



Department
for Environment
Food & Rural Affairs

www.gov.uk/defra

Consultation on new water legislation on the Isles of Scilly

Summary of responses and government response

November 2015



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islesofscillyconsultation@defra.gsi.gov.uk

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Introduction

- 1.1 On 20 November 2014 Defra held a consultation about its intention to fill gaps in the way current water legislation applies to the Isles of Scilly.
- 1.2 The intended change would, notably, give the Environment Agency and Drinking Water Inspectorate powers of entry, powers to enforce as well as powers to recover costs. The proposals also included protecting the quality of drinking water, groundwater and rules for the safe storage and disposal of sludge. In particular it made a wider appeal for information regarding the financial implications of these measures.
- 1.3 The consultation closed on 12 February 2015.
- 1.4 We have now considered all responses. Sections 2-8 will provide a summary of responses received. Section 9 sets out the government response, whilst section 10 outlines what the next steps will be regarding this policy area.
- 1.5 We are grateful to the organisations across a number of sectors, as well as individuals for replying to this consultation
- 1.6 Copies of this document can be found at:
<https://www.gov.uk/government/consultations/applying-water-legislation-to-the-isles-of-scilly>
- 1.7 Any enquiries regarding this document should be directed to:
islesofscillyconsultation@defra.gsi.gov.uk

Section 2: summary of responses

- 2.1 Defra received 45 responses from private individuals, businesses, trade bodies, conservation organisations, tenants, landlords and governmental bodies. The break-down of which sectors answered is in the table below.

Type of respondent	Number of responses
Government	2
Conservation societies	2
Individuals	25
Business	14
Landlords (Tresco Estates + Duchy of Cornwall)	2

Section 3: major stakeholder responses

Council of the Isles of Scilly response - executive summary.

- 3.1 In principle, the Council welcome the application of legislation and regulations relating to drinking water and sewerage discharges to the Isles of Scilly to ensure that the islands receive the same level of public health and environmental protection as the rest of the UK and Europe. The Council note that the regulatory impacts and benefits set out in the document refers to issues around the importance of investing in communities, options for funding, improving knowledge and understanding and placing affordability at the heart of any proposal. Whilst such references are welcomed, they need to be genuinely realised and acted upon as highlighted in this consultation response.
- 3.2 Although supportive of the application of the legislation, given the Council's duty to ensure the long term sustainability and viability of the islands community, economy and environment, we do have concerns and that must be taken into account in applying any legislative changes to the Isles of Scilly.
- 3.3 To read the full response please email at: islesofscillyconsultation@defra.gsi.gov.uk

Section 4: responses on drinking water

1. Have you experienced any challenges with the current regime for drinking water to date?
2. Have you any suggestions going forward as to how we may improve the drinking water regime?
3. Do you have any further information which will enhance our understanding of the costs?

- 4.1 13 out of 45 respondents didn't give any answer to the question. Of those remaining 16 people reported no issues with their drinking water, 3 responses outlined issues with both colour and taste of their drinking water, and 4 responses reported issues with high levels of nitrates.
- 4.2 21 out of 45 respondents either didn't have any suggestions or made no answer at all regarding improvements that could be made. Furthermore 3 respondents suggested more research was needed to provide more reliable data, 3 respondents suggested that water conservation measures needed to be taken more seriously. 3 responses praised the work of the Council for raising the standards of drinking water.
- 4.3 17 out of 45 respondents gave no answer to the question of costs. 15 respondents were concerned with potential costs, and 5 other respondents pointed out the potential 'uplift' cost and logistical difficulties of large scale building projects on the Isles of Scilly. There were also concerns over the capacity to provide sufficient energy if desalination plants were judged to be required. As echoed elsewhere in the document there was a view that greater research was needed to provide more accurate costs.

Section 5: responses on sewerage

4. Are there any additional powers that need to be applied to the IoS Council to allow them to carry out their sewerage duties effectively?
5. Do you have any further information which will enhance our understanding of the costs?

- 5.1 16 of 45 respondents either didn't put an answer or suggested that they didn't know if the Council needed more powers. Only one respondent categorically supported the principle of the Council needing extra powers whereas 4 thought that they didn't need extra powers. A number of respondents thought that the Council needed greater funding rather than greater powers to enable them to properly regulate.
- 5.2 In terms of further information, 17 respondents didn't put any reply at all, and 8 stated that they had nothing further to add. Other respondents cited uplift costs that work on the island entails; others gave useful information on costs of materials on the island after uplift cost. There was also a request for greater guidance regarding septic tanks and their usage.

Section 6: responses on the Environment Agency

6. What do you see as the main opportunities and challenges of working with the Environment Agency as a regulator in the IoS?
7. Do you have any further information which will enhance our understanding of the costs?

- 6.1 The general reaction on the Environment Agency's involvement in regulation was positive. Opportunities cited included being able to show that the island was complying with internationally recognised law, that the water in general would become safer, and that there would be a better base of expertise to call upon.

Challenges identified included concerns that the EA would fail to understand the particular situation of the Isles of Scilly, that the cost for improvements for compliance would be high, that the cost of enforcement might be high, and that in the past the EA has been seen as too lenient.

- 6.2 28 respondents had no comment to make about further information to help with our costs. There was no one specific issue emerging from the other responses. However many responses outlined, in different ways, how expensive enforcement would be and asked for the EA to audit the island and provide a risk assessment which included all of the septic tanks and soakaways.

Section 7: water resources legislation

8. How should the Water Resources regime be implemented on the IoS?

9. Do you have any further information which will enhance our understanding of the costs?

- 7.1 19 out of 45 respondents either didn't reply to this question or declared they didn't know enough to answer. A number of responses show that the residents of the Isles of Scilly are very aware of issues such as water conservation. Answers to this question outlined water conservation, community water resource management plans and potential uses for grey water. There was also a general plea to ensure that any new regulation would be light touch.
- 7.2 36 out of 45 respondents didn't have any further information that would enhance understanding of the Isles of Scilly. The themes of the remaining answers were around the high cost of the potential upgrades, and the discomfort at the differing assessments of the costs in public circulation.

Section 8: overall questions on the consultation

- 10. Do you have any other feedback in relation to this consultation?**
- 11. Is there any input from Defra that you require to support the changes set out within this consultation?**

- 8.1 Other feedback to the consultation was varied but one specific theme was the need for a more thorough audit or examination of the situation on the Isles of Scilly. The other themes to come out of this section had already outlined in responses to other sections of the consultation and included the need to map boreholes, sewers and soakaways, especially on the off-islands. There was also a desire that the IoS should be reaching beyond compliance and strive for excellence in environmental quality. There were only 6 non-responses to this question.
- 8.2 18 of the 45 respondents didn't answer this question directly. However what people seemed to want most from Defra and government in general was financial assistance. 18 respondents cited financing as the primary issue that Defra needs to concern itself with, who pays for any improvements, and at what speed changes are made. There was also comment that there should be support for business, to make improvements, in the same way as has been made available to the Council and the Duchy. There were also a couple of responses requesting regular progress reports regarding the outcome of the consultation.

Section 9: government response

- 9.1 The government appreciates the efforts people made to respond to this consultation, and the essential contributions to the public meetings during officials' visit to the Isles of Scilly. The responses varied widely, but we have tried to isolate the topics which seem to arise most often and address them in this document.

Finances

9.2 There is a clear concern not only around the effect that compliance with the new legislation may have on the islands but also the ability to maintain the existing infrastructure to provide the current level of service in the long term. In particular there are some big infrastructure costs which respondents think could not be reasonably met through existing arrangements on the islands. Exploring alternative funding arrangements forms a key part of the next steps process.

Evidence

9.3 The consultation document was accompanied by a preliminary Impact Assessment and gathering further information to improve the evidence base was a key aim of the consultation. The process has helped to draw out useful information, including highlighting gaps in the existing knowledge base, which we will fill as far as possible in order to feed into the final Impact Assessment that is required in order to make any legislative changes.

Changing legislation

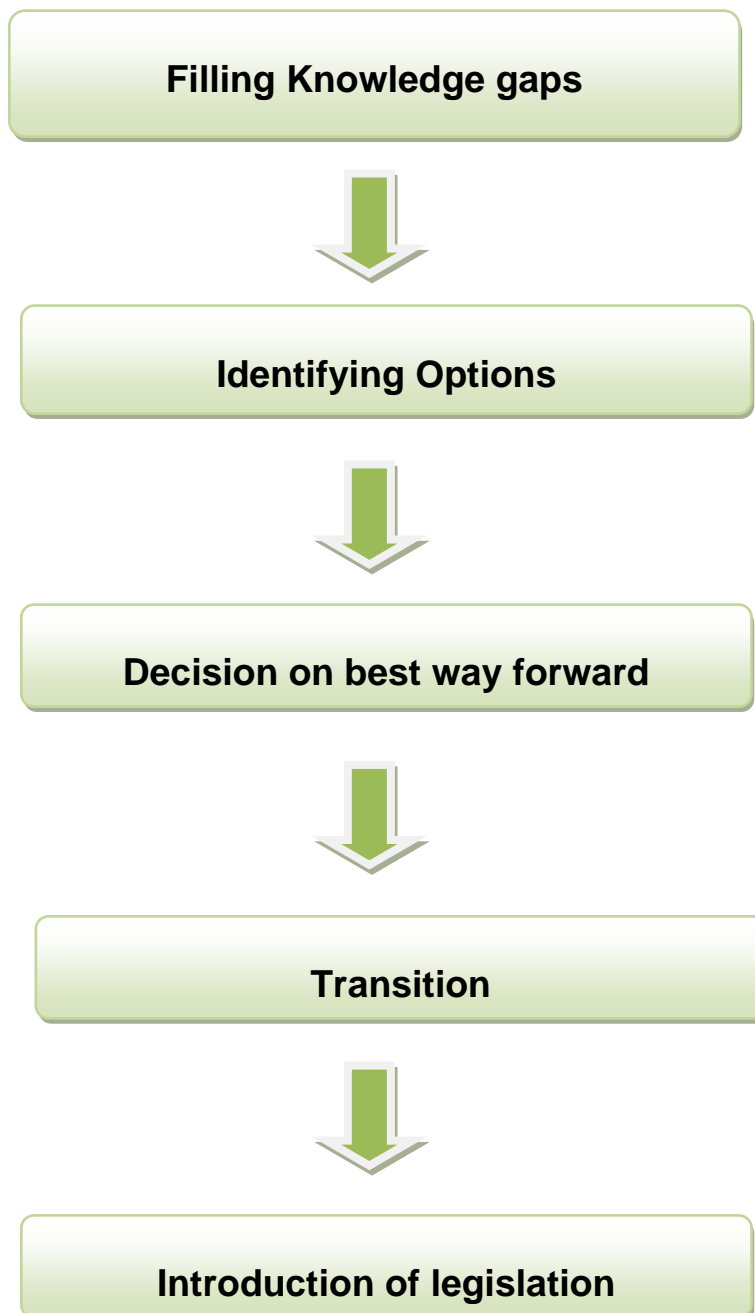
9.4 Decisions around the approach to long term provision of water and sewerage services on the islands will have an impact on the legislation that needs to be amended to fill the gaps in the current legislative framework. As such final decisions on amending legislation and acting on these will come only after a final long-term solution is agreed.

Next steps

10.1 In order to fill remaining knowledge gaps and develop sustainable long-term funding options Defra has initiated a Working Group on Water and Sewerage Services and Investment on the Isles of Scilly. This group is comprised of Defra, the Council of the Isles of Scilly, The Duchy of Cornwall, Tresco Estates and the appropriate regulators (the Environment Agency, Drinking Water Inspectorate and Ofwat). This group has been set-up to look at all the different aspects of water and sewerage on the Isles of Scilly, but primarily ensuring a safe, affordable and sustainable future for the residents whilst ensuring value for money for the UK taxpayer.

- 10.2 This group forms part of a broader structure that we hope will encompass all stakeholders and decision-makers that are needed to achieve the fairest outcome (see Annex A). The work of the group will be informed and tested by the water forum. The forum has been created in response to concerns raised in the consultation process that private suppliers and business need a voice in the decision making process.
- 10.3 A key part of this process is exploring the prospect of an alternative supplier of services to the Council of the Isles of Scilly, who have indicated that it will be difficult to continue to run water and sewerage services on the Islands effectively. With this in mind we will look at the private sector to provide some solutions, and to this end have made Ofwat part of the working group.
- 10.4 You can view the group's activities by clicking [here](#).

The following flow-chart gives a pictorial representation of the steps we will take in making our decisions:



Filling knowledge gaps

10.5 A thorough review of the existing water and sewerage operations and infrastructure across the islands is already underway. This includes assessing the current resources to manage and operate systems and the capacity and condition of existing infrastructure. The review will also analyse groundwater resources across the islands, including what discharges are being made and where and if possible the quantity and

quality of raw ground water and where it is being abstracted. This will allow us to better understand the constraints around discharges and potential risks to human health.

Identifying options

10.5 Understanding what is required to bring infrastructure and service up to the statutory minimum now is only a starting point. It will act as a baseline against which the group can assess options which provide levels of service which go beyond the minimum and at how future pressures may impact on maintaining services and standards in the long term. This will allow a full consideration of possible costs and how they are best met.

Decision on best way forward

10.7 At this point where the costs of minimum and enhanced levels of service are better understood by the group it can consider which long term options will best finance the required investment. This would include a decision on whether to pursue a private sector option. Any decision would involve consultation with the water forum. It would also involve discussions with water companies to gauge potential level of interest.

Once a final decision is made we would put in place appropriate transitional arrangements including a clear timetable for necessary legislative amendments.

10.8 We will work with all parties involved to ensure the best possible solution for all concerned and through the working group will look to update stakeholders at appropriate points within the process.

Annex A: working group on water and sewerage services and investment on the Isles of Scilly relationship with other groups

This is a diagram to show how the different relationships work between responsible parties.

