

Energy, Water Flood Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

29th July 2015

Dear Sir/Madam

Statutory Guidance about sewerage undertakers duty to connect properties to the public sewerage system *under Section 101A of the Water Industry Act 1991)

Thank you for the opportunity to comment on the consultation regarding revisions to the Statutory Guidance about sewerage undertakers duty to connect properties to the public sewerage system Section 101A of the Water Industry Act 1991.

We have set out our comments according the headings within the guidance to which they relate:

3.3 Mobile homes and fixed caravan sites

We agree that provision of guidance on considerations to take into account when determining if the s101A(1) obligation applies to sites containing fixed caravans and mobile homes is a positive step forward over the original 1996 Statutory Guidance.

It is regrettable however that the clarity and scope included in the revised guidance published in July 2014 has been lost and a greater degree of subjectivity has been introduced. This may result in potential for an increased occurrence of disputed duty decisions.

The revised guidance was not specific in the type of caravan and therefore suggested inclusion of touring caravan sites which contain permanent structures such as toilet blocks and washing facilities. The consultation guidance only makes reference to sites containing mobile homes and fixed caravans.

It is unclear what is meant in terms of consideration of the amount of time in a given year that the fixed caravan or mobile homes are occupied. Does this mean that sites unoccupied for periods of the year would be less likely to come into scope for s101A than sites with permanent occupancy? It is our contention that sites inherent of sporadic sewage loading due to seasonality may result in difficulties that are not easily remedied by private treatment options and may well benefit from inclusion in s101A schemes.

Ffôn/Phone: 0300 065 3000

Ffacs/Fax: 0300 065 3001

Ebost: ymholiadau@cyfoethnaturiolcymru.gov.uk
www.cyfoethnaturiolcymru.gov.uk

Email: enquiries@naturalresourceswales.gov.uk
www.naturalresourceswales.gov.uk

Tŷ Cambria, 29 Heol Casnewydd,
Caerdydd, CF24 0TP

Cambria House, 29 Newport Road,
Cardiff CF24 0TP

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Correspondence welcomed in Welsh and English

3.4 Disputes

We very much welcome the transfer of the arbiter role from Natural Resources Wales to the Planning Inspectorate. This will relieve NRW of its quasi-judicial capacity in an area which at its core is concerned with environmental improvement and protection. It will allow us to operate in a solely strategic role and provide help and guidance to external parties interested in pursuing first time sewerage without a potential conflict in terms of arbitrating on a related dispute.

If you require further details please contact Chris Hall on 03000654300

Yours faithfully



Ruth Jenkins
Pennaeth Is-Adran Strategaeth, Cyfoeth Naturiol A Chynllunio
Head of Natural Resources Strategy and Planning

Ffôn/Phone: 0300 065 3000

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