

**Agenda for virtual consultative meeting of the
Scrutiny Committee
Thursday, 1st February, 2024, 6.00 pm**



Members of Scrutiny Committee

Councillors I Barlow, J Brown, F Caygill, M Chapman,
B Collins, R Collins, M Goodman (Chair),
A Hall, J Heath, V Johns, J Kemp (Vice-Chair),
D Mackinder, S Smith, A Toye and J Whibley

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
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www.eastdevon.gov.uk

Venue: Online via the Zoom app

Contact: Sarah Jenkins 01395 517406 email
sjenkins@eastdevon.gov.uk

(or group number 01395 517546)

Wednesday 24 January 2024

Re-issued Thursday, 25 January 2024

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.**

**Any recommendations from this meeting will be ratified at the next meeting of the
Scrutiny Committee.**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVl4hcgRnbwBw>

Public speakers are now required to register to speak – for more information please use the following link: <https://eastdevon.gov.uk/council-and-democracy/have-your-say-at-meetings/all-other-public-meetings/#article-content>

1 Apologies

2 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

3 Matters of urgency

Information on [matters of urgency](#) is available online

4 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which officers recommend should be dealt with in this way.

- 5 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules
There are no items identified
- 6 Public speaking (30 minutes)
Information on [public speaking](#) is available online
- 7 Report from South West Water on current issues affecting the District (Pages 3 - 7)
 - a) Questions for South West Water (Pages 8 - 9)

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

Questions for South West Water (SWW) for East Devon DC Scrutiny Committee 1/2/24

- 1) In 2023 there were ten non-permitted spills from SWW assets that affected East Devon Bathing Waters. Communication from SWW is highly inconsistent, with an apparent reliance on the Environment Agency (EA) to notify Environmental Health Colleagues due to shellfish beds. The notifications to the EA are often hours after the original incident and do not take into account the Council's beach management function. Why is communication from SWW so inconsistent and how can you ensure you alert our beach safety officer immediately when there is a non-permitted spill affecting one of our bathing waters, rivers, or beaches?

SWW is aware that the Environment Agency issued 10 PIRT's (Pollution Incident Report Tool) for East Devon beaches between 4 July 2023 and 20 December 2023. As these PIRTs have been issued by the Environment Agency, it would be appropriate to ask them about their reporting process.

We do hold a BeachWise Forum every year to discuss partnership working and communications with beach manager /owners and Local Authority representatives. SWW would welcome a conversation with EDDC to explore this in more detail.

- 2) It was particularly disappointing to read in the media in reference to the spill on the 5th and 6th of January 2024 at Exmouth, that SWW were saying that advising the public of spills was the responsibility of beach managers. SWW had not notified EDDC that a second pipe burst had taken place or to work together to manage this issue. Why were we not informed of this occurrence?

A separate response will be provided to this question.

- 3) When there was a manhole 'blow off' and discharge at the Hamm, Sidmouth on 4/12/23, it was reported to the EA as being 'minor with no significant release of effluent'. However, the entire river walk some 100m long was full to knee deep with discharge? Please can you clarify SWW definitions of the levels of discharge.

SWW received a customer report on 4 December 2023 at 13.14 of surcharging manholes. Our operative attended site at 14.24 and found no manholes discharging. Photographs taken were at the time of the attendance and we provided this feedback to the Environment Agency.

- 4) Have the uprated pumps installed in Exmouth resulted in more breaches/bursts (due to increased flow rates)? Is this an issue you recognise and is it related to aging infrastructure? If so what specifically are you doing about it?

A separate response will be provided to this question.

- 5) Is the combined system at its capacity? If not, why are we seeing more spills (consented and unconsented) and what are you doing about this specifically?

The combined sewer is not at capacity.

- 6) In the Water fit document you say that you are working towards no more than 20 permitted discharges per bathing water per year. In 2022 you claimed that good progress had been made in this regard. Why in 2023 was this progress lost? For example, Exmouth had 40 discharges in 2023 vs 19 in 2022. Was this related to 2023 being a 'wetter' year and if so are you reviewing your conclusion that progress is 'being made' as it seems reliant on the weather?

SWW remain committed to achieve the ambition we have set out in our WaterFit Strategy.

- 7) Why have all EDDC bathing waters exceeded the 'no more than 20 permitted discharges' target in 2023 (Sandy Bay 21, Exmouth 40, Budleigh 44, Sidmouth 28, Beer 32, Seaton 31). What specifically are you doing to reduce discharges at our beaches going forward? Will SWW be subject to any punitive measures for breaching this target?

SWW remain committed to reduce spills as outlined in our WaterFit Strategy. Information related to these beaches is provided on our WaterFit pages.

- 8) In regard of the updates issued by Beach Live/Water Fit what does it actually mean when an Event Duration Monitoring (EDM) sensor is put in maintenance status? Given that many of these occur during the hours of darkness and high tide making it clear no actual maintenance is occurring?

The SWW Control Centre can access EDM data 24/7, 365 days a year. We may put EDMs into maintenance for a number of reasons including: to clean / maintain the EDM, faults with the sensor, communication issues i.e. with the BT network, where we believe the EDM is incorrectly measuring activations due to wet wipes or other foreign material effecting the operation of the EDM.

SWW are required by the Environment Agency to achieve >90% operability for all EDMs. Where this is not the case, we have to provide these reasons in our EDM Annual Return. The Annual Return is required to be submitted to the Environment Agency by 28 February 2024.

SWW plan to publish the 2023 Storm Overflow Annual Return on our website by 31 March 2024. Link here for 2022 Annual Return: [storm-overflows-edm-monitoring-annual-report-2022.pdf](https://southwestwater.co.uk/storm-overflows-edm-monitoring-annual-report-2022.pdf) (southwestwater.co.uk) The Environment Agency also publish all water company EDM data on gov.uk. Link here for gov.uk website: [Environment Agency publishes Event Duration Monitoring data for 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/environment-agency-publishes-event-duration-monitoring-data-for-2022)

- 9) SWW state that the discharges from combined sewer outfalls are not sewage but 'storm water'. Given that the any discharge from a sewer is by definition 'sewage' how do you justify this? Whilst the overflow may be due to storm water, it is mixed with sewage and will pick up contaminants from this.

The majority of our storm overflows operate due to excess water in the network and occur when the permitted pumping capacity has been exceeded. This can come from a variety of sources including: surface water connections from development / large buildings, land drains connected direct in the network, ground water infiltration which are primarily as a result of heavy rainfall. In some circumstances blockages do occur due to wet wipes and/or fats, oils and greases which cause sewage to back up and discharge via a storm overflow. We are installing c. 20,000 sewer level monitors to help us better understand how our gravity sewers operate to give us an early warning. We are also working with Food Service Establishments (FSAs) in areas where we have a history of sewer blockages and/or sewer flooding. If we find FSAs haven't put in appropriate measure to stop FOG entering the sewer we can take enforcement action.

- 10) Can you explain why there have been spikes in E. Coli and Enterococci bacterial load at Exmouth following these 'discharges of storm water' ? data here [Open WIMS data](#)

E.coli and Enterococci can be derived form a number of source not just human.

This is Environment Agency data which they are collecting at a number of locations outside of the bathing season. SWW had asked the Environment Agency to include Exmouth Beach in their programme of additional monitoring. SWW can confirm that following a conversation with the EA, it is the EA's intention

to complete the sampling then to review the data along with other information e.g. catchment information, rainfall, hydrological data along with data provided by South West Water in order to characterise the bathing beach water quality. The EA are also collecting information on bathing beach use as part of their sampling programme and determining if it is feasible to collect samples safely during the winter period. All samples are taken in accordance with the bathing water sampling protocol.

- 11) We are concerned that SWW do not raise concerns with planning applications which will clearly add to wastewater flows within a network which clearly cannot cope. In relation to this:
- a. From previous Scrutiny meetings we understand that there are 12 SWW officers commenting on planning applications that affect SWW assets. What is the process for deciding which applications to comment on?
 - b. How does SWW consider the cumulative effect of separate applications on the sewerage system?
 - c. How does SWW take this information and plan for infrastructure improvements and capacity building?
 - d. What are your plans to stop spills and ensure there is capacity in the network for future property growth?

Please note: Our Planning Committee have previously asked for information from SWW on connections capacity and network upgrades with no response.

Please can you provide a copy of your information request. SWW will then be able to review and respond accordingly.

SWW wrote to all Planning Authorities in December 2023 following concerns raised regarding the planning process and engagement between Planning Authorities and SWW. A copy of this letter to East Devon District Council is attached. We have yet to receive a reply from EDDC and hence would welcome a conversation as offered in our letter to you. Your contact to arrange this is provided in our letter.

SWW have produced a Storm Overflow Action Plan which sets out our approach to reduce the activation of storm overflows between now and 2040. This was in response to the Secretary of States request to reduce storm overflow activations. We have listened to our customers and stakeholders and they have said they would like us to focus on bathing waters and shellfish waters in the first instance. Each storm overflow that requires action will have a defined period for completion. We will share this when the SoS has given permission for all water companies to publish their plans.

- 12) There were over 4000 tanker movements in Exmouth in 2023. Why are you tankering Sludge from Kilmington STW to Maer Lane STW Exmouth, rather than to the STW at Countess Weir which has significantly better road access?

This question was raised at a recent Exmouth online community meeting held on 11 January 2024. A Q&A pack is being produced following this meeting which we can forward on to EDDC when it is available.

Cllr Wragg
Ed Freeman
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Sent via email

Friday, 15th December 2023

Dear Cllr Wragg and Ed Freeman,

We are writing to provide clarity and reassurance regarding the processes we follow, especially in strategic planning and responses to planning applications.

As custodians of the environment in the region we serve, we take our responsibilities seriously. Our recently submitted Business Plan for the 2025-2030 period reflects our commitment to meeting the needs of our customers, the region, and the environment. Enclosed is a high-level summary of the plan, which we would like to share with you in more detail.

As a Statutory Undertaker, we recognise our obligation to support growth and we are dedicated to developing our investment plans to enhance the capacity of our infrastructure to accommodate new development across the region. We understand the impact our decisions can have on the region and communities, affecting customers and the environment for years to come. Therefore, it is imperative that we make informed and responsible decisions.

Our focus on the planning process covers two key areas:

Strategic Planning:

To support strategic growth, we have developed Drainage and Wastewater Management Plans (DWMP) and Water Resource Management Plans (WRMP). DWMPs outline our approach to managing sewerage and wastewater over the next 25 years, considering factors such as population growth, climate change, and urban development. WRMP ensures a secure and sustainable water supply while prioritising environmental protection, wildlife preservation, and support for tourism, farming, and economic health.

Both DWMPs and WRMPs align with the growth areas identified in Local Development Plans. We engage with developers to understand their programs, allowing us to prioritise investments effectively.

Additionally, our Asset Management continue to engage with Planning Authorities to support the production of draft Local Plans and we have recently strengthened our team so that we can continue to provide input and feedback to your strategic proposals.



Planning Application Responses:

Our Developer Services team engages with development customers to understand their needs and timelines through key account engagement. We offer a pre-planning service providing access to public records, data on connection points, and cost estimates. This proactive approach allows us to address concerns, ensuring our assets can handle the additional pressure from new developments. In reviewing planning applications, we:

Use a computer-based capacity assessment tool to evaluate our sewerage network's ability to cope with increased demand. Undertake detailed hydraulic modelling to address specific areas highlighted by the assessment tool. Finally, we collaborate with our drinking water team to ensure network capacity for drinking water needs.

Ian Lake, our Head of Technical Performance and Solution Development, would like to arrange an opportunity to share insights into how we balance our growth facilitation obligations with the protection of existing services and the environment if you would be interested in setting up a session in the New Year. Ian's email is ilake@southwestwater.co.uk should you wish to make arrangements for a meeting.

We remain committed to transparent communication and collaboration and so, please do not hesitate to contact us if we can help in any way further.

Looking forward to hearing from you at your earliest convenience.

Yours sincerely,



Richard Price
Chief Engineering Officer, Pennon Group



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