is provided.

Local authorities may also want consider the Protection from Eviction Act 1977 where a landlord in charge of a private water supply has deliberately disconnected water to any of their tenants served by that supply in a bid to remove them from the premises.

### **Deliberate disconnection of a private water supply**

Where a person in control (or other relevant person) of a private water supply threatens to disconnect users and there is no clear legal agreement in place which permits disconnection of domestic users under specified circumstances, and the facts are not disputed by any user, then the local authority may serve a notice under Section 80 of the Water Industry Act 1991. In accordance with section 80(3)(b) of the Act the notice can specify a reasonable time period for those affected to arrange for alternative supplies, preventing their disconnection in the meantime by the relevant person intending to disconnect a supply. Local authorities are advised to clarify the legal situation on a case by case basis and can serve a section 85 notice to obtain information from any person if necessary. Usually this will involve the relevant person(s) seeking advice from a property lawyer as water supply arrangements are generally set out in property title deeds, leases or covenants. Local authorities are advised not to revoke any notice served until such time as the parties have confirmed that valid legal agreements have been signed up to, or an alternative supply is in place. These documents should be kept on the private water supply record for reference in the event of any future similar dispute arising.

### **Other links**

Well Drillers Association <https://www.welldrillers.org/>  
Tel: 07736 364259

Drinking Water Inspectorate  
<https://intranet.defra.gov.uk/>  
Tel: 030 0068 6400

Local authorities  
<https://www.gov.uk/find-local-council>

Ofwat  
Guidance on getting a new public water supply connection and associated charges:  
<http://www.ofwat.gov.uk/households/supply-and-standards/getting-a-connection/>

Water Regulatory Advisory Scheme

## **APPENDIX 2 – DWI**

### **Legislation of private water supplies and drought**

This paper provides an outline of the legislation applying to private water supplies in England and Wales (Private Water Supplies Regulations 2009 for England and the Private Water Supplies (Wales) Regulations 2010) and the rights set out in the Water Industry Act 1991 for those who rely on a private supply and the duties and powers available to the local authorities in the context of insufficiency of such supplies.

### **Drought**

Following below average winter rainfall for two winters, a number of areas of England and Wales are experiencing drought conditions with reduced levels of water in rivers, lakes and in the ground. In some cases this may result in a temporary or longer-term loss of supply as boreholes or springs serving private supplies dry up.

### **Regulations**

The Water Industry Act 1991 defines the functions of local authorities where supplies become insufficient. Such a circumstance may be drought where the borehole or spring no longer yields water.

The Act is very specific to those situations where the private supply to premises is provided for domestic purposes. That is for drinking, cooking, food preparation and washing. If a domestic supply should become insufficient, the responsible person(s) may seek advice from the local authority or the water company, but there is no obligation on either to provide an alternative supply water except where the local authority considers the circumstances pose a danger to life or human health. In such a case, the local authority may require, and if necessary has power to require, the local water company to supply water by means other than in pipes, if practicable, and at reasonable cost for a specified period. The water company may levy a charge on the local authority and this can be recovered from the persons to which the water is supplied. In practice owners of such domestic supplies would approach the water company directly to arrange a solution and the water company would inform the local authority.

For large private supplies, for example one that supplies in excess of 10,000 litres per day on average, it is not likely to be practicable to provide an alternate supply at short notice nor would this be achievable at a reasonable cost. Therefore in the context of drought, if the supply owner does not already have in place a pre-arranged plan or agreement for alternate supplies, should drought induced insufficiency arise the local authority and water company are entitled to regard the situation as one where there is no duty to provide an emergency supply. Owners of supplies where there is no existing contingency plan should take steps to rectify this situation as soon as practicable.

A commercial supply, which includes farm supplies, are by definition not classified as domestic. In the situation where there is a domestic supply, fed from a source which also feeds a commercial enterprise such as a farm, then the person responsible for the supply can only approach the local authority or the water company for advice and help for the domestic supplies to premises. Domestic supplies are those which are essential for life and human health and do not include supplies for livestock, birds or any other agricultural or horticultural activity.

### **Actions**

In view of the regulatory framework, the DWI encourages the early planning and arrangements for alternative supplies. Advice has been made available to water companies, local authorities and commercial providers of alternative supplies. The note prepared jointly with the Environment Agency makes this advice more widely available through the EA website. Further information can be found on the DWI website under the private water supplies link.

### **Links**

Well Drillers Association [www.welldrillers.org](http://www.welldrillers.org) Tel: 07736 364259

Drinking Water Inspectorate  
[www.dwi.defra.gov.uk](http://www.dwi.defra.gov.uk)  
Tel: 030 0068 6400

Local authorities  
<http://www.direct.gov.uk/en/DI1/Directories/Localcouncils/AToZOfLocalCouncils/index.htm>

WaterUK and water companies  
<http://www.water.org.uk/home/our-members/list-of-companies>

Water Supply Borehole Construction and Headworks - GUIDE TO GOOD PRACTICE  
<http://publications.environment-agency.gov.uk/PDF/SCHO1000BFHB-B-E.pdf>

Water Regulatory Advisory Scheme  
<http://www.wras.co.uk/> **Yorkshire Water** | Incident Management Version 2 11

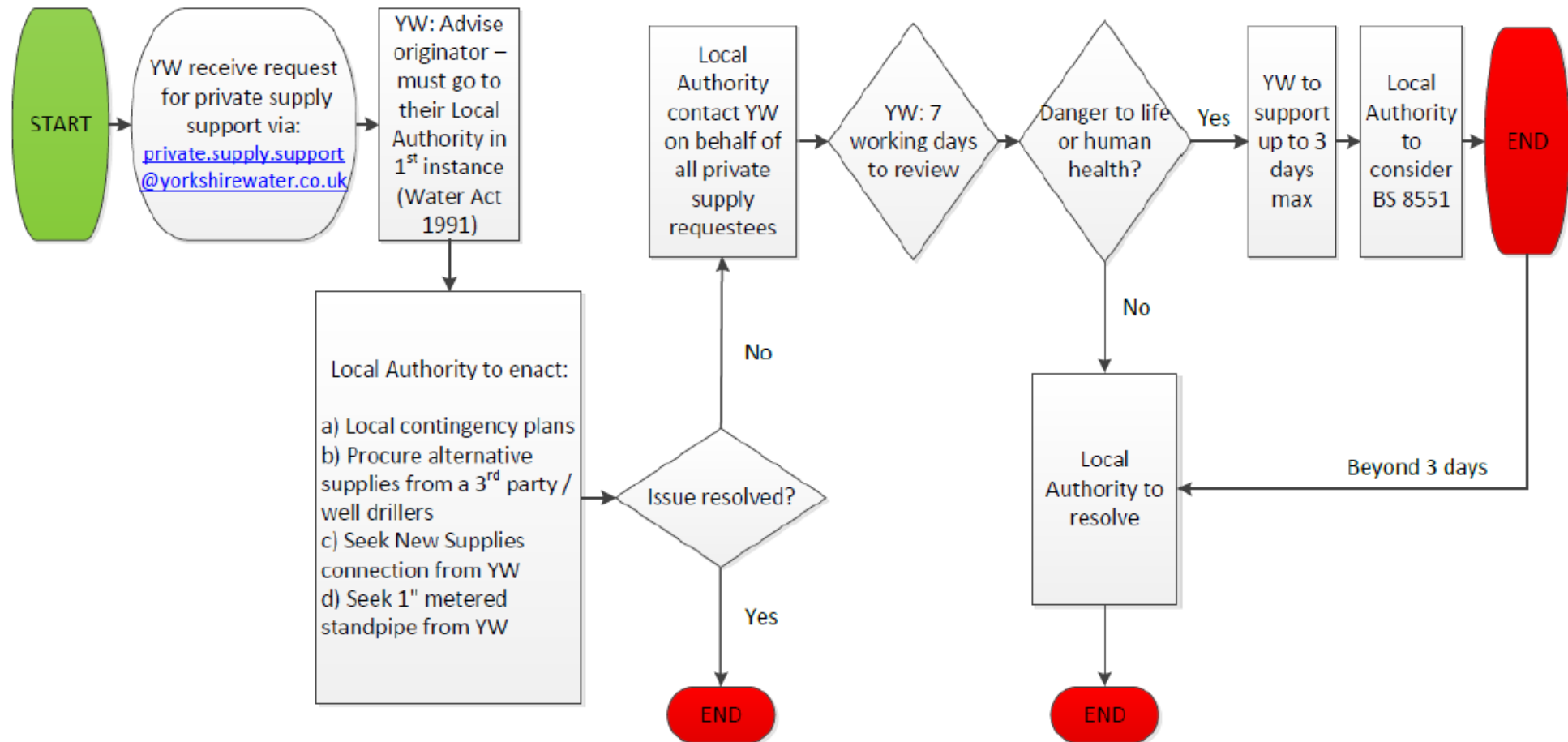
### **APPENDIX 3 – One inch metered standpipe process**

Refer to the application forms using this link:

<https://www.yorkshirewater.com/business/standpipes/>



Appendix 4 – Process flow chart





YorkshireWater

# Thank you

@yorkshirewater  
facebook.com/yorkshirewater  
yorkshirewater.com