



**An Roinn Tithíochta,
Pleanála agus Rialtais Áitiúil**
Department of Housing,
Planning and Local Government

Multi-Annual Rural Water Programme 2019-2021

Private Water Supplies

Frequently asked questions

02 July 2020

NOTE: As with all documentation, the wording of the Terms and Conditions for the various schemes should be read in their entirety and not in isolation. In all cases, the appeals mechanism can be used by an applicant who is not satisfied with the decision of the local authority, as the Terms and Conditions.

1. Applications

Previous scheme

- 1.1 *What is the process if an application had been received under the previous scheme, prior to the publication of the new Regulations and the issue of the new Circular?*

An applicant who has been approved for a grant under the previous scheme but works have not commenced (the authorities must be fully satisfied that this condition is met), may withdraw the application under the previous scheme and submit an application under the revised scheme, if the terms of the new scheme are more financially advantageous to the applicant. See also Section 7 below on testing/sampling.

Previous grants paid

- 1.2 *Are the revised grant amounts payable retrospectively to applicants who received grants paid under previous scheme?*

No. The effective date for the new terms and conditions is the date of the relevant Circular. Any grants paid under the previous scheme's terms and conditions will not be revisited.

Selection of preferred contractor

- 1.3 *With regards to contractor selection, is cost the sole criterion that applies or can the applicant decide which contractor to use?*

It is a matter for the local authority to set the Approved Costs (see Section 4 below). The applicant can select their preferred contractor (it may not necessarily be the lowest quote) provided that all other criteria have been met e.g. tax clearance certification (see also Section 6 below). The maximum grant paid should not exceed the Approved Costs.

Application and claim documentation

- 1.4 *Can local authorities make any changes to the documentation?*

No. However, local authorities may insert their contact details and logos. No other changes are permitted.

- 1.5 *On the application form there is space for two contractors' details, what details are inputted into the second contractor's boxes?*

The applicant enters the details of the applicant's preferred contractor(s) only - it is possible that, depending on the specifics of the work being undertaken, more than one contractor is required to complete the works e.g. works on a well and water treatment is being provided. The second box provides for this situation. Details of the quotations should be attached to the application.

Templates

- 1.6 *Is there a specific template or format for local authority technicians to use when completing details of, for example, first inspection, second inspection or findings?*

No. This is an operational matter for the local authorities. It is a matter for the local authorities to collectively work together to consider developing standardised templates, if they believe this would be of benefit.

- 1.7 *Is there a specific template to use for the "Certificate of Water Quantity"?*

No. This is an operational matter for the local authorities. It is a matter for the local authorities to collectively work together to consider developing standardised templates, if they believe this would be of benefit.

Recording systems

- 1.8 *Is there a new system for local authorities to record all the new applications, as was introduced with the previous grant scheme?*

No. There is no specific recording system and this is a matter for each local authority. It is important to note the requirements under the section on *Monitoring and oversight* in the Circular L4/20 when setting up a recording system. In addition, the template *PWS 1 Schedule* in the Circular, the new application form and the declaration, may provide a base when creating a new recording system.

Eircode

1.9 *What happens in cases where a house does not have an Eircode?*

The provision of an Eircode is required in order to process an application under the new scheme. According to www.eircode.ie, Eircodes have been assigned to existing postal addresses. The need for an Eircode is an important feature of the new scheme – it enables the local authority to easily check on previous grant status and it is essential for the local authority to ensure that they are included in the grant application. Separately they facilitate the local authority in locating the property – avoiding the cost that incurred under the previous scheme of providing a map.

Eircodes can be checked by inserting the address into the Eircode Finder <https://finder.eircode.ie/#/>. In the unlikely event that a house was not allocated an Eircode, this is a matter for the occupier of the property to resolve <https://www.eircode.ie/contact>

Electronic receipts

1.10 *Is it acceptable to accept receipts electronically i.e. receipts from contractors engaged by the applicant to carry out approved works?*

Yes, once the local authority is satisfied that all is in order.

2. Grant levels

Adjustments to grant levels

2.1 *Can the grant levels be adjusted within the scheme e.g. increase treatment works element and reduce rehabilitation works elements?*

No, there is no scope for any changes to the levels of the individual elements of the grants. The grant amounts are clearly outlined in the relevant Regulations and cannot be adjusted without amending the relevant Regulations.

Minimum spend

2.2 *Does the €750 minimum spend requirement relate to the total spend in cases where the application relates to works under two separate elements e.g. rehabilitation works plus treatment works?*

The €750 minimum eligible cost is not intended to be based on an aggregate total of costs, the minimum expenditure criteria applies to each element of the grant.

3. Eligibility criteria

Scope of works

- 3.1 *Has the scope of works that are eligible for grant aid changed from the previous scheme i.e. the previous scheme referred to the "provision or necessary improvement of an individual supply" whereas the new scheme only refers to "improvement"?*

No. As per Section 1 of the Housing (Miscellaneous Provisions) Act 1979, the interpretation of improvement works is as follows:

“ ‘improvement works’, in relation to a house, includes the provision and installation of a private water supply or private sewerage facilities in the house and any works carried out to the house (whether for the purpose of extending, enlarging, improving, repairing or converting it) that, in the opinion of the Minister, are reasonably necessary for the purpose of rendering the house more suitable for human habitation, but does not include decoration;”. For the purposes of this scheme, “the Minister” is interpreted as being the local authority/housing authority.

Long-term rentals

- 3.2 *In the case of long-term rental properties who is envisaged will apply for the grant i.e. the landlord or the tenant?*

As per the *Section 3 Eligibility* of the scheme Terms and Conditions, “The house is occupied by the applicant as his or her normal place of residence”.

In the limited circumstances where this situation applies, the applicant should be required to provide written proof to the local authority, that the applicant has the permission of the property owner to undertake the works.

Seven-year check on previous grants

- 3.3 *When is the seven years counted from i.e. date of the circular or the date of the application?*

The seven years is counted from the date of the current application. See *Section 3 Eligibility* of the Terms and Conditions for more information.

Second application within seven years

- 3.4 *In light of the new regulations, if a grant was paid within the previous seven years (Section 2.3 above) that was under the grant maximum amount, and a new unforeseen issue has now arisen e.g. the pump has failed, can a further grant be approved within the remaining balance of the grant threshold?*

As per *Section 3 Additional eligibility information* of the Terms and Conditions, in exceptional circumstances, applicants may be permitted to make a second application within the seven-year period if the maximum grant was not fully utilised and some significant unforeseen or emergency issue arises after the first application. Examples of such circumstances would include contamination of the water supply, collapse/subsidence, deterioration caused by weather events.

The maximum grant thresholds of the new scheme apply in respect of any calculations, regardless of whether the first grant was paid under the previous scheme. See *Section 3 Additional eligibility information* of the Terms and Conditions for an example.

Age of house

- 3.5 *Does the local authority need to check the seven-year rule in respect of the age of the house?*

Yes. The local authority must, in forming an opinion and reaching its decision, make reasonable enquiries to verify that the house has been fully constructed for more than seven years. The paper trail must be very clear on this aspect, on the application file, for audit purposes. The Department will be auditing a sample of applications from time to time.

Non-domestic supplies

- 3.6 *In cases where the supply serves both domestic and non-domestic purposes, is there any guidance in relation to calculating or assessing the apportionment of the expenditure?*

This is a matter for local authorities. Over time, local authorities will build up a database of costs and knowledge of the cost of works under the three categories of grant, and this can be used to determine, in the opinion of the authority, the approved cost in such circumstances. It is anticipated that the need for apportionment will not arise in the vast majority of cases.

4. Approved costs and quotations

Ascertaining approved costs

4.1 How are approved costs calculated?

This is a matter for the local authorities, as was the case under the previous grant scheme, based on their expertise and experience in this area. Additionally, authorities are expected to, over time, build up a knowledge database of works costs based on previous grants.

Three quotations

4.2 Are applications under the new scheme precluded if the three quotations criterion is not met?

Yes. The Terms and Conditions are very clear on this matter, applicants must obtain three quotations for all proposed improvement works, this includes treatment works. Again, authorities are expected to, over time, build up a knowledge database of works costs based on previous grants, and this is one of the reasons for the “three quotations” approach. It should be noted that quotations from contractors are not restricted to the county in which the Eircode is located.

The Terms and Conditions provide for, in the interest of openness and transparency, an appeals process (Section 9 of the Terms and Conditions) that is administered by the authority in the event of an applicant being dissatisfied with the decision of the authority on their grant application.

4.3 If an application has been received under the previous scheme with one quotation but no approval issued, is the applicant obliged to withdraw and reapply under the new scheme, and obtain three quotations?

No, if the application proceeds under the previous scheme then the previous Terms and Conditions continue to apply to that application. If the application

is withdrawn and submitted under the new scheme, all relevant criteria including the three quotations criteria will apply.

Circular L4/20 addresses the transition between the existing and new arrangements.

5. Post-emergency approvals

Emergency works

- 5.1 *Is there any provision in the new scheme for emergencies where urgent works arise and no related application had been submitted to the local authority, or where an application was submitted to the local authority but approval had not yet been given? An example would be an emergency issue that arose over a weekend.*

There is no specific provision for situations where emergency works arise in cases where no application had been received in respect of these works, in the new scheme. However, this issue was raised several times on appeal under the previous grant scheme. The Department's view then was that if the local authority had **clear** evidence from a post-works inspection that the situation constituted an emergency, the authority should proceed to consider a grant.

The Department continues to hold that view. The same application form can be used but the applicant should clearly state in the description box that it relates to an emergency situation. The requirement for three quotations must be met in these cases.

6. Tax clearance certification and VAT registration

Tax clearance paper certificates or Revenue system

- 6.1 *Why does the application form request Tax Clearance Certificate rather than Revenue login details?*

The wording used in the Terms and Conditions is consistent with that used by Revenue. The documentation was worded accordingly. This does not impact on the tax clearance requirements.

<https://www.revenue.ie/en/starting-a-business/tax-clearance/index.aspx>

Verifying tax clearance status

6.2 *At what stage of the application process is the tax clearance status verified?*

The tax clearance status must be verified by the local authority during the application approval process, and should be checked again when the related claim is being processed.

VAT registration

6.3 *Does the contractor(s) engaged to carry out the works need to be registered for VAT?*

Yes. All approved works must be carried out by a contractor(s) who is registered for VAT, and meets all tax clearance certification requirements.

7. Specifications of works

Rehabilitation works

7.1 *Are costs related to pump replacement deemed eligible for the purpose of the rehabilitation grant?*

A pump is an integral part of a private water supply and therefore would be considered eligible costs for grant funding for well rehabilitation works.

New well works

7.2 *Is there a specification for the construction of a new well?*

There is no definitive national standards of what is required for the construction of a well for a private water supply to a house however, the specifications remain as what was deemed as a requirement under the previous scheme.

The following websites provide some useful information:

- <https://iqi.ie/publications/guidelines/>
- <https://www.epa.ie/water/dw/hhinfo/>
- https://www.sligococo.ie/media/SligoCountyCouncil2015/Services/Environment/Downloads/PlanningBoringPrivateWell_030714.pdf

Treatment works

- 7.3 *Are treatment costs now capped at €1,000 or can a grant of 85% of the excess over €1,000 be paid subject to the maximum per type of works?*

As per Regulation 3(2)(b) of SI No. 192 of 2020, 100% of the approved costs, subject to a maximum grant of €1,000 is available for treatment works. Treatment works can only be claimed and funded under this Regulation. The deliberate splitting of one element of a claim that exceeds the threshold allowed is strictly not permitted. As with the majority of grant schemes, this scheme is designed to provide financial aid to incentivise the take-up of the scheme balanced with not de-incentivising the preferred alternatives, such as the community in areas coming together to develop a new Group Water Scheme or community water connections for which separate grants are available under the Rural Water Programme.

- 7.4 *If the quality of a water supply does not meet the parameters under Table C of the Drinking Water Regulations e.g. pH, Iron or Manganese, can the applicant install appropriate treatment under the 85% well rehabilitation works, subject to the maximum grant of €3,000?*

No. If, in the opinion of the local authority, treatment is considered necessary based on the criteria in the financial assistance regulation (S.I. No. 192 of 2020), then funding is limited by the regulations to a maximum of €1,000 which is provided at 100%.

In the event of non-compliance with the parametric values or with the specifications provided for in Table C in Part 1 of the Schedule to the Drinking Water Regulations (SI No. 122 of 2014, as amended), the local authority shall, in forming its opinion on whether treatment is required, consider whether or not such non-compliance poses a risk to human health.

Two scenarios arise from the above consideration:

- ***The non-compliance with the parametric values or with the specifications provided for in Table C does not, in the opinion of the authority, pose a risk to human health:*** in this instance, consideration can be given to payment of a grant for well rehabilitation works that would ensure that, upon its completion, the supply is wholesome and clean. A good example would be source protection, wellhead protection work etc. if, in the opinion of the authority, such work is necessary to ensure that the supply is wholesome and clean on an ongoing long-term basis.
- ***The non-compliance with the parametric values or with the specifications provided for in Table C does, in the opinion of the***

authority, pose a risk to human health: A grant should not be paid in this instance on the basis of rehabilitation works alone where in the opinion of the authority other work to treat the water is necessary to ensure that it is wholesome and clean. The Terms and Conditions for the grant – which also serve as guidelines for the authority - provide for this when considered in their totality in a number of its individual sections (see Sections 1, 2, 7 and 8 of the Terms and Conditions in particular). The grant is an integral part of improving the quality and reliability of private water supplies that are supplying water for domestic use by houses in rural areas and partial improvements do not satisfactorily achieve that aim from a public funding perspective.

7.5 *If an applicant is advised that a water softener is necessary as a component in a treatment system to ensure that water supplied from the well complies with the standards set out in the Drinking Water Regulations, is the cost of the water softener allowable as part of the treatment grant?*

It is a matter for the local authority, based on their knowledge of a supply area and considering all the circumstances of the supply, its issues and risks, to form an opinion and decide on such an application. The paper trail and the application file in such instances must be very clear for audit purposes. The Department will be auditing a sample of applications from time to time.

The Terms and Conditions are very clear on hard water (See specifically Appendix I, Section 2 of the Terms and Conditions). Hard water is not included as a parameter in the quality standard tables included in the Schedule to the European Union (Drinking Water) Regulations. The focus and objective of the grant scheme is on public health. Under the European Union (Drinking Water) Regulations 2014 (SI No. 122 of 2014, as amended) a water supply should be wholesome and clean. Water that is wholesome and clean is defined in those Regulations, and quality standards for it are specified in the related Schedule to the Regulations.

7.6 *Can an application be amended to include treatment works (as well as the original element of either rehabilitation works or new well works) at the post-works stage in cases where the post-works inspection (post installation) on a new well or rehabilitated wells demonstrates that there is contamination and treatment is required? Can the local authority determine a revised approved cost (provided all criteria are met including the requirement for three quotations)?*

Yes. This should be avoided as much as possible through pre-works (pre-installation) sampling and testing of the supply, the pre-works inspection taken

in conjunction with the local authority's experience and knowledge of water supplies in the area and using this to provide, what is in its opinion, appropriate advice to the applicant on the best solution to resolve the water quality issues in their supply.

However, an application can be revised to include treatment works in cases where these works are only found to be necessary further into the process. The grant aid threshold (amounts and percentages) for treatment works is separate to new well works or rehabilitation works, and must be determined separately. The paper trail and the application file in such instances must be very clear for audit purposes. The Department will be auditing a sample of applications from time to time.

It may be preferable that applicants are informed of the possibility of this occurring in any early discussion opportunities; they may then consider ticking the treatment works box when completing the application form in order to get approval in advance. If treatment works were not required necessary, this element of the grant would not be paid.

Testing/sampling

- 7.7 *Are the costs of testing/sampling included in the treatment grant, or the rehabilitation works grant or the new well works grant?*

Quality testing for pre-works and post-works (installation) is and was the norm, it is associated with treatment and so should be part of the treatment grant i.e. a maximum of €1,000 grant funded at 100%. There is no case for including it under the rehabilitation works (€3,000) or new well works (€5,000) grants.

Quantity testing is an essential part of the development of a well, the cost of which is part of the all-in cost of well drilling or rehabilitation therefore it is appropriate to include it under the cost of well rehabilitation works (€3,000) or new well works (€5,000) grants, as appropriate.

- 7.8 *If an applicant who has received approval under the old scheme but has not yet commenced works chooses to reapply under the new schemes, is resampling required?*

The Terms and Conditions of the revised grant scheme require sampling to be carried out in support of an application under the new scheme.

However, in transition between the previous scheme and the new scheme, duplication and unnecessary costs to the applicant should be avoided. It is a matter for the local authority, based on their knowledge of a supply area and considering all the circumstances of the supply, its issues and risks, to form an opinion and decide whether resampling and testing is appropriate.

The applicant should be asked to forward the details of the results of the previous testing with the new application, to assist the local authority in forming its opinion.

The authorities must be fully satisfied that, in their opinion, the sampling previously done (if recent) is appropriate and adequate for the needs of the new application. See also Section 7.9 below.

7.9 *What provision is in place where laboratories do not provide an on-site testing service and instead send sterile bottles to applicants to take the sample and return it to the laboratory?*

There is a need for certainty, from a quality control and traceability perspective, on how the water samples are taken and subsequently transferred to the laboratory (which must be within a particular timeframe) for testing and reporting. This is the main basis of the stipulation about the testing laboratory taking the sample i.e. an experienced professional should take the sample in order to avoid the risk of contamination, etc.

If issues arise where laboratories are not providing this service in some parts of the country, the local authority can take the sample when carrying out the pre-works inspection.

The uncontrolled circumstances of laboratories sending sterile bottles to applicants to take samples and return these to the laboratory should not be permitted for the reasons stated and the availability of other alternatives.

Quantity

7.10 *Is there any national guidance on what is considered sufficient quantity as regards a well for domestic use i.e. a household?*

This is not a new feature to the grant scheme for private water supplies. There is no change from how this was assessed when processing applications under the previous scheme.

Both the *Water Services Act 2017*, which provides details of household water allowances for Irish Water customers, and the Terms of Conditions for the *Annual Subsidy for Group Water Schemes* may be of assistance to local authorities.

8. Source of supply

No existing water supply

8.1 *If a house has no existing water supply at present, is it precluded from applying for a grant to provide a new supply?*

No. A house does not need to have an existing piped water supply to qualify (note the example in the Terms and Conditions of rainwater not being considered wholesome and clean).

Other examples of a supply failing the wholesome and clean criteria and the quantity criteria could be instance of the householder drawing (not piped) from a nearby water source. In addition, Question 2 in the Application Form (*Form PWS 1a*) should be noted.

Shared source of water

8.2 *In a case where there is a surface spring which has good water, and from which a number of houses are abstracting water (using their own pump, power supply and pipe work), are these houses excluded from applying for a grant under this scheme?*

Multiple houses drawing their household water supply from a source over which they have no control, or are unlikely to have control, is unsatisfactory as it can pose a public health risk. Houses in these circumstances are not precluded from grant funding towards their household water supply needs. There are a number of options open to them, they are not excluded or at a disadvantage.

- The houses can, supported by the local authority, consider forming a Group Water Scheme and apply for funding under the Multi-Annual Rural Water Programme to develop it. In addition, operational funding through the *Annual Subsidy for Group Water Schemes* is also available under the Rural Water Programme for established schemes. This is available to assist these schemes with the operation and maintenance costs in supplying water to their domestic members.
- Alternatively, if it is collectively viable for the houses to connect to Irish Water they should be encouraged by the local authority to do so. In these

circumstances, they may apply for a grant for the development of a Community Water Connection (formerly called Public Group Water Schemes) under the Multi-Annual Rural Water Programme. In this situation, the distribution network is taken-in-charge upon its completion.

If either of the above options, which are the preferred collective and community focused solutions, are not considered viable, there is the option of applying for a grant in respect of the house, under the scheme to provide a private water supply i.e. a water supply providing water intended for human consumption and domestic purposes that serves only one house.



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