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: stephen.barclay.mp@parliament.uk

18 December 2023
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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):

Adur District Council	Lewes & Eastbourne Councils
Arun District Council	Maidstone Borough Council
Basingstoke & Deane 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
Greater Brighton Economic Board	Tonbridge & Malling Borough Council
Hastings Borough Council	Wealden District Council
Havant Borough Council	Worthing Borough Council
Horsham District Council	