

IN THE MATTER OF WATRS ADJUDICATION

BETWEEN:-

MR JOHN LAYTE

And

SOUTH WEST WATER LIMITED

DEFENCE OF SOUTH WEST WATER LIMITED
DATED 22 JANUARY 2018

1. This claim is made by the Customer ("Mr Layte") against South West Water ("SWWL") Mr Layte's water and sewerage provider to his property at Winter Cottage, Goongumpas, St Day, Redruth Cornwall. ("the Property").

SWW provide water we consider not safe for drinking due to the many non-compliant animal troughs in the area. SWW do not provide sewage as we have our own septic tanks.

2. When asked which service the complaint relates to Mr Layte advises that his complaint relates to "Water Supply Services" and "Other" stating that there have been "multiple complaints over the years". To outline his complaint Mr Layte provides a URL to his website:

www.goongumpas.com/docs/20decresponetosww25nov2016letterwithlinks.pdf.

The actual website URL I provided is www.goongumpas.com The URL that Dr Parry refers to is (or rather was). a PDF file on this web site and is one of hundreds but a very important one in this case. Although the .PDF file on web site has been removed a copy of it It can be viewed on the website's [main page](#). It is my 20 December 2016 response to Tracy Symons' [25 November 2016 letter](#) As can be seen I question Tracy's view expressed in her letter (and

confirmed in our 7 December 2016 phone call) that our supply enters private land at Five Acres and give five reasons as to why I believe it travels down the lane towards Goon Farm. I ask her on what evidence she relies on that shows the pipe enters Five Acres land and suggest SWW need to excavate the lane to prove the pipe goes through the lane boundary onto Five Acres land. I question that her [25 November 2016 letter](#) took into account the evidence I had provided - as follows

Your 25 November 2016 letter states “*I can assure you that my review of your complaint has been extremely thorough and I have considered **all** the information you have presented*”. I am afraid I cannot agree with you as it is very apparent from your letter that you have not taken into account important documents pertinent to my complaint and this case. The (considered very important) 4 March 2013 email mentioned above you have obviously not considered for instance. This may be that you have ignored them or they have been deliberately withheld from you or “lost” by the recipients **so before supplying you with the remainder of this letter** will you please confirm you have had sight of the following documents by emailing me copies. Thank you in anticipation.

1. 23 July 2012 photo of a police car attending the land that Goon Farm had for sale at the time with a “private” water supply that we suspected was connected to ours (see last sentence of www.rightmove.co.uk/property-for-sale/property-42804449.html) **As you know it turned out that it was connected to ours!** We had asked Allister Symonds to check but he refused and said “*If Goon Farm is selling land with an illegal connection to yours then it is a matter for the Police*”. I contacted the Police who said that it was a civil matter but the legality of the water supply should be checked by the buyer’s solicitor in the event of a sale however they did attend the site soon after my contact (see photo). In your letter you say the “*first record SWW have of our complaint was 29 August 2013*”. I suggest you contact Allister Symonds and ask him when the first verbal contact was but I think this photo proves that it must have been before 23 July 2012. For the record we first complained (verbally) about the low / zero water pressure in 2008/9 and Allister Symonds we think became involved in 2010/11 but definitely in 2012. Photo attached
2. 4 March 2013 (11:55) email to Allister Symonds. **This email mentions that Goon Farm’s owner has stated that Goon Farm is now on a metered supply and the stand pipe on the land they had for sale (see above) was legal and fed from behind Goon Farm’s new meter.** Goon Farm sold the land in 2014 and it became known as “The Cabin”. The water supply sold with it was not legal and was connected to our supply as we suspected. The buyer’s solicitor did not check whether the supply was legal and it was one of the water supplies we found to be connected to ours in January 2015 when we started our survey (see www.goongumpas.com). **If only Allister Symonds had done as we asked and checked this supply and the troughs on Goon Farm then I would not be writing this now ☹.**
3. 6 February 2014 (15:07) email to Brendon Green (CCwater), Ofwat, Customer Contact (SWW), T.Ludkin (SWW). **A copy of the 4 March 2014 (15:07) email to Allister Symonds was attached to this email.**

4. 14 February 2014 (11:21) email from Kristian Barber (SWW) to john@layte.com Important Documents 5 to 36 follow.

As can be seen I request that Tracy Symons supplies a copy of the 36 documents listed as proof that she took them into account in preparing her letter (especially the map with the [4 March 2013](#) email showing the pipe proceeds down the lane and does not enter land at Five Acres) but she did not provide copies so I asked CCWater to see that she did. WATRS need to know that the copy of my 20 December 2016 letter on the web site and the former .PDF copy that that Dr Parry gives the web address are not true copies of the original 20 December 2016 document attached to my 21 December 2016 email to SWW (and others!) which can be viewed [Here](#). The difference is that the original did not have links to copies of the 36 documents requested as Tracy could simply have downloaded them, sent me copies and claimed she had taken them into account in preparing her [25 November 2016 letter](#) and I wanted to know she had taken the originals into account not copies downloaded from links on my 20 December 2016 .PDF file which is why my original did not have links embedded into it. Having not heard from SWW regarding the documents I had requested for about five months in late May 2017 I uploaded a copy of my 20 December 2016 letter (this time with links) to the main body page of the www.goongumpas.com web site so that CCWater could see copies of the documents I and CCWater were requesting SWW supply. On [9 June 2017](#) SWW's Christine Bloxton finally sent me copies of most of the documents I had requested in my 20 December 2016 letter and confirmed that Tracy Symons had taken them into account whilst preparing her [25 November 2016 letter](#) but as about half the documents had been downloaded from www.goongumpas.com between 8 May 2017 and 8 June 2017 (www.goongumpas.com has a tracker on it lets me who has downloaded what and when) it is impossible Tracy Symons could have taken these documents into account when preparing her letter as they were downloaded some six months after she had posted it. I issued a complaint about Christine Bloxton as to say SWW had supplied documents to Tracy Symons in November 2016 that had not been downloaded until May/June 2017 is at best deceitful. The complaint was logged by CCWater. Christine Bloxton then sent other copies of the documents on [26 June 2017](#). CCWater seem happy that Christine Bloxton had now supplied genuine copies of the documents I requested and closed the complaint but I am not convinced as can be seen from the 10 July 2017 DRAFT letter to her on the www.goongumpas.com web site – please note that this letter was not emailed or posted but SWW were informed about it being on the site and I know they have looked at it many times because of the tracker. Will WATRS please ask Tracy Symons if she was genuinely supplied with these documents as Christine Bloxton says and in particular was she given a copy of the [4 March 2013](#) email showing the pipe proceeds down the lane and does not enter land at Five Acres because it seems very likely she was not shown this but was shown the [deliberately inaccurate map](#) that Dr Parry now supplies with this Defence (as explained more fully in my [31 January 2018 letter to Christine Bloxton](#)).

3. Mr Layte also provides a four and a half page document outlining the key issues with SWWL that he wishes to complain about. This document is broken down into 3 subheadings:

- SWW's failure to investigate low/zero pressure by claiming it to be a 'private pipe':
- SWW's failure to ensure the water supply is safe to drink
- The regulation issues with the rainwater harvesting system and other appliances at Goonhillend and the behaviour of regulation officers involved.

4. By way of resolution Mr Layte seeks the following:

- Compensation of £15,000 for reasons undisclosed
- Payment of £5000 for the invoices issued by him for monitoring the water supply
- The resignation or retraining of SWWL members of staff
- The disconnection of several properties from the mains water supply

This is untrue -we have never asked for any properties to be disconnected at any time. We have asked SWW to enforce their regulations regarding non-compliant animal troughs in the area and insist that these animal troughs are permanently disconnected if not brought up to standard by their owners.

5. It should be noted that as Mr Layte is a household customer the maximum claim that can be made through WATRS is £10,000; this includes payment of compensation and the costs of any action that Mr Layte wishes SWWL to undertake.

There are three people involved in this complaint – Mr Layte, Mrs Layte and Mr Bellward so that is a maximum of £10,000 each. In fact the hours spent by each of us are 1900 Mr Layte, 600 Mr Bellward and 300 Mrs Layte so compensation to be divided in that ratio to be fair rather than the same amount each.

6. Further, it should be noted that the Water Industry Act 1991 prohibits water undertakers such as SWWL from disconnecting properties from mains water supply apart from in certain extenuating circumstances, or at the request of

the customer, however none of the situations would be justifiable in this case as Mr Layte is requesting that SWWL disconnect other properties from the water supply, not his own. As such Mr Layte's request that SWWL disconnect several properties from the mains water supply is not a resolution that can be awarded in this case.

As mentioned above we have never asked SWW to disconnect any properties at any time. We have asked SWW to ensure that any property with non-compliant animal troughs either bring them up to standard or permanently disconnect them. We have also asked that SWW write to all their customers regarding the risk to health posed by non-compliant central heating expansion tanks causing back-flow risks.

7. The objection letter by SWWL dated 22 December 2017 proposed that points 2 and 3 of Mr Layte's complaint could not be considered as point 3.5 of the Scheme confirms that the Scheme cannot be used to adjudicate disputes which fall into the category of water quality legal standards and regulatory enforcement cases.

That is as maybe however our dispute against SWW – failure to enforce their own regulations on neighbouring properties and refusal to write to all their customers regarding non-compliant animal troughs and central heating header tanks stands. If not dealt with by this adjudication then the complaint(s) will need to be passed to an authority that can require SWW deal with the problems.

8. Following this letter it has been confirmed that "the concern raised about water quality is an entirely separate and discrete issue that does not need to be dealt with in order for an adjudicator to make a determination on the other issues in dispute."

The concerns raised about water quality are very real and if the adjudicator is unable to make a determination on this then the matter must be passed to an authority that can.

9. For this reason the defence will only address the issue raised by Mr Layte regarding "SWWL's failure to investigate low/zero pressure by claiming it to be a "private pipe" and the resolutions sought by Mr Layte.

SWW are burying their head in the sand. Ignoring the non-compliance of animal troughs and central heating header tanks is not going to make the issues disappear.

- 1 0. It should be noted that the Guaranteed Standards Scheme created by the Water Supply and Sewerage Services (Customer Service Standards) (Amendment) Regulations 2017 confirms that a Water Undertaker must maintain a minimum pressure in the communication pipe of 7 metres static head (0.7 bar). SV\ANL are of the opinion that the water pressure in the communications pipe is greater than the required standard as pressure tests taken at the boundary are always a minimum of 40 meters per static head (4 bar) which are well above the required standard.

But where is the communication pipe in this instance? A short length at Tailings End or from Tailings End to Goon Farm?

- 1 1 . It is suspected that the reason Mr Layte has low water pressure is due to the fact that his private supply pipe, that used to supply just Winter Cottage, was reconfigured by Mr Layte and now supplies water to three properties, namely Goonhillend Cottage, Winter Cottage, and Winter Cottage Annex. Additionally, Mr Layte surmised that other properties may be connected to his supply pipe which could also contribute to the low pressure experienced by Mr Layte. Finally, the length of his supply pipe itself could also be a factor in causing some loss of flow and pressure.

Dr Parry is talking utter rubbish. The Winter Cottage and Winter Cottage Annexe supply is as when purchased in 1972/3. The Goonhillend supply is as when purchased in 1976. The supplies have never been reconfigured since purchase. The main reason for the low pressure was, as we all now know, the long standing 90,000 litre per week leak on Goon Farm's illegal connection to our supply and the other 7,000 litre per week usage/leak by other properties illegally connected to our supply / SWW's communication pipe in Lower Goongumas Lane such as Five Acres, Carne View and Iona Cottage's caravan yard. Harmony Cottage was also connected to the same supply but since SWW installed a meter then I suppose it was either a legal supply installed by SWW on their main or SWW are responsible for connecting an illegal supply to our pipe. Two days after we started our survey in January 2015 Goon Farm disconnected their illegal connection saving SWW 90,000 litres per week. By 1

April 2015 all other illegal users had disconnected from the supply saving SWW a further 7,000 litres per week. From January 2015 the long standing problem we had with low / zero water pressure ceased to exist and has not recurred since. Dr Parry knows this so his suggestion that the low water pressure is due to the length of the pipe or some reconfiguration that did not happen is absurd.

12. It has been explained to Mr Layte on a number of occasions that because he owns and is responsible for the supply pipe to his property, any leakage and illegal connections" allegedly made to his supply pipe by his neighbours would be a private issue and SWWL would not be able to involve themselves in this matter.

What is in dispute is whether or not the pipe in the lane is a communication pipe or a private pipe and whether or not SWW should have investigated the low / zero water pressure when reported by us, Harmony Cottage and Carne View in about 2009 or whether or not SWW should have intervened in early 2014 when the check meter we had asked SWW to install revealed that approximately 100,000 litres per week was disappearing and suspected to be due to a leak on Goon Farm. Our view was that although the leak / usage was thought to be on an illegal connection on our private pipe crossing Goon Farm an unpaid for usage of that magnitude should be a public matter as it is SWW duty to investigate leaks and deal with them rather than say "There is a leak and we must deal with it as it is on private land (see our [6 February 2014 email to Brendon Green](#) and note that SWW allowed this wastage to continue for another year before verbally threatening us with litigation if we continued to ignore their [28 February 2014 threatening letter](#) and deal with the leak or install new pipes as Harmony Cottage and Carne View had already done). We asked SWW to re-install the meter at Tailings End, which they did in January 2015, and we then started our investigation into who was using / wasting SWW's water. The meter revealed that the wastage was 97,000 litres per week and was thus about the same as it had been a year earlier. It is disgraceful that SWW knowingly allowed about 5,000,000 litres of water to be wasted.

13. Mr Layte states that SWWL's position is that its responsibility for the pipework supply to his property ends at the end of the water main at Lower Goongumpas Lane, near the property Tailings End (circled in blue on the map exhibited as HP/I).

It is SWW that states their responsibility ends at that point not me that states it is SWW's position. I can't see there is a difference but if there is will Dr Parry explain?

14. Mr Layte alleges that SWWL believes the estimated route of this pipework is marked in pink on HP/I. It should be noted that SWWL have never advised Mr

Layte that this is correct, it is possible that Mr Layte has misinterpreted a letter sent by Tracy Symons dated 25 November 2016 (exhibited as HP/2). This letter explains to Mr Layte that his communication pipe runs from the SWWL main to the boundary of the private road, and that from this point the pipe is a private supply pipe and thus his property. Mr Layte appears to have incorrectly interpreted this letter (which he mistakenly refers to as being dated 25 November 2015) as meaning that SWWL believes his private supply pipe enters the land belonging to Five Acres.

Dr Parry is not telling the truth. I have not misinterpreted Tracy Symons' 25 November 2016 letter which states the pipe from the meter is private which can only be true if it enters private land on Five Acres at that point and does not proceed down the lane towards Goon Farm as we and the deeds map included with our [4 March 2013](#) email to Alister Symons suggests. I phoned her on 7 December 2016 about this and she was adamant it was her opinion the pipe entered private land at Five Acres. As can be seen the [21 December 2016 email](#) mentions this phone call and asks Tracy Symons to supply proof of her contention that the pipe enters private land at Five Acres. It gives 5 reasons we think the pipe travels down the lane towards Goon Farm and does not enter private land at Five Acres as she states (and verbally confirms). The [21 December 2016 email](#) also requests that SWW dig up the lane around the stop tap / meter to prove the pipe enters private land at that point and does not, as we think, proceeds down the lane towards Goon Farm. The email also suggests that Tracy Symons has not seen the very important [4 March 2013](#) email to Allister Symonds which contains an extract from the deeds of Winter Cottage which includes a map which shows that the pipe from Tailings End travels down the lane towards Goon Farm thus contradicting her views expressed in her [25 November 2016 letter](#) on two counts. (1) The pipe enters Five Acres private land after the check meter and (2) Her statement that the 29 August 2013 was the first date SWW have a record of our complaint cannot be true as the [4 March 2013](#) email to Allister Symonds predates this by about six months.

1 5. SWWL has not made comment regarding the route of Mr Layte's private supply pipe to his property and has created HP/I based on the information provided by him. As the supply pipe is a private pipe, owned by Mr Layte, SWWL would not be aware of or have records of its location. The pink line indicated on the map has not been endorsed by SWWL as being correct.

The [map supplied with Dr Parry's Defence](#) shows that the pipe enters private land at Five Acres and proceeds diagonally in a North Easterly direction across private land

to our properties as shown on Dr Parry's own document HP/1 so I would say Dr Parry is not telling the truth when he says SWW has not made comment regarding the route of the pipe and Tracy Symons' [25 November 2016 letter](#) is pretty definite the pipe enters private land at Five Acres probably because she was given a copy of [this map](#) rather than the map with the [4 March 2013](#) email. She confirmed the pipe enters private land at Five Acres in our 7 December 2016 phone call. We excavated the lane in July 2017 which revealed Tracy Symons view was incorrect.

1 6. Mr Layte believes that the pipe from Tailings End is laid in the lane until it reaches close to Goon Farm (marked in yellow on HP/1) with the supply pipe then crossing Goon Farm to reach his property (marked in red on HP/1). He states that this therefore means that his property is not serviced by a supply pipe directly from the water main located at Tailing's End, and that he shares a communication pipe with seven other properties (marked in green on HP/1). Mr Layte asserts that because of this it is SWWL's responsibility to ensure that his water supply pressure is not low.

Correct - I do believe the pipe travels down the lane towards Goon Farm but of the 7 properties originally connected to it 1. Goon Farm animal troughs, 2. Carne view, 3. Harmony Cottage, 4. Five Acres, 5. Iona Cottage. 6. The Cabin and 7. Tailings End (outside tap) SWW disconnected Harmony Cottage's meter in 2012 and 1. To 6. Disconnected because of our investigations in 2015. Only 7 remains.

1 7. Mr Layte's understanding of the pipe network supplying the neighbouring properties is incorrect. The properties circled in green on the map HP/1 each benefit from their own water connection and private supply pipe, this has been confirmed by two members of SWWL staff and the schematic map of these connections is exhibited as HP/3. It should be noted that this drawing was mapped on 18 June 2015.

The [18 June 2015 map](#) somewhat inaccurately shows the situation at that time but when we initiated this complaint in about 2009/10 all seven were connected. It was because of leaks and illegal usage on these properties that caused the complaint and SWW should have investigated then. Harmony Cottage was disconnected in 2012 (by SWW) but it made no difference to the water pressure problem. Following our investigation in 2015 5 of the remaining 6 disconnected and there has not been a problem with pressure since. By the date this map was created there was no water pressure problem as all but one property had disconnected by that date. My

understanding of the pipework is correct and it is ridiculous of Dr Parry to suggest it is not. Just because all but one of the properties has disconnected does not mean the pipe is no longer a communication pipe.

18. Mr Layte's own single private supply pipe provides water to his three properties. Historically the land all belonged to Goon Farm but over time parcels of land have been sold off for development, including the land owned by Mr Layte. Despite Mr Layte's assertions, Goon Farm along with the other properties highlighted in HP/I each have their own water supply connections.

Obviously it is the former connections of these properties that matters. Now they have disconnected and have new connections is as a result of our survey.

1 9. To support his contention Mr Layte has provided a copy of an easement containing the provision that the grantees are granted the "right to lay, maintain and renew a water pipeline in the enclosures numbered part 802, 807,808, 701, and 705 on the 2nd Edition 1908 of the Ordnance Survey Map for the Parish of Gwennap.... In the position shown by a red verge line on the said plan", the plan is also included with the easement. A copy of this easement being provided by Mr Layte to SWWL in an email dated 04 March 2013.

Correct but was Tracy Symons given a copy of [our map](#) when preparing her [25 November 2016 letter](#) or was she given a copy of the [June 2015 map](#) that Dr Parry has just provided?

20. Mr Layte states that he has asked SWWL to investigate this matter on a number of occasions due to the water supply issues he is experiencing at his property but that SWWL has always refused, citing

Rubbish SWW has always refused to investigate because of their contention that their responsibility end at Tailings End and we have always contended that the pipe from Tailings End to Goon Farm is laid in the lane (a public byway) and because it was laid before 1979 it is a communication pipe and SWW's responsibility.

21 . SWWL strongly disagrees with this suggestion; the reason for not investigating further is not the cost but the fact that it is a private issue. SWWL has invested considerable time, money and resources in connection with this matter generally and Mr Layte's various concerns have all been investigated and the conclusion drawn is that the issue is a private matter. To date Mr Layte has provided nothing to suggest that this is not a private matter.

We provided the map showing the pipe to be laid in the lane with our [4 March 2013](#) email and gave SWW permission to investigate Goon Farm in the same email. It is because SWW didn't investigate then that has caused such massive waste of time, money and water. The only thing that SWW did that has resulted in a resolution is to fit a water meter at Tailings End and this was only because we repeatedly asked them to. The meter revealed the extent of the problem (100,000 litres per week being wasted). SWW should have done something about that then regardless whether or not they thought it was a private matter. If we had not insisted the meter be fitted we would still be experiencing low water pressure and a polluted supply and SWW would have been losing 100,000 litres per week to the present day.

22. Mr Layte asserts that because of SWWL's refusal he has undertaken an excavation on Lower Goongumpas Lane near our boundary stop tap and check meter. He states that his findings confirm that the water pipe leading off from his stop tap travels along Lower Goongumpas Lane in the route marked yellow on HP/1. These excavations were performed on 20 June 2017 and details were provided to CCWater by Mr Layte in a letter dated 27 June 2017.

23. Regardless of Mr Layte's excavations SWWL still maintains that the pipework is private and laid in private land. This has been relayed to Mr Layte on a number of occasions in writing. The letter exhibited as HP/2 confirms this as it states that SWWL does not know the exact path of his private supply pipe and he is advised as to the location where SWWL's liability ends. It should also be noted that SWWL set out their final decision on the matter in their letter addressed to Stacey Harper, the case manager at CCWater who was responsible for communicating with Mr Layte at that time. This email is exhibited as HP/4 (please note that for the sake of brevity the appendices referred to in HP/4 have not been included as they will have been provided with the CCWater pack. They can however be made available upon request)

I am aware of this letter. It is Dr Parry's own Dr Parry's own [22 February 2017 letter](#) it was provided to me by CCWater and I make some remarks about it in my [27 June 2017](#) and [11 July 2017 letter](#) to Stacy Harper of CCWater. I was not provided with any appendices to this letter by CCWater and make a request that they are made available to me now

24. SWWL records show that a water main is located in Lower Goongumpas Lane installed in 1955 and is evidenced in the map I exhibit as HP/5. The blue dot at the end of the water main signifies a fire hydrant which is standard apparatus to enable routine maintenance to take place such as flushing. SWWL's responsibility would also include the communication pipe which runs from the water main to the boundary of the private road in which the water main is laid.

Please note that Dr Parry admits there is a communication pipe in the private road

25. It should be noted that all of the property owners in the Goongumpas area are responsible for their supply pipes from the connection to the main (excluding the communication pipe) at Tailings End until it reaches their property, not just Mr Layte. In 2012 Harmony Cottage's supply pipe was connected to the main located at Tailings End. The property owners had to lay their new supply pipe in a private track, which is similar in length to Mr Layte's, at their expense as all customers are responsible for installing/maintaining their private supply pipes from their property up to the boundary of the street in which the water main is laid. The same requirement has been applied to a prospective water connection at a property in the Goongumpas Area (Purple Haze), as it is for all customers. However this connection has yet to be made.

Harmony Cottage and Carne View installed new pipes in 2012 on SWW's suggestion as it was the only way to resolve their low water pressure problem. SWW advised us to do the same. If SWW had done as we asked in our [4 March 2013](#) email and inspected Goon Farm they would have discovered the massive leak that was causing the low water pressure and there would have been no need for them to lay new pipes to Tailings End. I suggest WATRS see to it that they are reimbursed for the considerable expense they needlessly incurred and SWW adopt the new pipes in the lane and reposition the water meters near their properties.

26. The photograph I exhibit as HP/6 taken from Lower Goongumpas Lane shows the position of the fire hydrant indicating the end of the water main, along with the sign that Mr Layte erected at the location of the boundary stop tap that supplies his premises (Goonhillend Cottage, Winter Cottage, Winter Cottage Annex). The communication pipe runs from the SWW main to the boundary of the road. The pipe from this point to Mr Layte's property is his private supply pipe and therefore his responsibility. It should be noted that on one occasion Mr Layte took it upon himself to install a padlock on SWWL's stop tap and meter chamber housing and erect a sign to advise people that he was investigating illegal connections to his supply pipe (I attach proof of this as Exhibit HP/7). He did this so that he could isolate the water supply for prolonged periods of time, as part of his own investigations into alleged illegal water connections he believed were made on his private supply pipe, for which he has invoiced SWWL. Mr Layte did not seek permission before interfering and damaging SWWL's apparatus by installing a padlock; and this act was a direct contravention of Section 174 of the Water Industry Act 1991 however in the interests of good customer relations SWWL did not pursue this matter.

The notice states its purpose but before the padlock was fitted an unknown third party kept turning the supply back on after we had turned it off. I consulted SWW and requested they install a lockable meter chamber but was told that no such thing existed (which seems strange). I asked if SWW minded if I fitted a padlock and supplied them with a key and they agreed provided the meter chamber was not damaged. I devised a method whereby a steel bar spans the chamber inside and an extension to it [protrudes through the existing meter access slot and a palock fitted to this as can be seen on the photo on www.goongumpas.com. I object to Dr Parry suggesting the meter was damaged and that I am in contravention of a Water Industry Act and ask him to apologise. A minor point but SWW did not return my key.

27. The exact location of the communication pipe from SWWL's main to Mr Layte's stop tap is unknown but can be assumed from the location of the hydrant and the stop tap for Mr Layte's water supply as demonstrated in HP/6.

It is pretty obvious where the communication pipe to the meter is laid but does it only go to the stop tap? SWW only installed this stop tap in 2013 and the meter on it in early 2014 so before that the communication pipe extended to Goon Farm – installing a stop tap does not shorten what Dr Parry has admitted is a communication pipe in a

private lane. Before SWW installed a stop tap there was not one fitted as SWW would have used to make fitting our meters in about 2009.

28. If the easement map is correct and the water pipe is laid in Lower Goongumpas Lane, then this does not mean that SWWL is responsible for the pipe after Tailings End. The easement clearly shows the line of Mr Layte's supply pipe running from his property across private land, near to Goon Farm, then down the privately owned track/drive where it joins Lower Goongumpas Lane, which is third party/private land. Ordinance Survey maps do not give this track/drive any designation as they do with other roads. Of the tracks that do not belong to the individual properties, it is understood that many of the unnamed tracks in this area (including the section of Lower Goongumpas Lane in which SWWL's water main is laid) belong to West Country Minerals Limited and are not in public ownership, I exhibit proof of this as HP/8. This therefore reinforcing SWWL's contention that Mr Layte's pipework becomes a private matter immediately after it leaves the boundary Lower Goongumpas Lane, this being where the stop tap to Mr Layte's supply is located.

West Country minerals are well known to property owners in the area. Dr Parry only shows part of the land they apparently own in his HP/8 as he has truncated the [Land Registry map](#) (deliberately?). The [full map](#) of their apparent ownership is shown here. [Another Land registry map](#) shows they also own the freehold of most of the properties in the whole area including ours and Goon Farm. The Land Registry advise that it is only the mineral rights they own. The [Land Registry map](#) shows that Mines and Minerals apparently own most of the main roads and streets in the area as well as Lower Goongumpas lane which is a designated byway. Is Dr Parry really saying there are no communication pipes in the whole area because all the roads are privately owned? For the record a lot of roads are privately owned be they highways or byways but the point is they public have access at all times. As Dr Parry has already admitted that part of "our" pipe is a communication pipe and laid in a (possibly) privately owned lane is important as it means that the rest of it is also a communication pipe and is SWW's responsibility. If SWW had installed the stop tap and meter on the boundary of Goon Farm as we asked then to it would have been a communication pipe to that point. Installing a new stop tap at Tailings End doesn't alter that fact. The statement Dr Parry made in his [22 February 2017 letter](#) "In the event that the pipe travels from Mr Layte's stop tap along Lower Goongumpas Lane and within the boundary of the street then this would be a communication pipe and the responsibility of SWW". Is contradicted in this paragraph (28) which states it is not SWW's responsibility if it is in the lane! The only reason I can think of as to why Dr Parry had this change of heart

is that at the time of his [22 February 2017 letter](#) *Dr Parry genuinely believed [his map and Tracy Symons' 25 November 2016 letter](#) stating the pipe enters private land at Five Acres was correct and I doubt at the time he was even aware of the [easement map](#).*

29. Notwithstanding the fact that all of Mr Layte's pipework is laid in private land, SWWL has not excavated Lower Goongumpas Lane due to the location of the pipework and the size of the road, as such an excavation would require a full road closure to ensure the safety of SWW workers, it would also require SWW obtaining the permission of the relevant landowners or serving the relevant notices, both of which would inevitably take a considerable amount of time. For this reason the costs would not be proportionate to the issue. As a regulated business operating within a regulatory price control South West Water must balance the needs of all of its customers. A disproportionate amount of money spent on a single customer, on what is a private matter, would compromise the total budget available for all customers. Consequently, any works must be prioritised accordingly against strict criteria so that maximum benefit is achieved.

We have asked SWW to replace the communication pipe to Goon Farm because of the know connection of Five Acres' no-compliant animal troughs which could pollute our supply. They appear to have been turned off but that is not good enough they must be permanently removed (SWW are reminded that the turned off mains feed to the rainwater distribution tank at Goonhillend was not good enough for it to be compliant and I was made to permanently disconnect it – do SWW have a different compliance regulation with Five Acres' animal troughs). Five Acres has re-connected to the main but apparently with an unmeasured supply (no meter double check valve). This is not good enough – there cannot be one regulation for Goonhillend and another for Five Acres.

30. Further, it should be noted that the photographs of Mr Layte's excavation do not in any way demonstrate or confirm the direction in which the pipe travels after it leaves his meter located next to his stop tap. SWWL were concerned to see these photographs as certain permissions have to be obtained to excavate a public highway or third party private land, namely the privately owned section of Lower Goongumpas Lane where the end of S\NWL's main and Mr Layte's communication pipe are located.

We think it does demonstrate the pipe does travel down the lane as opposed to entering private land at Five Acres but if SWW want us to excavate further we will charge £500+VAT per metre as we have done for this first metre. Lower Goongumpas lane is a public byway even though parts of it may be privately owned. As we have said several times SWW are perfectly at liberty to excavate the lane them selves to prove that the pipe enters private land at Five Acres.

31 . Regarding the invoices submitted by Mr Layte which include amongst other things his time spent "monitoring the water supply" Mr Layte suggests that he performed this monitoring in January 2015 until the end of August 2015 in order to investigate who was using the water supply leading to his property. Mr Layte's belief being that other properties were connected to his water supply pipe and were using his water.

The monitoring successfully identified 5 properties that were using the supply (and as a result of our notice another one identified itself by contacting SWW) and at least two of them had substantial leaks amounting to 97,000 litres per week. We monitored from 23 January 2015 to 31 August 2015 and have continued to monitor to the present day roughly at a two monthly interval (revealing there still appears to be an illegal user using about 10 litres per day on some occasional days usually in in the summer I suspect it is Tailings End's outside tap which SWW know about but have apparently not insisted it be disconnected). SWW agreed to monitor it from 31 August 2015 but failed to (we know this because the padlock rusted and we had to replace it with a new one for which SWW did not have a key. The stop tap is no longer locked and has been turned on since September 2015. Have SWW taken any readings and compared them with ours to check if anybody has started using the supply again.

32. It is SWWL's contention that these do not have to be paid as these are actions taken by Mr Layte of his own volition to satisfy his own suspicion that one or more of his neighbours had connected to his supply pipe. Further it should be noted that Mr Layte was undertaking an investigation on his own asset (located on private land), not one belonging to SWWL. This being the case, any connections made to Mr Layte's supply pipe would be a private matter for him to investigate and resolve at his expense. Whatever resolution chosen, whether to excavate and disconnect any connections identified, lay an entirely new supply pipe or seek redress through the legal system, owing to the fact that this

is a private supply pipe on private land these costs would have to be borne by him.

The reason we undertook the survey was because SWW had threatened us with legal action if we did not fix a leak they said they had identified on our private pipe or install new pipes from Tailings End as Carne View and Harmony Cottage had needlessly done. Our actions saved SWW 97,000 litre wastage per week and thus a lot of money and as said previously if we had not continued to complain of low water pressure and get SWW to install a check meter that wastage would still be extant.

33. SWWL's position has been conveyed to Mr Layte since this issue was raised, this being that, as his water supply is deemed private from Tailing's End onwards, any alleged connections that may be made to this supply would be a private issue between Mr Layte and any individuals who were connected to his supply. As stated at paragraph 29 above SW\NL has not considered it necessary to excavate the road in question as it is believed that other significant investigations have been conducted and the matter is considered to be private. As such SWWL cannot pay invoices for actions taken to settle private matters.
34. It should be noted that despite this and as a gesture of goodwill, SWWL has assisted Mr Layte in his investigations in this issue as much as possible as previously mentioned.

The only assistance SWW has provided was to install a stop tap check meter at Tailings End (after a lot of badgering by us). This revealed the leak and the reason for the low water pressure. If SWW had installed this stop and meter in about 2009 at the time that We, Harmony Cottage and Carne View were first complaining about low water pressure then the leak would have been revealed then and SWW would have to have done something about it because they would not have been able to say, as they do now, that it is a private pipe only serving our properties. If SWW had investigated in 2009 then about 30,000,000 litres (worth about £70,000) would have been saved and we would not have had to spend any time investigating other properties causing or low/zero pressure because of leaks on their land.

35. It is believed by SWWL that Mr Layte's request for the resignation or retraining of SWWL staff likely relates to one member of staff in particular, this being the Water Regulations Inspector Richard Harrison. Throughout Mr Layte's four and

half page document he mentions Richard Harrison on numerous occasions none of which are in a flattering manner.

Indeed and I have to say I think Richard Harrison is a liar and a fool. A fool for suggesting water can defy gravity and somehow pollute the mains supply because the hose on the downstairs shower can reach the shower base at Goonhillend (as he does in his [6 July 2015 letter](#)). A fool for the same reason concerning the upstairs bath taps mentioned in the same letter. A liar (and or a fool) for suggesting in the same letter that both the bath and the shower are connected to the mains when he knows they are both gravity fed from the rainwater in the roof tank (which itself was not connected to the mains. A liar to tell SWW legal department that I deliberately installed extra pipework in the roof space so as to prevent him inspecting that I had removed the mains feed to the tank. A fool to insist I install a third double check valve at Goonhillend when there is already one on the SWW meter at Goonhillend and at Tailings End when he had previously sent me a [document](#) stating that double check valves must NOT be fitted regarding category 5 risks (IE rainwater). There are other instances.

36. Further, in his time liaising with Mr Layte, Richard Harrison has been subject to what could be considered defamation. In postings on his website Mr Layte implies that Richard Harrison is being untruthful and has on numerous occasions in correspondence bluntly accused him, together with a number of other staff, as being "liars". He is however a little less direct in his most recent complaint to WATRS where he states that Richard Harrison "falsely claimed I had deliberately installed pipework to restrict access", he states that Paul Mitchell "should apologise for being so easily deceived and in future. I take anything Richard Harrison tells him with a pinch of salt". Mr Layte also suggests that Richard informed him that he could not visit Goon Farm as the "last time he had tried he had been threatened with a shotgun by a farm worker. " It should be noted that SWWL does not accept that this comment was ever made or that such an incident occurred. Mr Layte has also on one occasion taken a video recording of Richard Harrison and published the video to You Tube without his permission.

Richard Harrison did claim I had falsely installed pipework so as to restrict access as can be [seen in the video](#). As can also be seen in the video it is actually a video of the other SWW inspector taking a video of Richard Harrison and I don't think I need permission to take a video of someone else taking a video without my permission. Richard Harrison mentioned the shotgun incident

when he and Jeff Steere visited at a time when a JCB was working on Goon Farm and the mains water was coming through the kitchen tap looking like oxtail soup. Richard Harrison refused to take a sample away for analysis and refused to visit Goon Farm to see what the JCB was doing and whether what ever it was doing to our supply pipe was legal and compliant he didn't on this first occasion mention it was a farm Worker. On his next visit I quizzed him on this shotgun incident and I said I doubted if Mrs Holt the Farm Owner would have threatened him with a shotgun as she was very ill and confined to a wheelchair. Richard Harrison reacted to this by stating it was a farm worker and not Mrs Holt who had threatened him. I was recording the conversation on my mobile phone at the time but unfortunately the phone broke down soon after. It may be possible to retrieve the lost recording and will try if Richard Harrison continue to deny he made these statements but if the reason was not because of the alleged shotgun threat what other reason does he now give for not visiting Goon Farm at an important time? I also am not impressed with Dr Parry's suggestion that I am not telling the truth when I mention this. I think Richard Harrison has demonstrated his lack of honesty on several occasions.

37. As far as SWWL is concerned Richard Harrison's conduct in this matter is in no way questionable. He is a highly respected member of SWWL staff with over 20 years of service between his employment with both Severn Trent Water and SWWL in customer facing roles. He has all of the necessary qualifications required of him to undertake his role of Water Regulations Inspector, including a City and Guilds Qualification in Water Regulations Enforcement. As such it is not accepted that Richard Harrison has behaved in any way during this matter that would make it necessary for him to be retrained or to resign.

Well I think he needs re-training as far as water can somehow defy gravity and get into the mains and I find it difficult to believe that he thinks a shower mixer tap is fed from the mains on the cold side and gravity fed water in the hot side. It would constantly be needing to be adjusted for temperature as the mains pressure is always varying compared to the gravity feed.

38. It should be noted that Mr Layte has benefited from the assistance of a great number of different SWWL staff either in person, over the phone or in written correspondence. Between February 2015 and February 2017 28 letters have been received in relation to this matter from either Mr Layte, his MP or his tenant. SWWL has ensured that a response has been provided to all correspondence, either by email, letter or telephone call. SWWL consider that

they have gone above and beyond what is reasonable in attempts to assist Mr Layte and resolve the issues presented.

Mr Bellward, Mrs Layte and I have spent a vast amount time to assist SWW in saving a wastage of 97,000 litres a week. It would have taken Alister Symonds a couple of hours to install a stop tap and meter at Tailings End in 2009/10 to check if it was a leak causing Us, Carne View and Harmony Cottage to suffer from low/zero water pressure which was almost certainly the case but instead he suggested we all install new pipes. The trouble and expense he has caused us, Carne View, Harmony Cottage, us and SWW itself because of his laziness or stupidity is immense.

39. Finally it is difficult to address Mr Layte's request for compensation as he fails to explain why he believes he is entitled to such an amount. It is SWWL's belief that throughout the time spent investigating Mr Layte's issue in order to resolve it, nothing has occurred that would suggest he would be due compensation. SWWL has explained its rationale to Mr Layte for its finding regarding the ownership of the pipe in detail on several occasions and there is little that SWWL can do if Mr Layte fails to accept SWWL's response and continues with his own actions afterwards.

As I have explained it took a lot of time and effort to resolve this issue as SWW cannot say we haven't. Just reading the meters during the monitoring and showing various SWW employees the animal troughs and finding the supply across the Poldice Valley involved walking 200 miles. In all I estimate I have spent about 1900 hours (plus about 50 to write this comments on Defence), Gavin Bellward has spent about 600 hours writing letters and helping with the survey and providing SWW with a list of times our water supply dropped to zero and his father spent nearly three years importing drinking water because Mr Bellward, like Mrs Layte and I do not trust a supply with non-compliant animal troughs all around. Mrs Layte has spent about 300 hours helping with the survey and excavating the lane. We have all bought drinking water for nearly three years because of our distrust of the drinking water quality due to the [animal troughs](#) and to a lesser extent non-compliant central heating header tanks in surrounding properties. The cost of having to buy bottled water for nearly 3 years is about £2 to £3 per household (so if an average of £3 per week that amounts to £1400).

40. Despite this SWWL has offered Mr Layte payment of E 1,500 as a gesture of goodwill for his time spent investigating his private issue which to date he has declined to accept. Exhibit HP/2 refers to this offer which was first made in September 2015 and has been offered on a number of occasions since. The offer was made in an attempt to draw this matter to an amicable conclusion and avoid SWWL staff being subject to further distress by having their personal details posted on social media. SWWL remains willing for that sum to be available for acceptance now should Mr Layte wish to accept it in full and final settlement of all of his complaints against SWWL

The £1,500 was only offered to me and to accept it would not be fair on Mr Bellward or Mrs Layte who have both spent a great deal of time on this issue and although Mr Bellward has now vacated the Annexe Mrs Layte and I continue to be affected by the non-compliances in the area. I am sorry Richard Harrison is suffering distress as regards the video but perhaps it will teach him to tell the truth in future. If the Regulations Officer that told Dr Parry the non-compliant animal troughs he inspected on 6 December 2016 were compliant was Richard Harrison then maybe Dr Parry himself knows what it is like to be a victim of his dishonesty.

Signed



Name: Dr ~~Huw~~ G M Parry

Position: Customer Support Manager

Date: 22 January 2018

