

Report to: Council



Date of Meeting 21 February 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Motions on Notice

### Report summary:

The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than 10 clear days before the date of the meeting.

Motions must be about matters for which the council has a responsibility, or which affect East Devon District Council.

Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That the Motion on Notice is debated and determined by Council.

### Reason for recommendation:

The constitution makes provision for motions on notice to be debated and decided by Council.

Officer: Andrew Melhuish, Democratic Services Manager ([andrew.melhuish@eastdevon.gov.uk](mailto:andrew.melhuish@eastdevon.gov.uk) )

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

**Equalities impact** Low Impact

The impact is low as this report is dealing with the submission of motions on notice. Any work undertaken following the consideration of the motions on notice would be subject to an equalities impact assessment being undertaken.

**Climate change** Low Impact

**Risk:** Low Risk; A risk assessment would need to be completed on any works or further investigations resulting from the motions of notice.

**Links to background information** N/A

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
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**Report in full**

**Motion 1: Sewage & South West Water**

**Motion Proposed:** Cllr Todd Olive

**Motion Seconded:** Cllr Geoff Jung

**Motion signed:** Cllrs Olly Davey, Nick Hookway, Paul Arnott, Richard Jefferies, Paula Fernley, Matt Hall, Marianne Rixson, Yehudi Levine, Anne Hall, Charlotte Fitzgerald, Sarah Jackson, Chris Burhop and John Heath

**Motion received:** 1 February 2024

The full text of the motion is set out below.

East Devon District Council,

*Noting* widespread concern among East Devon residents regarding the state of local and national sewage infrastructure,

*Recognising with grave concern* significant disruption to the functioning of Exmouth's sewage network due to a series of major pipe failures in December 2023, and *noting* extensive disruption to residents resulting from tanker movements and repair works as a result,

*Alarmed* at the failure of South West Water to advise East Devon District Council of sewage overflows in Exmouth over the same period, leading to reports of people and pets falling ill from exposure to untreated human waste during sea swimming,

*Stressing* that these issues affect all East Devon residents, whether coastal or inland, and *noting* that in 2022, the last year for which full data is available:

- I. all five of South West Water's worst-performing East Devon consented overflow outlets by hours of spill, and four of the five worst-performing outlets by number of individual spills, were located inland,
- II. sewage overflows from South West Water outlets in East Devon ran for over 20,000 hours, with over two-and-a-half thousand individual spills,
- III. four South West Water outlets in East Devon spilled for over a thousand hours each, with the worst-performing outlet spilling for 1966 hours, or nearly a quarter of year,
- IV. five South West Water outlets in East Devon spilled over a hundred times, with the worst-performing outlet spilling on more than two in every three days on average, and
- V. twenty-six of thirty East Devon District Council wards experienced a spill, meaning over 82% of East Devon's population lived in a ward affected by untreated sewage overflows,

*Noting with alarm* that constraints and actions identified in a 2010 Water Cycle Study regarding sewage infrastructure capacities have not been actioned, including:

- I. The construction of a new Wastewater Treatment Works to serve the new community at Cranbrook,
- II. Improvements to existing treatment works at Maer Lane and elsewhere to facilitate new development and population increases in view of contemporary capacity limits, and
- III. Improvements to existing treatment works at Otterton and Sidmouth to improve river water quality,

*Emphasising* the importance of East Devon's coasts and rivers to our area's outstanding natural environment, and the intrinsic aesthetic, cultural, and existence value of this to our residents, and *considering* the substantial contribution that these natural assets make to our local economy via tourism, as recognised by our 2022 Tourism and Cultural Strategies,

*Expressing concern* that a failure to properly control sewage overflows into rivers and associated phosphate pollution is actively undermining efforts by East Devon District Council and others to promote ecological recovery, biodiversity, and nature restoration, and indeed is counter-productive for South West Water's own efforts to improve the environmental quality of river catchments,

*Mindful* of the large number of comments and concerns raised by residents in the 2022-23 Regulation 18 consultation on the emerging East Devon Local Plan regarding the capacity of local sewage infrastructure,

*Recalling* concern expressed by Members at South West Water's perceived failure to properly and appropriately respond to consultations on planning applications for new development in areas known to experience frequent sewage overflows,

*Concerned* at the lack of engagement by South West Water with East Devon District Council officers and the Coast Country & Environment Portfolio Team, including through a failure to follow-up on actions agreed between senior South West Water executives and the Portfolio Team at the November 2023 Beachwise Forum and a failure to include the District Council in consultations with relevant Town and Parish Councils,

*Noting* that central government funding for the Environment Agency, the relevant regulatory authority, had been cut by over half in real terms between 2009/10 and 2021/22, and

*Conscious* of the need for East Devon District Council to address these issues on account of its responsibilities to the environment, environmental health, and as the Local Planning Authority, while *noting with frustration* that many legal powers of investigation and enforcement are reserved to central government and under-funded, under-staffed statutory regulators:

1. Declares that it has no confidence in South West Water's existing systems and processes for proactively managing and investing in East Devon's sewage infrastructure;
2. Requests that the Leader write publicly to the Chief Executive of South West Water to invite the company to:
  - a. commit to involving the District Council in discussions with Town and Parish Councils regarding ongoing and upcoming works on South West Water infrastructure,
  - b. jointly convene a regular liaison group bringing together senior staff from South West Water and East Devon District Council, together with relevant East Devon Cabinet members, to proactively monitor and respond to ongoing developments and issues,
  - c. proactively and transparently engage with East Devon District Council's Planning Policy team and processes on an ongoing basis to ensure that the emerging Local Plan can deliver development without exacerbating existing issues with storm overflows and capacity constraints, and in tandem with network improvements,
  - d. more broadly, to commit to working with East Devon District Council's planning officers to help manage development pressures on infrastructure and respond to community concerns, to responding to requests for consultation and providing relevant data, to accepting invitations to Planning Committee meetings to discuss applications whenever possible, and taking other relevant steps, and

- e. commit to actively engaging with East Devon District Council's Beach Safety Officer and Environmental Health team to proactively advise of overflow discharges in the interest of public safety;
3. Further requests that the Leader copy correspondence to our local MPs to encourage them to support our efforts to engage South West Water, and to lobby government to:
    - a. revisit weak legislation allowing water companies until 2038 to reduce phosphate pollution in rivers from sewage overflows by only 80%, with a view to requiring more immediate action in the short- and mid-term to reduce storm overflows and ameliorate capacity issues,
    - b. resist a request by South West Water to raise bills by over 20% by 2030, before inflationary increases, until demonstrable action on sewage spills has been taken to reduce spills towards South West Water's own 2025 targets, and
    - c. restore Environment Agency funding to 2009/10 real-terms levels, and properly fund other environmental regulators, to ensure that polluting activities are fully and robustly monitored, investigated, and where necessary enforcement action taken;
  4. Resolves that Strategic Planning Committee evaluate what planning policy measures, including spatially and/or temporally limited moratoria on development, are required to respond to any sewage capacity issues that might be identified by the upcoming Water Cycle Study at the earliest possible opportunity following its receipt;
  5. Further resolves that the results of the Water Cycle Study and any resulting measures recommended by Strategic Planning Committee be actively publicised to residents and brought to the attention of South West Water as the body responsible, including through the proposed liaison group if and when it is implemented; and
  6. Instructs that Strategic Planning Committee, or another committee if this is considered more appropriate by officers, considers a standing item to annually review progress on any recommendations made by the Water Cycle Study.

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### **Financial implications:**

To be confirmed.

### **Legal implications:**

The motion on has been submitted in accordance with the Part 4 of the Council's Constitution – Rules of Procedure 10.1 Notice: Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 5 members, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting.