Southern Water Local Authority Stakeholder Group

13:30 on Tuesday 17 December 2024
via MS Teams

Notes of meeting

1. Welcome – Chris Bending ("CB")

- CB began with the necessary introductions and conveyed Cllr Rachel Millward's apologies for not attending the meeting today. He also introduced Cllr Ian Tysh, Wealden's Cabinet Member for Planning & Environment.
- For those new to these meetings, CB provided an overview of the background and history, explaining that the purpose of this Group is to bring Local Authorities together to discuss foul water areas within the Southern Water district, to hold Southern Water and their regulators to account for poor performance to ultimately improve services for the benefit of our local environment and residents.

2. Government correspondence (letters to/from Government attached)

- CB referred to the series of letters we have collectively written to and received from central Government. It appears that this trail of correspondence has come to a halt, with the last letter from Emma Hardy MP advising us to talk to Dawn Theaker at the Environment Agency. Looking back to our original letter, our requests have been broader than what the Environment Agency is tasked with, focusing more on how the wider system operates. We therefore argue that this is primarily a Government policy issue, rather than the Environment Agency's actions on the ground. Engaging with Dawn Theaker will only keep us within the scope of the Environment Agency's work, without addressing the broader policy issues.
- Part of our concern has been the ineffective regulation of water companies on a national level. Just yesterday, an article from the Office of Environmental Protection (OEP) highlighted this issue, announcing a series of steps they are taking to bring these concerns to the attention of the Government and regulators (see link:- OEP finds there have been failures to comply with environmental law in relation to regulatory oversight of untreated sewage discharges | Office for Environmental Protection). The OEP found failures to comply with environmental law regarding the regulatory oversight of untreated sewage discharges.
- CB asked the meeting if this resonated with them and whether there are larger issues at play that everyone needs to be aware of. CB is keen to make sure we are talking collectively as group.
- Comments were as follows:-
  - Lewes – while it is disappointing that Emma Hardy MP appears to have brushed off our letter, it may not have reached her at the right time. What do we want to achieve by speaking to a Minister directly as a group? Is it on a specific topic? Is there another group like ours in the

country? If not, we could emphasize in our next letter that we are a unique group in contact with senior councillors, highlighting how important and unusual we are and why it would be a valuable use of the Minister's time to meet with us?

- o Chichester – as an alternative approach in our next letter to Government, it might be worth focusing on the Government's growth agenda and how it is being hindered by wastewater sewerage capacity issues, such as those in Chichester. This angle could potentially align with Government priorities. Additionally, on environmental grounds, the poor quality of beaches and seafronts will detract from tourism which is also a growth issue.
- o New Forest National Park Authority – agreed. The last letter from Government was a bit dismissive. There is merit in framing it within the latest Government priorities.
- o Horsham – how much has this issue been raised with our local MPs? Perhaps we could send letters directly to them seeking their support? If we have not done much in this regard previously, it could certainly be worth exploring. CB explained that historically, we have been careful to remain politically neutral. Although we share a common purpose, we try to avoid political divisions.

3. Review of progress against priorities (attached)

CB referred back to the list of priorities produced in May 2023, suggesting that it would be beneficial to review them again to assess our current progress.

- Southern Water's Improved Planning Application Consultation Responses

  - o CB mentioned that, in his view, we have not made significant progress on this, despite our efforts. At Wealden, we have agreed for the third time to collaborate with Southern Water as a pilot to review their planning consultation responses, particularly focusing on the language/terminology used for the general public's understanding of the process. Each time we get closer to achieving this, Southern Water experiences staff changes, causing delays. The new cohort has agreed to restart this work with our assistance. We have emphasized that our involvement is as beneficial for their PR as it is for us. CB therefore suggested keeping this item as a priority on this Group's list.
  - o Lewes & Eastbourne Councils – at a recent discussion at East Sussex level it was mentioned that a public planning enquiry in Wealden is testing the Local Authority's ability to require more information about sewage capacity in advance of a housing planning application. It would be interesting to track this public inquiry and the reasons for refusal used by Wealden. Additionally Wealden's Statement of Case might assist other Local Authorities. We are interested in how Wealden's planning department and barrister are presenting the case. **Action**: CB agreed to share the share the details and provide a link to the Statement of Case. Cllr Tysh added that the Hearing date is 28 January 2025 and will be streamed live through on Wealden's website. CB also expressed a willingness to share the eventual outcome with this Group.

- Standardised data sharing between SW and LPAs

  - CB thanked the Group for submitting their contact details, which were then collated and forwarded to Southern Water as mutually agreed. However, unfortunately Southern Water has not fulfilled its part of the agreement. While we have received some contact details, they were somewhat disappointing (ie just generic email addresses and stakeholder managers). We have therefore not as yet achieved the desired level of data sharing with Southern Water, which is frustrating given that Local Authorities also have a wealth of information that could be beneficial to them. CB would therefore like the Group to focus more on this. He referred to the Southern Water's county-wide stakeholder briefing sessions and hoped that members of this Group are attending these useful sessions. At the last session, one of Southern Water's Directors promised to deliver, but we have not seen any progress as yet.

- Complete Combined Sewer Overflow ("CSO") data publication

  - CB advised we have seen some progress such as the Beachbuoy app and other systems, however this is not entirely what we are asking for. Southern Water publishes information on CSOs but does not record other spills/issues across the network. When asked for capacity data on sewers for new developments, such as the difference between sewage/surface water data, they do not provide this information. Can we obtain more data? The meeting agreed that this priority on our list be adjusted to state that Local Authorities need a comprehensive understanding of spills, including a holistic view of potential environmental damage, as well as live reporting on various incidents.

- Full transparency around all planned upgrade works

  - CB advised that Wealden is frequently told by Southern Water that we will hear the final decision from OFWAT on 19 December 2024, but they cannot provide any details until then. We seem to be stuck in this cycle with them. Before OFWAT's announcement we cannot have a detailed conversation with them and after the event, Southern Water say it is too late. At no point do we have an understanding of Southern Water's planned upgrade works.
  - Arun – Southern Water's comms is very poor at times - we have two cases where investment has been announced but they have not told us - in one case we picked up it up from the press.
  - Lewes – we received a list of planned upgrades from Southern Water some time ago, which included a significant investment, particularly in nature-based solutions. Southern Water clearly has this information to hand, but their reluctance to announce it at that time was due to uncertainty about funding. It was encouraging however to see their commitment to addressing surface water problems through nature-based solutions. Perhaps we could request more information on this? This group could also explore the barriers to local-level investment in preventative work. What are their plans and what obstacles are they facing?

- CB added that we want Southern Water to send this information to all Local Authorities collectively within this Group, to avoid 24 separate requests for the same information. This would ultimately streamline the process for them.
- **Action**: Cllr O'Brien agreed to share the information presented to Lewes with this Group. CB to include wording around upgrade works with greener solutions within this priority item.

- To work with the EA, OFWAT and DLUHC to deliver a more joined up and robust enforcement regime

  - It was suggested this falls within part of the correspondence with Government to highlight the value of working with local councils. There was a question around whether it would be beneficial to have county-level representation in this group? CB advised that when this Group was originally formed, the focus was on interactions with Southern Water around planning applications. At that time, counties were not involved in those direct conversations and the aim was to keep the group focused to avoid diverging into different tangents.
  - Folkestone & Hythe - this group is extraordinarily useful for sharing information and gaining a better understanding of the issues that affect everyone. The quality of bathing water is a significant concern for Folkestone & Hythe. What is beneficial about this group, is that we delve into the details to gain a comprehensive understanding. Southern Water's 10-year investment plan is often meaningless to people at a local level. We have learned that we need to focus on the details when addressing issues with Southern Water. One of this Group's earlier meetings involved OFWAT, asking them to take action against Southern Water and the discussion in that meeting was more productive than any other he had been involved in. We should not limit ourselves, as there is scope for all of us. Southern Water has a particular approach when dealing with Local Authorities and there is much to be learned from listening to other councillors.
  - Horsham – perhaps the smaller Working Group should approach County for a meeting first, to better understand the value of including them in this Group. Including County would add value, but an initial introductory discussion between the smaller Working Group and them would probably be more appropriate to begin with.
  - Lewes/Eastbourne Councils – referring to the changes within paragraph 27 of the new NPPF, noting that cooperation and strategic policies must consider the relevant plans of investment providers, maybe environmental resilience could be another potential factor when corresponding with these organisations.
  - **Action** – County Councils to be invited to the next Working Group meeting, to gauge their interest in joining our main Stakeholder Group and the value that would bring.

4. Renew and refresh priorities

- CB asked if there were any other priorities to add?
- The Group discussed concerns about how Southern Water's account for growth when Councils do not have a local plan in place. At this stage it was agreed not to add a priority in this area, but to keep it under review.

5. Next steps with Government correspondence

- CB to work on the wording of the list of priorities and will share a revised draft with the Group. He encouraged everyone to provide any comments once it has been circulated.
- CB/KE to arrange the next Working Group meeting in the New Year and invite relevant County Councils.
- CB to look at drafting a new letter to the Government Minister based on the different angles/comments received today, to repeatedly invite them to a conversation with this Group to improve collaboration. CB to use our local MP network and invite them to the same meeting. We will aim to do this early in the New Year as we want to send the letter on behalf of the whole group.

6. AOB

Nothing to report.

7. Date of next meeting

- To be arranged for around February/March 2025.
- In the meantime, CB encouraged everyone in this Group to continue to go to the Southern Water county-wide stakeholder meetings to hold Southern Water to account and to share any useful information with this group.

Confirmed attendees (in organisation alphabetical order)

Karl Roberts	Arun District Council
Anne Shattock	Basingstoke & Deane Borough Council
Cllr Kate Tuck	Basingstoke & Deane Borough Council
Cllr Theresa Fowler	Brighton & Hove City Council
Cllr Trevor Muten	Brighton & Hove City Council
Cllr Bill Brisbane	Chichester District Council
Fjola Stevens	Chichester District Council
Jonathan Brown	Chichester District Council
Cllr Jim Martin	Folkestone & Hythe District Council
Owen Devine	Gosport Borough Council
Cllr Grainne Rason	Havant Borough Council
David Fitzgerald	Havant Borough Council
Paul Clarke	Horsham District Council
Emma Parkes	Horsham District Council
Eduardo Torres Rojas	Lewes & Eastbourne Councils
Marc Dorfman	Lewes & Eastbourne Councils
Cllr Emily O-Brien	Lewes District Council
Cllr Michael Summersgill	Maidstone Borough Council
Dean Brunton	New Forest District Council
David Illsley	New Forest National Park Authority
Cllr Teresa Killeen	Rother District Council
Holly Harrison	Rother District Council
Adam Bennett	Tandridge District Council
Ria Hotchin	Tonbridge & Malling Borough Council
Chris Bending	Wealden District Council
Cllr Ian Tysh	Wealden District Council
Stacey Robins	Wealden District Council
Annemarie Field	Wealden District Council

Apologies

Cllr Sue Wallsgrove	Arun District Council
Eleanor Evans	Hastings Borough Council
Cllr Tony Hardwood	Maidstone BC
Cllr Elizabeth Lloyd	Havant Borough Council
Tom Gilbert	Maidstone BC
Cllr Simon Curry	Medway Council
Dave Harris	Medway Council
Robert Thain	New Forest District Council
Emma Henshall	Sevenoaks District Council
Julian Ling	Tonbridge & Malling Borough Council
Cllr Rachel Millward	Wealden District Council
Nichola Watters	Wealden District Council