Southern Water Local Authority Stakeholder Group

13:00 on Tuesday 31 January 2023
via MS Teams

Minutes

Attendees:

Steve Neocleous	Adur District Council (Cabinet Member of Strategic Planning)
Catherine Hutchins	Adur & Worthing Councils – Senior Planning Policy Officer
Karl Roberts	Arun District Council - Director of Growth
Cllr Leo Littman	Brighton & Hove City Council (Chair of Planning)
Andrea Hall	Brighton & Hove City Council (on behalf of Nick Bean, City Engineer)
Mita Patel	Brighton & Hove City Council (Sustainable Programme Officer)
Fjola Stevens	Chichester District Council (on behalf of Cllrs Penny Lant and Susan Taylor)
Simon Rowberry	East Hampshire District Council
Cllr Steve Hammond	Gosport Borough Council (Deputy Chair of the Regulation Board)
Owen Devine	Gosport Borough Council (Planning Policy Officer)
Cllr John Cannan	Hastings Borough Council (taken over from Cllr Judy Rogers)
Kirsten Williamson	Capita (on behalf Havant Borough Council)
David Hayward	Havant Borough Council (Planning Policy Manager)
Cllr Elizabeth Lloyd	Havant Borough Council (Portfolio Holder for the Local Plan, Climate Change & Environment and Water Quality)
Emma Parkes	Horsham District Council (Head of Development and Building Control)
Cllr Paul Cooper	Maidstone Borough Council (Cabinet Member for Planning & Infrastructure)
Helen Garnett	Maidstone Borough Council (Principal Planning Officer in the Strategic Planning Team)
Claire Upton-Brown	New Forest District Council (Head of Planning and Regeneration)
Simon Kennedy	Partnership for South Hampshire (Strategic Environmental Planning Manager)
Jeff Pyrah	Rother District Council (Planning Policy Manager)
Carlyn Kan	Sevenoaks District Council (Infrastructure Delivery Officer)
Emma Henshall	Sevenoaks District Council (Principal Infrastructure Delivery Officer)
Cliff Thurlow	Tandridge District Council (Chief Planning Officer)
Cllr Catherine Sayer	Tandridge District Council
Katya Fox	Tandridge District Council (Associate Town Planner at Arup, Planning Policy & Research Specialist)
Cllr Dave Davis	Tonbridge & Malling Borough Council (Cabinet Member for Planning and Infrastructure)

Gudrun Andrews	Tonbridge & Malling Borough Council (Planning Policy Manager)
Cllr Ann Newton	Wealden District Council (Council Leader and Portfolio Holder for Planning & Development)
Chris Bending	Wealden District Council (Director of Planning, Policy and Environmental Services)
Stacey Robins	Wealden District Council (Head of Planning & Environmental Services)
Nichola Watters	Wealden District Council (Head of Planning Policy, Economy and Climate Change)
Cllr Vicki Wells	Worthing Borough Council (Cabinet Member of Environment) on behalf of Cllr Martin McCabe

Apologies:

Liz Hobden	Brighton & Hove City Council
Andrew Frost	Chichester District Council
Leigh Palmer	Eastbourne & Lewes Councils
Cllr Lynn Lambert	Horsham District Council
Gabby Bussley	Medway Council
Cllr Chris Farr	Tandridge District Council
Cllr Martin McCabe	Worthing Borough Council

1. **Welcome & Introductions (Cllr Ann Newton – Wealden District Council Leader)**

   Cllr Newton welcomed everyone to the meeting. Brief introductions were made by those in attendance.

2. **Background & purpose of the group (Chris Bending – Wealden District Council)**

   Chris Bending shared some background around the concept of this meeting. This is intended as an internal discussion group for all local authorities across the Southern Water Foul Water catchment (given it appears to be a shared problem across all authorities within Southern Water's catchment), to discuss water quality issues resulting from their service provision. Chris referred to a motion passed at Wealden's Full Council in July 2022 given the clear lack of confidence Members/residents have of Southern Water not dealing with discharges properly and the concerns Members have across the organisation. Whilst it should be acknowledged these issues cannot be resolved purely through the planning system (as ultimately Local Authorities do not regulate Southern Water), it is felt that working as a group across a non-political cross-party basis, could have more power in terms of holding Southern Water to account for their failure to deliver.

   Wealden will be putting a press release out about this meeting and is encouraging other LAs to do the same[1]. Southern Water are fully aware we are all meeting and in general terms are supportive of our approach. They recognise they need to do

[1] Since this meeting Wealden has shared its press release – see Appendix A

better and are happy to work with us and use our expertise to help them work in a different way, making use of our resources where possible.

The purpose of this Group is to find ways to work together through open liaison/dialogue with Southern Water, to hold them to account for delivering on their responsibilities. Potentially we could also widen that conversation to include the regulators of Southern Water, such as OFWAT and the EA at a later stage, depending on progress and direction of our discussions.

By working together as a Group, we will hopefully allow for the loudest voice of Government in this area, thereby creating the biggest impact in terms of resolving the issues with Southern Water.

To that end, Wealden has initiated the creation of the group and written to 40 authorities. However, our leadership of the group is not set in stone – the ideal is to start a process going and Wealden is happy to work with anyone who has a vested interest and wishes to work with us to tackle the issues collectively. It would also be good to eventually bring in local MPs, as they will have a part to play in adding extra weight to our cause.

3. Approaches taken so far

Stacey Robins (Wealden District Council)

Stacey Robins began by outlining the struggles he has been experiencing for years in terms of the crossover with Southern Water's promises to deliver infrastructure alongside approving planning applications. The problem is very unhelpful and there is a growing body of anger from people who are objecting to applications on the basis of inadequate infrastructure. In July 2022 there was a Wealden Full Council motion passed to hold Southern Water to account for providing better quality information which could be factored in when making decisions on planning applications and setting planning policies.

Following this Motion to our surprise Southern Water did meet with us in a cross-party meeting on 26th September 2022, where they acknowledged they need to do things differently. They said they were prepared to look at front loading the process by giving us more information around the detriment analysis (which they promised they would do, once they had sorted out their staff resource issues and conducted the necessary recruitment/training). We would then use that information to factor into our assessment when considering planning applications and incorporating controls to hold developers to account when issuing consents for their developments.

We had a further follow up meeting with them on 13th December 2022 and they attended/presented to our Overview & Scrutiny Committee on 23 January 2023. This O&S meeting was particularly difficult with direct challenges coming, quite rightly, from Members on some particularly poorly affected areas within Wealden's district. Since the meeting, slides have been circulated and they have provided written answers to some of the questions raised. Recordings/information are available on Wealden's website :-

Agenda for Overview and Scrutiny Committee on Monday, 23rd January, 2023, 9.30 a.m. - Councillors Committees - Wealden District Council

Various LA's in attendance at this Group meeting then proceeded to share some of their experiences/comments, summarised as follows:-

- Havant BC – has been having similar struggles in terms of communication with Southern Water, as well as operational issues such as sending recycled water to a reservoir in their area. Southern Water were scheduled to attend their O&S in March last year to no avail – they are now due to attend O&S on 20th February 2023. Questions have been resubmitted to them and the Committee meeting will be recorded too.
- Brighton & Hove City Council – Southern Water attended their Health O&S last week (disappointingly not by their Chief Executive) – again, they were asked difficult questions. Budgets were discussed as well as whether Southern Water could help fund public toilets in the city. Recordings are available on their webcasts. It was agreed this Group is ideally suited to share best practice on how to communicate with Southern Water going forward.
- Maidstone Borough Council – has an issue with neutrality in the River Stour and are coming across the same issues in terms of engaging with Southern Water. PAS arranged a meeting with Southern Water, OFWAT, DLUC and LAs and are led to believe it was not a particularly productive meeting as no one was prepared to take responsibility for the issue. Maidstone are starting to get some engagement with Southern Water and there has been a huge shift in recent months following the press coverage of the pollution going into the Stour. They are also under pressure in a regulatory sense (with a deadline of 2030 looming). In terms of getting developers/Southern Water together, they explored the potential for developers to make contributions to improve waste water treatment works, but unfortunately OFWAT rules do not allow for this to happen.
- Gosport BC – they are finding it difficult for anyone to come to their meetings as they too have nutrient neutrality issues. They have been experiencing difficulty in dealing with OFWAT also. They did have a meeting with Natural England and the EA – both agencies were simply confusing the situation. Cllr Newton added it took some doing for Wealden to find the right people from Southern Water to meet. We would be happy to pass on our contacts on if it helps.
- Hastings BC – there have been some serious floods in Hastings town centre in recent weeks. They met with Southern Water and DLUC and they answered all the questions around flooding. However nothing has changed since those discussions. The same flood could occur tomorrow. They have therefore requested an independent enquiry. Sally-Ann Hart, MP for Hastings & Rye, gives her support. They have identified 3 projects to address some of these problems but have been given vague outline dates so have asked for project plans to be provided by Southern Water to allow them to keep an eye on progress. They will be inviting Southern Water to their O&S.
- Worthing – thanked Wealden for setting up this Group. It is a genius idea. Their issues are primarily around water quality, particularly with regard to discharge into their beaches. Interest in free swimming (even in the Winter months) is increasing and they now have only one designated bathing status beach. They are gathering beach survey data so if they have better testing quality, they can figure out where they are getting spikes. Southern Water say it is due to misconnections (eg new toilets) and they are keen that they provide water butts to take surface water away. The relationship

with Southern Water is not great and they have initiated quarterly meetings with Southern Water. It is difficult to get the EA around the table with them. For Worthing, they believe getting agencies together with them is the glue to resolving their issues.

- Adur DC – they too are getting vague responses on planning apps from Southern Water. Some of their larger sites have doubled in terms of number of units and this is causing all sorts of issues for residents. They get vague responses from Southern Water on individual sites, but by joining the dots Adur hopes this will lead to an accumulative effect. Whilst tougher responses have had an impact on delivery, they need more detailed responses to get answers earlier on in the process.
- Chris Bending added that for Wealden it is all about getting information, not to beat up the process, but to reassure/instil confidence in residents. When Southern Water respond to conversations in the public domain seeking upgrades, how often do we see the upgrades actually delivered? A role for us as a Local Authority is to move forwards and sit down with Southern Water earlier on in the process. We know of sites and if we can join up with Southern Water's plans and check for upgrades, etc, we can then genuinely hold them to account for delivery (and ultimately would be in a position to take them to OFWAT for inaction as we would be demonstrating a clear disconnect). We know that Southern Water will not want this. That is why we feel there is power in this group - by tacking Southern Water collectively, they will have no choice but to listen and take action.

Kirsten Williamson (Capita for Havant Borough Council)

Kirsten Williamson gave a brief overview of her career to date, including when she worked for Southern Water 10 years ago. She appreciated Chris Bending's words. She reiterated Southern Water have those records – that information is in the public domain and they have done this in the past. In terms of a 5 year business plan, as planners we need to get our infrastructure in those plans and we need to get OFWAT involved. Cllr Newton added that in order to get to those levels with OFWAT/EA, we will undoubtedly need the involvement of our MPs.

Kirsten Williamson then went on to present some slides surrounding Havant's Local Plan, the issues they are encountering and possible solutions.

Karl Roberts (Arun District Council)

Karl Roberts presented a single slide on the commonality between various issues Arun is experiencing. They have significant challenges whilst working on their Local Plan, with a considerable lack of an action plan in terms of Southern Water's approach to foul water. Arun has identified potential solutions –

- a Statement of Common Ground needs updating and agreed with Southern Water to include a use of conditions and a promise to engage with their comms team
- A small group needs to be set up for localised beach problems, to engage with SW and the EA
- In terms of water ingress (and using old style pipes) they need to ensure developers are managing the surface water on their sites correctly during construction and encourage new routes where feasible

- They need regular dialogue with Southern Water in a committee system rather than executive system. They have a meeting at the end of next month with Southern Water and their Leader/Senior Officers.

Open forum to highlight differing approaches

It was suggested that given any application for waste disposal is a County issue, that we should be looking at what County does and their work on this? Chris Bending acknowledged that we should consider County's involvement in the format of this Group, but may be further down the line. Up to now the issues have built through housing growth, but he takes the point of County's involvement and would be happy to look again going forward.

Concern was also raised around water companies' financial situations - is OFWAT providing/giving permission to raise debt levels of water companies? Given OFWAT control what water companies can charge customers, they ultimately set the rate (albeit that is not the whole incoming stream Southern Water receives). It was therefore suggested that this Group needs to focus on what Southern Water does on a practice level first, where we can then focus on funding if needs be.

4. Next steps for group (Chris Bending – Wealden District Council)

Formation of executive group

Chris Bending thanked everyone for attending – it has been very interesting today to hear other stories. Whilst Southern Water's rhetoric/PR has got better, are we seeing anything different on the ground? Probably not.

We therefore need a process/structure to address this. He reiterated that the primary objective of this Group is to look at the foul water areas of Southern Water. Issues need not necessarily be purely about planning - wider issues can also be discussed/addressed (albeit there may be times where we will need to focus all our attention on one issue).

Meeting rhythm

Initial thoughts are that this Group should meet regularly, albeit it may be somewhat unrealistic given so many Councils are involved. He therefore suggested we also form a smaller Working Group as an aside to this group, that meets twice as regularly (ie this main Group meets once a quarter, with additional smaller Working Group meetings in-between those quarterly meetings).

Role of Southern Water within the Group

The smaller Working Group will also have direct conversations with Southern Water (although at first, it would probably be best that the Working Group meets a couple of times without Southern Water present, to then involve Southern Water at a later date). This Working Group would then report back to the main Group, with all meetings minuted/notes shared with everyone, in the interests of open communication.

We suggest the formation of this smaller Working Group would be with one or two reps from across each County area, who would work together to form a strategy directly with Southern Water, which can then be shared with the main Group.

That is not to say that Southern Water cannot be invited to a meeting with the main Group at a later date.

Role of SW regulators (OFWAT and EA)

We need to work together to set the tone for this group first, where we can then concentrate on the issues that need to be addressed into a specific set of asks. Some of course, may need to go straight to OFWAT.

Agreement to share relevant contact details

Wealden is keen to openly share contact details amongst the Group. Should anyone have any objections to this, please could they contact Chris Bending directly.

5. **Thanks and agreement on ongoing administration (Wealden District Council happy to continue to coordinate, by agreement)**

Chris Bending confirmed that Wealden would be willing to provide administrative support for these meetings going forward, as Wealden is keen for this to happen.

In terms of comms, Cllr Newton suggested it would be good if MPs were notified of this work and that we also share the information collectively with the public (hence some shared comms around that would be useful – see Appendix A for Wealden's recent press release).

CB concluded the meeting by thanking everyone for their time in attending. The meeting was clearly very well received and felt to be a real step forward towards a common goal. Cllr Newton expressed her particular thanks to Chris Bending and his team for their work in setting this up, in what promises to be a good, collaborative working relationship for all.

APPENDIX A

MEDIA RELEASE

Wealden District Council

020/23 **1 FEBRUARY 2023**

Local authorities meet to pledge action on Southern Water's failings

An inaugural meeting of local authorities has taken place to continue to hold Southern Water to account for delivering the vital infrastructures that communities need.

Wealden District Council is co-ordinating the Southern Water Local Authority Stakeholder Group, which includes representatives from more than 40 councils across the south east including neighbouring Eastbourne, Hastings and Rother councils.

It was set up in the aftermath of a catalogue of issues including flooding, sewage seeping into people's homes, gardens and roads, the ongoing problem of discharges into rivers and waterways and the inability to deal with additional development.

It also follows the July 2022 Full Council motion by Wealden District Council to demand better quality information from Southern Water when it considered planning matters.

The meeting was held on Tuesday 31 January when the group discussed action and experiences to date across the full Southern Water network.

Southern Water is responsible for waste water across the region and for drinking water in other parts of the south east.

Leader of Wealden District Council, Councillor Ann Newton said, “It is not just Wealden council which is appalled and frustrated at the issues and concerns which lead back to Southern Water’s failings.

“All those at the inaugural meeting were united in their pledge to hold Southern Water to account and press for immediate action particularly in relation to upgrading and investing in the sewerage systems.

“We were able to explain what our planning officers have been doing on live application casework. All those attending were very interested in how officers have been able to persuade Southern Water to comment much earlier in the development process. Calling Southern Water to Overview and Scrutiny Committee is likely to be followed by partners in the group.

“Unfortunately we do not have the direct power to regulate Southern Water or require it to address its rather lengthy list of failings. But as local authorities working together, we can do our utmost to apply pressure to seek the required action needed to end this catalogue of failings.

“It was a very positive meeting and we have agreed to meet regularly moving forward.”

For further information please contact:

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