Southern Water Local Authority Stakeholder Group

Notes of meeting

10:00 on Tuesday 31 October 2023
via MS Teams

1. Introductions (Cllr Rachel Millward ("RM"))

   RM welcomed everyone to the meeting. She thanked those who have kindly put themselves forward for the separate Southern Water Local Authority Working Group, acknowledging that as a group, we have made great steady progress to date.

2. Minutes & Actions of last meeting – 12 June 2023 (Cllr Rachel Millward)

   Most actions were for Chris Bending and these have been either completed or are ongoing.

3. Environment Agency – presentation plus Q &A (Simon Moody/All)

   Simon Moody started the conversation with a bit of background on his role/responsibilities (eg being the Area Director responsible for Hampshire, Isle of wight and Sussex). He introduced his colleague Lyndsay Falkner, Area Environment Manager, who he felt would be a helpful contributor to the meeting, particularly given its audience (Lyndsay's role covers the south east patch including Kent, South London, East Sussex and Surrey).

   He thanked RM and CB for being invited today as he is keen to understand the concerns and issues Local Authorities have (particularly in light of recent weather events and the ongoing live water conversation).

   SM and LF proceeded with their presentation which included an overview of the EA's role as an environmental regulator, their policy framework (which included a number of hyperlinks that they would encourage people to visit) a performance summary of all the water and sewerage companies to date and an outline of the EA's expectations of water companies for 2020-2025.[1]

   Southern Water is classified as a poor performer (2 stars) and the EA is pushing them hard to improve their performance now and over the coming years.

   Southern Water has started its efforts to improve by installing 20,000 sewer level monitors to enable them to be able to target/prioritise those they need to respond quickly. This provides them with live feedback data so they can react earlier than before to address sewer problems. This also helps the EA to check the accuracy of what Southern Water is reporting. However investment will take time to implement and for us to see the improvements.

[1] EA's presentation slides have since been shared with the Group, including hyperlinks

Under financial cost sanctions, underperforming does cost Southern Water money via court fines, civil sanctions etc and their routine performance also has significant impact on funding available to them. Monitoring data links will be shared online (SM/LF to action).

However it should also be borne in mind that the change in climate, our social environment and people's expectations is also changing. It is also important to look back (eg 50% of sewerage had secondary treatment in the 1990s/2000s). That said, as part of the price review and Water Industry National Environment Programme ("WINEP"), there is significant investment planned in the coming years.

Looking forward, the EA is working on various projects such as Operation Standard (a national investigation into storm compliance for all water companies brought in 2020) and the Event & Duration Monitoring ("EDM") compliance project (looking at high spilling and dry weather operation of storm discharges) as well as infiltration reduction plans.

SM also touched on storm overflows and bathing water quality (stats included in his presentation) and the importance of joint working with Local Authorities when communicating with the public (with details of the EA's incident comunication service: telephone 0800 80 70 60 / email Incident_Communication_Service@environment-agency.gov.uk).

Questions were then welcomed from attendees at the meeting:-

Question from Wealden District Council - Why do we appear to be behind other European countries in terms of bathing water quality?

Space, growth and UV treatments differentiate us from the rest of Europe (SM referred to the UV treatment in Chichester – some countries get this treatment for free). Our storm overflows amount to around 15,000 compared with 650,000 across Europe and we are the only country that monitor them. The bigger challenge is in urban areas due to space for the environment. Do we want to designate rivers more than sea bathing? Any LA can put forward new designations to DEFRA and we are seeing a massive change. There is one in Ilkley with a further 4 or 5 coming through the system.

Question from Havant Borough Council - would the EA be open to LA help? Not necessarily in planning, but more from this group as a potential lobbying group? We have all seen the financial cuts in the last 13 years – does the EA have enough resources to do its job properly?

Some funding is available to them through water companies which has increased recently (water companies pay a permit) but enforcement and monitoring comes through a Government grant and aid. However resourcing is difficult (as an example they have one regulatory office covering a 100 mile radius).

Question from Havant Borough Council - is there anything we can do to lobby Government around those resources particularly in relation to fines (which could be fed back into environmental restoration or the EA for enforcement effort, as well as act as a real incentive for water companies to comply)?

We have a LF Enforcement tool kit where fines go to environmental good causes. There is also funding arising from variable monetary penalties ("VMPs") and EU enforcement undertakings.

Question from Havant Borough Council - guidance in sustainable development – is there anything we can do to improve guidance on planning procedures?

Continually messaging the importance of holistic thinking around water will really help in this regard.

Question from Folkestone & Hythe District Council - bathing water quality in some of our coastal districts is getting poorer and poorer, despite significant financial investments (for example we installed a neutrality treatment plan for a new development for Southern Water to manage). Southern Water has previously attended a Kent Council Leaders forum meeting where it highlighted the shocking problems of Southern Water investing too little, too late. As a Council Leader, people are writing to me every single day, sending photos. What can we do as a Local Authority to help/advise these people?

LAs can help the EA with open engagement with their enforcement team – working together to make sure we have integrated communications and are saying the same messages to the public, as well as continued open engagement with the water companies to put pressure on them. We have done a lot of investigation on Southern Water's major network problem areas (such as misconnections into sewers) and it is helpful to engage with the public in those areas to ensure their foul sewerage is going to the right place. However it should also be borne in mind that what the public perceive as sewerage is quite often algae. We would therefore encourage the public to email our help line with photos and we can instantly look at that and dispel any myths. SM added that society's expectations in relation to bathing regulations require us to monitor bathing waters 20 times at this time of year – there is a case to question whether that it is still fit for purposes given people now are tending to use waters all year round. If regulations were different, we would have a far more complete picture of water quality all year round.

Question from Cllr Millward – I am involved in a couple of citizen science projects – how can we feed our findings to the EA?

We need to be clear where we use it but from understanding our environment in a better way, we can look at how we bring data sets together. We have monitoring and assessment teams in our structures who would be happy to work with those groups.

Question from Brighton & Hove bathing water requirements – Brighton agreed Southern Water would do monitoring for a year (given water companies are aspiring to get 100% compliance with consents). Will the EA be equipped to do this monitoring?. For those discharges not consented presently, what steps are you taking to get all discharges consented?

We are aware of some unconsented discharges and we are working with water companies who will need to put automatic monitoring on them. If there are specific cases we are aware of and it fits the regulations for what is legally consented discharge, we would ask the water company to apply for consent. Where we are aware of them, we would ask them to be moved into automatic monitoring.

Question from Wealden District Council – in terms of self reporting, it is surprising that 90% is benchmarked as a gold standard of success. These companies should know what they are obliged to report on. 90% is what the EA knows about, but there are incidents that the EA may not know of. We have a series of places across our district where manholes overflow in certain conditions during really bad events, that no one goes to check but they are just as damaging to the environment as bathing waters. What are we doing about pollution inland? Are Southern Water informing you of these incidents?

Yes – Southern Water is rolling out pressure sensors across the region so we can assess the data. Unknown manhole covers will be triggered. Southern Water has a duty to report overflowing manhole covers. If the public report an overflowing manhole cover before Southern Water, it does not count as a self-reporting incident which means it is not a Southern Water reported incident and that is why realistically they will not perform to 100%. **ACTION**: SM to look into whether they keep a data set of where Southern Water has not informed the EA and will check to see whether this can be shared with stakeholder partners.

Question from Wealden District Council - does Southern Water/EA publish the location of all spills that have taken place over the last 6 months?

Yes - if a manhole that is included in their control data regularly overflows and has been reported against them. It is reported by way of a grid reference.

Question from Gosport Borough Council – are there any tools that can help to ensure that developers do not put surface water into sewers?

There are no tools as such – **ACTION**: SM happy to investigate further.

Question from Hastings Borough Council – in terms of pressure gauges on manhole covers, how far across the network are Southern Water with these monitors and how much do they cost to put in?

We believe the cost is in the low hundreds per manhole unit, but they are installing thousands of these which have software behind them to use AI, to help them obtain more penetration detail. **ACTION**: SM to get this information from Southern Water.

Conclusion

RM thanked the EA for their time today. It was incredibly useful for us and it would be good to keep connected going forward. SM replied they would be happy to attend a future meeting if that would be helpful as from his perspective, it is easier to engage with LAs as a group in a forum such as this.

4. Priority workstreams –

   - Update on existing priorities – attached (Chris Bending/All) - suggested additional priority - “Lobbying government to use the fines imposed on water companies to invest in infrastructure improvements and/or environmental restoration where the environment has been degraded due to illegal actions by water companies” (Mike Allgrove/All)

All were in favour – CB to add to the existing list of priorities. MA added that his Council has a more vested interest in environmental protection, as opposed to infrastructure improvements.

5. Next Steps

- Communications (Chris Bending/All)

  CB suggested a joint letter is sent to the Secretary of State/DEFRA. He would be happy to draft and share with the smaller Working Group, with the intention that everyone within this Group can then sign up to it.

  CB introduced Annemarie Field, Wealden's Senior Communication Manager, who is going to draft a press release of today's meeting to send out to all members of this group. The intention would be for everyone to send this to their respective press teams to modify with their own Council branding as a collective publication. We want to have public engagement (particularly given the public cannot attend these meetings).[2]

- OFWAT (Chris Bending)

  CB has a meeting with OFWAT on 6 November 2023 where he will be encouraging them to attend a meeting with this Group to talk about their role. This is likely to be set up in January 2024 and will be discussed in the Working Group.

  In terms of Wealden's dealings with Southern Water, in light of the recent changes to its staff we are having to work a little harder to get people to data share.

6. Date of next meeting (TBC)

   Date to be set for January 2024 (subject to OFWAT's availability).

   RM expressed her thanks to everyone for attending today. She also extended her thanks to the Working Group for taking this forward.

[2] A draft press release has since been shared for wider circulation amongst the Group (1st November 2023)

Attendees (in organisation alphabetical order)

Catherine Hutchins	Adur & Worthing Councils
Cllr Steve Neocleous	Adur District Council
Karl Roberts	Arun District Council
Anne Shattock	Basingstoke & Deane Borough Council
Andrea Hall	Brighton & Hove City Council
Cllr Tim Rowkins	Brighton & Hove City Council
Cllr Trevor Muten	Brighton & Hove City Council
Andrew Frost	Chichester District Council
Fiola Stevens	Chichester District Council
Simon Rowberry	East Hampshire District Council
Simon Moody	Environment Agency (Area Director - Solent and South Downs)
Lyndsay Faulker	Environment Agency (Area Environment Manager – Kent, South London and East Sussex area)
Cllr Jim Martin	Folkestone & Hythe District Council
Cllr Stephen Scoffham	Folkestone & Hythe District Council
Owen Devine	Gosport Borough Council
Cllr Steve Hammond	Gosport Borough Council
Andy Hill	Greater Brighton Economic Board
Cameron Morley	Hastings Borough Council
Cllr John Cannan	Hastings Borough Council
Cllr Judy Rogers	Hastings Borough Council
Eleanor Evans	Hastings Borough Council
David Hayward	Havant Borough Council
Mike Allgrove	Havant Borough Council
Cllr John Milne	Horsham District Council
Cllr Lynn Lambert	Horsham District Council
Emma Parkes	Horsham District Council
Leigh Palmer	Lewes & Eastbourne Councils
Nicola Stokes	Maidstone Borough Council
Thom Hoang	Maidstone Borough Council
Gabrielle Bussley	Medway Council
Dave Harris	Medway Council
Tim Guymer	New Forest District Council
Mark Williams	New Forest District Council
Simon Kennedy	Partnership for South Hampshire
Ben Hook	Rother District Council
Cllr Susan Prochak	Rother District Council
Jeff Pyrah	Rother District Council

Carlyn Kan	Sevenoaks District Council
Emma Henshall	Sevenoaks District Council
Cllr Catherine Sayer	Tandridge District Council
Cllr Chris Farr	Tandridge District Council
Rob Cotter	Tandridge District Council
Cllr Dave Davis	Tonbridge & Malling Borough Council
Gudrun Andrews	Tonbridge & Malling Borough Council
Julian Ling	Tonbridge & Malling Borough Council
Ria Hotchin	Tonbridge & Malling Borough Council
Cllr Rachel Millward	Wealden District Council
Chris Bending	Wealden District Council
Nichola Watters	Wealden District Council
Stacey Robins	Wealden District Council
Annemarie Field	Wealden District Council
Cllr Vicki Wells	Worthing Borough Council

Apologies

James Appleton	Adur & Worthing Councils
Mita Patel	Brighton & Hove City Council
Cllr Theresa Fowler	Brighton & Hove City Council
Cllr Bill Brisbane	Chichester District Council
Cllr Jonathan Brown	Chichester District Council
Mike Culver	Eastleigh Borough Council
Cllr Elizabeth Lloyd	Havant Borough Council
Cllr Paul Cooper	Maidstone Borough Council
Tom Gilbert	Maidstone Borough Council
Helen Garnett	Maidstone Borough Council