Southern Water Working Group Meeting

2pm on Wednesday 1 May 2024
Via Teams

Notes of meeting

Attendees:-

	Representing
Chris Bending (Director of Place, Wealden District Council) ("CB")	East Sussex
Karl Roberts (Director of Growth and Joint Interim Chief Executive, Arun District Council) ("KR")	West Sussex
Fjola Stevens (Divisional Manager, Development Management) (FS")	Chichester District Council
Kellie Eldridge (PA to Chris Bending) ("KE") – notetaker	

Apologies

Simon Kennedy, David Illsley (Hampshire)

1. Update on actions following OFWAT meeting

CB advised he is currently considering the outstanding actions, as well as how best to manage the Stakeholder Group meeting on 16 May 2024 of which Southern Water will be in attendance.

2. List of contacts to Southern Water

CB advised the list of our collated local authority contacts was sent to Southern Water on 28 March 2024, where we asked them to reciprocate and provide us with a list of their key contacts. We are yet to receive these so we are now putting them under pressure for this information and are in the process of chasing them[1]. We will send another reminder before the Stakeholder Group Meeting on 16 May 2024.

3. Data asks from Southern Water

CB referred to his previous suggested list of what he believed local authorities would find useful from Southern Water without the need to resort to FOI/EIRs, which the Group appeared to be comfortable with:-

- Southern Water log of planning consents granted but not yet built by local authority area

[1] A reminder was sent to them on 1 May 2024

- Capacity of WWTW within LPA area
- Planned works (major and minor) within local authority area
- CSO plans by local authority area
- Investment over coming years, by local authority area

CB's intention is to put that suggested list to Southern Water prior to the Stakeholder Group Meeting on 16 May 2024. He referred back to a recent low-key meeting Wealden Council had with them recently. We are repeatedly told by Southern Water that the information we are requesting is easy to provide, yet 18 months on and frustratingly we have still not received it (eg upgraded planning responses to consultations). Dan Whitcher is soon to be joining Southern Water (replacing Sandra Norval who used to run their Forward Plans and strategy work) but the team has stalled their work on planning responses until such time as Dan Whitcher has been given sight of it to approve it. This again is disappointing, given the amount of time it has taken to get to this point.

CB therefore proposed that our list of requests is sent to Southern Watern prior to the meeting on 16 May 2024 to strategically get them to agree this as a sensible list for them to action. If/when they do not provide the agreed information, this will then open an opportunity for us to write a collective letter to Lawrence Gosden, Chief Executive of Southern Water, to escalate it further.

This suggested course of action was agreed by the Working Group.

4. Draft agenda for main Stakeholder Group meeting with Southern Water on 16 May 2024

In order to ensure the local authorities get the most out of this session with John Penicud and Nicole McNab of Southern Water, CB is to have a pre-meet with them suggesting they offer a 20 minute presentation, allowing the remaining time of this one and half hour meeting to answer the Group's questions. CB will also have a pre-brief with Cllr Rachel Millward, the Chair of the meeting, so she is aware of our intentions.

CB therefore suggested that we email the Stakeholder Group asking for their top 20 questions, in order that Southern Water's presentation can be zoned around those, thereby keeping the meeting focussed on issues important to the Group. **Action**: CB to arrange for an email to be sent to the group asking for questions, to enable us to put together a topic list for the agenda (ensuring there is AOB at the end for more local, Council-specific questions).[2]

5. Possible response to latest MP letter, including request to attend a future Stakeholder Group meeting

Following the Stakeholder Group meeting on 16 May 2024, CB proposed that the Group collectively writes to Robbie Moore MP, suggesting he attends a meeting with the 28 Councils who are part of this Group, to address our follow-up questions. When we send this letter it would be good to copy in all Sussex MPs.

[2] Since the meeting, Kellie Eldridge emailed the Group on 1 May 2024

This was agreed by the Working Group.

KR suggested we raise the issue around water company fines in our letter, referring to a recent Government announcement where extra money is being given for river enhancements, with it listing every water company, except Southern Water. This is definitely an area we should be pushing with our MPs.

Action: CB to propose the idea of a MP letter to the Stakeholder Group meeting on 16 May 2024, for sign off at the end of the meeting.

KR referred to the Office of Environmental Protection who is investigating DEFRA, OFWAT and ministers for their inactivity in this area. There may be something around inviting them to one of our future Stakeholder Group meetings to explain their investigation. **Action**: CB to explore further.

KR asked if any other local authorities were in the process of serving an abatement notice on Southern Water? Arun currently has multiple problems – not only with outfall but also issues with foul water bursting out of pipes in the Barnham area (with the need of tankers to take the water away). We are therefore quietly exploring this option as a possible solution, looking to understand the potential data implications of collecting data and making a case. There is also new legislation under anti social behaviour – there might be an opportunity to apply that as well? **Action**: KR to flag this to the Stakeholder Group to see if there is an appetite for local authorities to come together for a water test case. Whilst this Working Group agreed it could be good to share the burden of investigating issues such as this, this will need to be carefully managed (err-ing on the side of caution, particularly in relation to potential problems around joint legal advice/fees, etc).

CB referred to some QC advice Wealden had recently received around structuring planning conditions. **Action**: CB agreed to share with KR/FS only.