Wealden
District Council

The Rt Hon Emma Hardy MP
Parliamentary Under-Secretary (Department for Environment, Food and Rural Affairs)
Parliamentary Office, House of Commons
London SW1A 0AA

By [redacted]

21 August 2024
[redacted]k
www.wealden.gov.uk
01323 443322

Dear Ms Hardy

As you may know, the Southern Water Stakeholder Group is a group of over 20 local Councils from across the south east, all within the Southern Water foul water catchment. We have come together as a group across party lines and over a wide geography representing over 4 million residents, to raise our collective concerns over the impact of poor performance by Southern Water on our communities and the environment that we work to protect.

As you will see from the attached, prior to the election we wrote to the former Secretary of State and received a reply from your predecessor. The Stakeholder Group would really welcome the opportunity to meet with you to discuss the issues raised and explore how we can all work better together, including with Southern Water, the EA and others to tackle this hugely concerning issue.

Yours sincerely

[redacted]

Cllr Rachel Millward
Chair of Southern Water Local Authority Group
Leader of the Council and Housing & Benefits Portfolio Holder

This letter has been sent on behalf of the following Local Authorities (and members of this Stakeholder Group):

Adur District Council	Lewes & Eastbourne Councils
Arun District Council	Maidstone Borough Council
Basingstoke & Dean Borough Council	Medway Council
Brighton & Hove City Council	New Forest District Council
Chichester District Council	Partnership for South Hampshire
East Hampshire District Council	Rother District Council
Folkestone & Hythe District Council	Sevenoaks District Council
Gosport Borough Council	Tandridge District Council
Great Brighton Economic Board	Tonbridge & Malling Borough Council
Hastings Borough Council	Wealden District Council
Havant Borough Council	Worthing Borough Council
Horsham District Council	

Wealden
District Council

The Rt Hon Steve Barclay MP
Secretary of State for Environment, Food and Rural Affairs
Parliamentary Office, House of Commons, London
SW1A 0AA

By email: [redacted]

18 December 2023
[redacted]
www.wealden.gov.uk
01323 443322

Dear Mr Barclay

As you may already know, the Southern Water Stakeholder Group, initiated and co-ordinated by Wealden District Council, includes representatives from more than 22 local authorities from Chichester to the New Forest, coming together across political party lines, to work together to hold Southern Water (and their regulators) to account for the poor quality of our waterways and coastline. You can see the full list of our member Councils below, which hopefully helps indicate both the broad level of support for this work, but also the scale of the challenge and the need for radical action.

Our group recently met with the Environment Agency (EA) to understand more about their role in regulating Southern Water. As local Councils we are keen to ensure that our work as place leaders is aligned with the work of the Agency and so we explored this in some detail and will continue to develop this partnership. In a similar vein we are pleased to have representatives of OFWAT coming to meet with us in the New Year to explore their role and how we can work better together.

Sadly, our conversations with the EA highlighted some major concerns around the extent of the resourcing to act as a meaningful regulator. We understand that across our region they have just one regulator for every 100km of coast/river. We struggle to understand how these highly skilled and professional officers can be expected to effectively police this level of work.

We also heard more about how the EA have undertaken significant enforcement against Southern Water, with cases ending in large fines for Southern Water. This is welcomed. However, the often untold story here, is that this investigation took 5 years to bring to a conclusion during which time the EA were forced to designate significant resource away from other work all at their own risk. If this had failed, the EA pay the tab. When successful, the EA keep only their costs. We believe that this system acts to disincentivise the EA from bringing action against Southern Water (or other water companies) and only to focus where matters are particularly serious and with a high chance of success.

In the meantime, companies like Southern Water will not be deterred from polluting and see the one-off risk of a fine many years after the event as a cost of doing business, much smaller than the infrastructure needed to protect our environment.

As a result of our meeting with the EA, there are three matters that we would ask you to consider:-

1. Amend the rules around EA enforcement action to ensure that when successful, the EA get to keep the fines from water companies. This money could then be spent on further enforcement, habitat restoration where environmental damage has occurred and/or environmental enhancements across the water company's region – to be clear, not the work that company should be doing anyway, but genuine betterment. This approach would shift the risk/reward balance for the Agency and require water companies to rethink their business model.
2. Whilst we understand that finances across government are tight, we must urge you to prioritise greater expenditure through the EA on staffing to monitor pollution. The EA team expressed a desire to undertake a larger number and better targeted water sampling to ensure that the impact of sewerage spills is better recorded. At the moment weekly recording conceals many events from the data. Targeted sampling, based on weather and tidal cycles is likely to be far more enlightening.
3. Given the push by Government to increase companies using modern monitoring systems on their networks, providing companies with live data of leaks on their network (through CSO's or poor maintenance), it feels wrong that the target for self-reporting by water companies of leaks remains at only 90%. Surely this expectation could be increased, providing a fuller picture of their performance.

We thank you for taking the time to consider these requests and hope that we can work together to deliver the changes necessary to improve our water quality, biodiversity and environment.

Yours sincerely

[redacted]

Cllr Rachel Millward
Chair of Southern Water Local Authority Stakeholder Group
Deputy Leader of the Council and Housing & Benefits Portfolio Holder

This letter has been sent on behalf of the following Local Authorities (and members of this Stakeholder Group):

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Gosport Borough Council	Tandridge District Council
Greater Brighton Economic Board	Tonbridge & Malling Borough Council
Hastings Borough Council	Wealden District Council
Havant Borough Council	Worthing Borough Council
Horsham District Council	

Department
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Food & Rural Affairs

Robbie Moore MP
Parliamentary Under Secretary of State for Environment, Food & Rural Affairs

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Cllr Rachel Millward
Chair
Southern Water Local Authority Stakeholder Group
[redacted]

Our ref: PO2023/25220/JM

6 February 2024

Dear Cllr Millward,

Thank you for your letter of 18 December to the Secretary of State regarding the Environment Agency (EA), water quality and leakage. I am replying as the Minister responsible for this policy area.

I want to reassure you that improving the quality of our waterways is a Government priority. In April 2023, we published the Plan for Water which marks a step-change in how we manage our waters. This will deliver more investment, stronger regulation, and tougher enforcement to tackle pollution and clean up our water.

In the Plan for Water, the Government set out plans to create a new Water Restoration Fund. Water company fines and penalties will be allocated to the Water Restoration Fund to support a range of projects to improve the water environment.

Addressing your point about greater investment for EA enforcement, the Government recognises the importance of protecting the nation's natural environment and we are investing accordingly. For example, we have boosted funding for the EA with £2.2 million per year specifically for water company enforcement activity and investigations so that robust action is taken against illegal breaches of storm overflow permits.

Furthermore, the EA can now use new powers to impose unlimited penalties on water companies for a wider range of offenses, following changes to legislation to broaden the scope of the existing civil sanctions regime and remove the previous cap on penalties. These changes will ensure regulators have the right tools to drive compliance and hold water companies to account.

If water companies are found to be in breach of their permits and failing to meet their legal duties, the Government, along with the sector's regulators, will not hesitate to hold companies to account.

Moreover, tougher enforcement demands increased monitoring. The Government directed water companies to increase their storm overflow monitoring in 2013 and 100% event duration monitoring (EDM) coverage was achieved before the end of 2023. The consultation on continuous water quality monitoring also sets out the Government's proposals to further enhance the monitoring of watercourses. The response to this consultation was published on 14 September 2023. This new water quality monitoring programme will directly measure the impact sewage discharges have on the receiving watercourse. It will show not just whether an overflow is discharging but also its impact on the watercourse.

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This data will allow water companies to better target their investments in infrastructure and will allow the Government and regulators to hold them to account.

Monitoring of storm overflows is now at 100% coverage. However, these Event Duration Monitors, like all mechanical-electrical equipment, sometimes fail. The Environment Agency uses 90% as a metric to measure Water and Sewerage Company monitoring performance and in 2022, 83.6% of EDM devices were able to measure storm overflow performance for at least 90% of the recording period. We consider that this is unacceptable and are introducing metrics through the Water and Sewerage Company Environmental Performance Assessment managed by the EA to drive improvements in EDM data return completeness.

With kind regards,

Yours sincerely,



ROBBIE MOORE MP
Parliamentary Under Secretary of State for Environment, Food & Rural Affairs

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