

Place Scrutiny Committee – 24 November 2022, Item 6 – Appendix 1 Response to Written Questions from the Environment Agency (EA)

Q. Given the damage to your reputation for holding water companies to account for sewage spills, how are you going to demonstrate better regulation and transparency in your response to illegal spills?

- The water quality and the ecological health of rivers must improve. The main sources of pollution are agriculture and the water industry and there is a growing threat from plastics and forever chemicals. As more people look to England's rivers for recreation, we all need to up our game.
- The Environment Agency does not cause the pollution in England's waters, the people who pollute them do.
- The water companies have rightly been condemned by government, the Environment Agency, campaigners and the public for allowing far too many sewage spills into rivers, and we are holding the industry to account on a scale never done before.
- The Environment Agency is working with all those who want to be part of the solution. We are:
 - Holding water companies to account to reduce pollution, tackle storm overflows and invest more of their profits into the environment.
 - Working with the government to develop future laws and policy that will drive better water quality – including through the Storm Overflows Taskforce
 - Carrying out a major industry-wide criminal investigation into potential non-compliance by water companies at wastewater treatment works.
 - Prosecuting the most serious polluters: 56 prosecutions against water and sewerage companies since 2015 securing fines of over £141m.
 - Making the case for the funding we need to monitor what's happening to our rivers and coastal waters, enforce the rules that protect them, and enhance nature rather than just slow its degradation.
- The Environment Agency receives over 100,000 incident reports a year. Every incident is recorded and assessed and those where there is significant or serious risk of environmental harm are attended.
- Like every public organisation, given our finite resources, we will always focus our efforts on the greatest threats to the environment. Although we will not routinely attend minor incidents, the information we receive is logged and used to help plan and target our regulatory interventions where they are needed most.
- While we continue to attend the most serious incidents we concentrate our efforts on regulatory activities which prevent incidents from happening in the first place. Intelligence from incident reporting helps us to plan and prioritise our work to protect the environment.
- Water companies are required to report any breaches of their permits. That is their legal duty and responsibility. A failure to self-report will be taken into consideration when enforcement options are being considered.
- Further detail on how the Environment Agency responds to pollution incidents is available here: <https://deframedia.blog.gov.uk/2022/01/11/how-the-environment-agency-responds-to-pollution-incidents/>
- We expect companies to act quickly and report pollution incidents so work can start to avoid more serious and widespread damage.
- We continue to watch closely, monitor the environment and, where cases of serious pollution are identified, we will conduct detailed investigations and, where necessary, we will take appropriate action.

- We expect water companies to deliver on the promised £4.6bn investment (2020-2025) to protect and enhance rivers and beaches, redouble their efforts to reduce pollution, protect more properties from sewer flooding and increase resilience to drought.
- In the foreword to our [annual water company performance report](#), the Chair of the Environment Agency, called for:
 - Courts to impose much higher fines for serious and deliberate pollution incidents – although the amount a company can be fined for environmental crimes is unlimited, the fines currently handed down by the courts often amount to less than a Chief Executive’s salary.
 - Prison sentences for Chief Executives and Board members whose companies are responsible for the most serious incidents
 - Company directors struck off so they cannot simply move on in their careers after illegal environmental damage

Q. What are you planning across East Sussex in terms of natural solutions to flood prevention that can also help with storm water retention?

Please find our plans here: [Adur and Ouse Partnership | Catchment Data Explorer](#) and here: [Cuckmere Pevensey Levels | Catchment Data Explorer](#)

Q. Do you have any plans to use the Combe Valley country park for such schemes?

Sussex Flow Initiative (SFI) is a Natural Flood Management (NFM) project based in the River Ouse and Powdermill (a sub-catchment of the Coombe Haven) catchments in East Sussex.

SFI works with landowners, local people and others to investigate, promote and create natural features designed to slow and store water in the landscape and to help reduce flood peaks. We aim to deliver multiple benefits for people and wildlife, as well as to show how NFM can be used to support traditional flood management methods to help reduce flooding.

The Powdermill catchment is naturally steep and fast flowing. Localized flooding to properties in Crowhurst has occurred regularly in recent years. Flooding has been caused by storm and surface water run-off from the road network and urban surfaces, flooding from rivers and streams, and water backing up behind high tides at Combe haven. During times of high rainfall, too much water flows down the river too quickly, and creates flood surges which cause risks to people and property.

So far, engineering solutions have not been able to fix the issues with flooding, so in 2017 a partnership was formed between Sussex Wildlife Trust and the Environment Agency to try and find natural solutions to slow down flood water across the catchment. It is hoped that Natural Flood Management (NFM) techniques such as pond and washland creation, hedge and tree planting, will help to greatly reduce flood peaks and to slow the flow of water downstream, providing benefits to both people and wildlife.

Sussex Flow Initiative is excited to be working with communities, landowners and local parishes in the area to help make the Powdermill stream sub-catchment more water resilient, more flood resilient, to improve habitats for wildlife and to increase woodland cover .

SFI was formed in 2014, as a partnership between the Woodland Trust, Sussex Wildlife Trust and the Environment Agency. It is further supported by funding from Lewes District Council. Full information about this fantastic initiative, the Powdermill Catchment and blogs about the work to date can be found at the Sussex Flow Website: www.sussexflowinitiative.org/

Q. In Hastings and other areas, people are increasingly wanting to swim year round but bathing water is currently only tested in the summer. Are you intending to increase water quality testing to year round?

- The Bathing Water Regulations set out the responsibilities of public bodies for each aspect of bathing water management:
 - The Secretary of State (Defra) is responsible for designating and de-designating bathing waters, providing guidance on how to implement the Regulations, preparing reports on bathing water seasons, and acting as an enforcer when local authorities fail to meet their duties.
 - Throughout the statutory bathing season, the Environment Agency also makes daily pollution risk forecasts for a number of bathing waters, where water quality may be temporarily reduced due to factors, such as heavy rainfall, wind or the tide. When a temporary reduction in water quality is forecast, we issue a pollution risk warning and advice against bathing, enabling bathers to avoid times or locations where the risk of pollution is higher than normal and health risks from bathing may be higher than the annual classification suggests.
 - Local Authorities are responsible for signage at bathing waters and the health of those who bathe there. They are also responsible for passing on information about pollution incidents at bathing waters to the public and to prevent people's exposure to them.
 - Finally, it's the responsibility of water companies to inform the EA and Local Authorities of any pollution incidents that take place.
- We recognise that bathing waters may be used all year round and we are talking to Defra about this. We are not currently provided with the resources to monitor bathing waters all year round.

Q. The public want to know are our bathing waters are safe. Would you agree the Red Flag system, managed by District and Borough Councils is confusing as sometimes there is a pollution event but no Red Flag and other times they must put one up? If so, how can it be improved?

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