

Report to: Scrutiny Committee



Date of Meeting 7 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Feedback from South West Water following the meeting of Scrutiny Committee held on 1st February 2024

Report summary:

Following the virtual consultative meeting of the Scrutiny Committee with South West Water held on 1 February 2024, South West Water provided feedback on the draft minutes and issues raised during the meeting. The feedback is set out below.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Scrutiny Committee notes the feedback from South West Water following the virtual consultative meeting held on 1 February 2024.

Reason for recommendation:

To bring the feedback from South West Water to the attention of the Scrutiny Committee so that any further actions or recommendations may be agreed.

Officer: Sarah Jenkins, Democratic Services Officer (sjenkins@eastdevon.gov.uk) 01395 517406

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

Climate change Low Impact

Risk: Low Risk;

Links to background information [Scrutiny Committee Thursday, 1st February, 2024 agenda, minutes and recording](#) : [Extraordinary Scrutiny Committee Thursday, 15th February, 2024 agenda, minutes and recording](#)

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

1. Following the virtual consultative meeting of the Scrutiny Committee with South West Water (SWW) held on 1 February 2024, a courtesy copy of the draft minutes was sent to SWW to check for factual inaccuracies. SWW subsequently provided feedback on the minutes of the relevant agenda item at minute 76 and on issues raised during the meeting. The minutes were approved at the Extraordinary Scrutiny Committee meeting held on 15 February 2024 and are reproduced below. The feedback from SWW is also set out below, clearly identifiable in red italics and underlined, in order to bring this to the Committee's attention.

For ease of reference, the questions to which the responses in the minutes relate are also reproduced below in square brackets.

2. Minute 76 Report from South West Water on current issues affecting the District

The Chair welcomed representatives of South West Water to the meeting; Alan Burrows, Director of External Liaison, Mark Worsfold, Director of Asset Management, Hazel Tranchant, Senior Asset Manager and Sarah Sharpe, Community Engagement Officer.

Twelve questions had been sent in advance to South West Water (SWW). Responses to those questions had been published with the agenda. The Chair invited Mr Burrows to speak to the responses and to update the Committee on the current situation with regard to improvements.

Questions were taken in order with the following points highlighted and discussed:

[Question 1

Q: 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?]

- Pollution Incident Reports are issued by the Environment Agency (EA), in response to notification by SWW. Information regarding Pollution Incident Reports is held on the EA website.

- SWW is legally required under some of its permits to report shellfish reportable incidents. It was noted that on two occasions reportable incidents had not been reported. SWW proposed to meet with EDDC officers to discuss this matter.
- The offer of a meeting was welcomed by the Assistant Director, Environmental Health, to ensure that EDDC Environmental Health (EH) received the correct notification in a timely way and appropriate format. EDDC has a number of responsibilities, and it would greatly assist to have earlier notification of pollution incidents directly from SWW, rather than wait for the legal notification from the EA.
- It was suggested that the meeting between SWW and EDDC EH should also include a representative from the EA to ensure clarity on the duties and roles of the various agencies involved.
- Councillors would welcome earlier notification over and above the legal requirements.
- SWW advised that alerts are issued via the WaterFit Live system on the SWW website and that these are above the minimum legal requirement for notification of pollution incidents. EDDC officers also receive WaterFit Live alerts direct from SWW.

[Question 2

Q: 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?]

- With regard to the pollution spill at Exmouth on 5 and 6 January 2024, a WaterFit Live alert had been in place since 30 December 2023 and covered the period to 8 January. SWW is confident that it had done as much as possible to work with the community and Town Council in Exmouth to provide information regarding the spill. Further meetings are planned shortly in Exmouth regarding this issue.
- Councillors suggested that a further alert would be helpful where an incident is on-going or a new incident has occurred during a period already covered by an existing alert. This is also a matter of how such a situation is managed within EDDC.

It was agreed that there is a need to learn from mistakes these events and to find ways to improve working together going forward.

[Question 3

Q: 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.]

- Reports of incidents to SWW often do not contain sufficient information from customers such as a photograph which would assist SWW to respond.

[Question 4

Q: 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?]

- Pumps at Exmouth had been updated in September 2022 as part of SWW's strategy to improve spill performance in the Exmouth area. The risk of a burst had not increased by the updating and the burst had occurred due to a defect in the pipe which was not pressure related.

[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?]

- SWW plans to double capacity at the Maer Lane treatment works to deal with storm events. Work is on-going through schemes to remove the non-foul flows from the combined sewer.
- Concern was expressed regarding capacity and spills occurring during good weather, rather than storm events, in the Clyst St Mary area.
- Concern was also expressed regarding the length of time taken to report some incidents.
- SWW advised that they are held to account by the EA regarding reporting times.

[Questions 6 – 10

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?

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?

In regard of the updates issued by Beach Live/Water Fit what does it actually mean when an Event Duration Monitoring 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?

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.

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](#)]

- SWW is committed to its WaterFit programme. The strategy involves removing surface water from the sewer system which will enable SWW to better manage the system.
- Event Duration Monitors (EDM) have to be maintained and the EA requires SWW to have the EDMs operable for 90% of the time, although SWW aims at 98% operability. OfWat is looking to introduce penalties where EDMs are inoperable.
- Under SWW's permits, storm overflows are required to have screens to remove solid matter.

- It was noted that there may be times when it is unsafe for the EA to collect water samples, particularly during winter months.
- E.Coli and Enterococci bacteria may have come from sources other than human waste.
- Regarding separation of surface water from the combined sewer system, various options are considered for different areas in order to install surface water separation schemes.

[Question 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.]

- SWW has identified a future capacity issue at the Countess Wear treatment plant as part of its Drainage and Waste Management Plans which are now becoming a legal requirement. A new treatment plant, east of the Exe, will be required to deal with future development, with the exact location yet to be determined and completion likely to be 5 to 10 years away.
- Concern was raised with regard to waiting times for issues to be resolved such as the recent spill in the Cranbrook Country Park and what measures are being taken to prevent a similar occurrence. SWW would provide a response to this issue. Many of the sewers on the Cranbrook estate have yet to be adopted, as such, the records for these sewers have yet to be made available to SWW, with the maintenance and operation of the sewers remaining the responsibility of the developer until formal adoption has occurred. The sewers within the development and country park are separate sewers. We are concerned if the foul only sewer has seen a stormwater response as this should only contain foul flows. We would like to further investigate the specifics of this event to work with the developers and council to ensure that the development has been correctly constructed and that the sewers can be effectively adopted.
- SWW wants to work with EDDC regarding future housing development needs and to take these into account.
- There needs to be clarity with regard to the use of the term 'capacity' as SWW is not exceeding its dry weather flow on any development sites. Some of the developing issues on the sites may be due to the late adoption of the sewers by the developers and as such may contain latent defects which may lead to the flooding and capacity issues observed. Regarding the 2010 water study, all options were considered for east of East Devon prior to the development of Cranbrook. Flow and load surveys determined that there was headroom at the Countess Wear plant at that time. It is noted that further capacity to the east of Exeter will be required in the future.
- Within the Drainage and Wastewater Management Plan SWW have identified that new treatment work capacity will be required from 2035 onwards. Hence the development of new capacity requirements by 2035. A new treatment facility will take 5-10 years to deliver.

SWW consulted on the DWMP plans in the Summer/Autumn of 2022 before the final DWMP plan was published in June 2023. As part of the consultation process SWW engaged through a number of workshops and through feedback to the company website. No response was received from EDDC over the consultation period.

- The community at Clyst St Mary is seeing increased sewage spills and it is of real concern that planning applications are being approved for development under the new Local Plan. This situation results in Councillors questioning SWW's information regarding capacity.
- SWW advised that there is an issue with surface water between Clyst Honiton and Clyst St Mary and further work is needed to address this issue which contributes to the problem at Clyst St Mary.
- SWW has offered to meet with EDDC regarding future housing development. EDDC has acknowledged the offer of a meeting and is currently awaiting the water cycle report which is due imminently and will help to inform the discussion on future development capacity issues.
- Regarding a question on capacity at the Fluxton treatment plant, SWW would respond to EDDC in due course as the relevant information was not available at the meeting.
- Regarding a question on capacity to the east of Exeter and how this will be impacted by the proposed new town, SWW advised that it would be more appropriate to discuss this at the planning meeting with EDDC when data specific to this issue would be available.
- Councillors would welcome having a specific contact at SWW when issues arise in their wards. SWW would advise the most appropriate contact following the meeting.
- In response to a question regarding the fact that a potential sewage treatment plant at Cranbrook had not been built, SWW advised that issues in other parts of East Devon, such as those at Clyst St Mary and Exmouth, were not linked to the process of treating sewage from Cranbrook at the Countess Wear treatment plan.
- Responses to questions raised during the meeting would be circulated to all Councillors.
- Concern was expressed regarding pressure on drinking water due to climate change and further housing development.
- SWW is currently updating its Water Resources Management Plan and looking at options such as moving water more easily around the southwest area.
- In response to a question regarding flushing, SWW advised that the water supply would not normally be interrupted during flushing as the purpose is to remove deposit build up in pipes. Residents would normally be advised if their water supply is to be interrupted.

The Chair thanked Alan Burrows, Mark Worsfold, Hazel Tranchant and Sarah Sharpe for attending the meeting and for their contributions.

[End of minute 76]

Financial implications:

There are no direct financial implications identified from the report.

Legal implications:

There are no substantive legal issues to be added to this report.