

PLACE SCRUTINY COMMITTEE

MINUTES of a meeting of the Place Scrutiny Committee held at Council Chamber, County Hall, Lewes on 23 November 2023.

PRESENT	Councillors Matthew Beaver (Chair) Councillors Chris Collier, Ian Hollidge, Eleanor Kirby-Green, Philip Lunn, Paul Redstone, David Tutt and Brett Wright
LEAD MEMBERS	Councillors Claire Dowling
ALSO PRESENT	Rupert Clubb, Director of Communities, Economy and Transport Ros Parker, Chief Operating Officer Ian Gutsell, Chief Finance Officer Karl Taylor, Assistant Director Operations Nick Claxton, Team Manager Flood Risk Management Dr Nick Mills, Head of Clean Rivers and Seas Taskforce, Southern Water Chris Braham, Head of Wastewater Asset Strategy and Planning, Southern Water Sue Cobb, Stakeholder Engagement Manager - East Sussex, Southern Water

17. MINUTES OF THE PREVIOUS MEETING

17.1 The Committee RESOLVED to agree the minutes of the meeting held on 26 September 2023 as a correct record.

18. APOLOGIES FOR ABSENCE

18.1 Apologies for absence were received from Councillors Julia Hilton, Steve Murphy and Stephen Shing.

19. DISCLOSURES OF INTERESTS

19.1 Councillor David Tutt declared a personal non-prejudicial interest under item 5, Southern Water use of storm water overflows, as he is a member of the Southern Water Consumer Challenge Group. Councillor Matthew Beaver declared a personal non-prejudicial interest under item 5, Southern Water use of storm water overflows, as he is the Local Member for Maze Hill and West St. Leonards, which includes Bulverhythe.

20. URGENT ITEMS

20.1 There were none.

21. SOUTHERN WATER STORM OVERFLOWS AND REDUCTION OF DISCHARGES - UPDATE

Presentation from Southern Water

21.1 Dr Nick Mills, Head of Clean Rivers and Seas Taskforce and Chris Braham, Head of Wastewater Asset Strategy and Planning, from Southern Water gave a presentation to update the Committee on the work taking place on storm overflows in East Sussex and the responses to a number of written questions submitted to Southern Water by the Committee in advance of the meeting.

Responses to Written Questions

21.2 The Committee were presented with responses to the following written questions, with additional information provided by Dr Nick Mills and Chris Braham.

1) What plans are there in East Sussex to reduce surface water entering your Combined Sewers during heavy rainfall?

Dr Nick Mills outlined that Southern Water had published a Storm Water Investment Plan on its web site and would welcome any feedback on the investment proposals. The Investment Plan was submitted to the regulator, Ofwat, in October for approval and work will continue on sharing the plans for investment with stakeholders. The focus of these plans is managing water that should not be in the sewer system such as run-off from roads and domestic properties. Southern Water will work closely with East Sussex County Council (ESCC) on this work and is testing a number of approaches through a series of Pathfinder Projects including the one at Fairlight in East Sussex.

There is over £220 million pounds of investment contained in the next Asset Management Plan investment period (AMP8 2025 – 2030) targeted at developing sustainable drainage systems to deal with grey water run-off. The approach is to take water out of the sewer system first before increasing the 'end of the line' capacity at water treatment facilities. This will include work on permeable solutions such as sustainable urban drainage systems (SUDs) and slowing the flow of water into the system by using smart water butts. During AMP 8, Southern Water hope to reduce releases from 21 outfalls, 17 of these are activating primarily due to excess surface water entering the combined sewer.

2) Are 100% of your storm overflow discharges now monitored as the committee understands that is the Government's new target?

Southern Water is very close to monitoring 100% of overflows, and all overflows will be monitored by the end of 2023.

3) After the public outcry over the 3million litres of untreated water spillage in August 2022 at Galley Hill pumping station there were plans to provide signage to stop misinformation being circulated. Along Bexhill Seafront signs for the thirteen outfall pipes were designed, and agreement was reached with Rother District Council on positioning them. Please could you inform us when these will be erected?

Southern Water has decided not to continue with the signs for the outfall pipes as it may lead to confusion about what the outfalls are for, and will need to re-think the best way of providing this information. This could be through other awareness and education activities.

4) A sewer pipe at Bulverhythe in St. Leonards on Sea burst again on the 20 October 2023 (Cinque Ports Way to Amsterdam Way). This is the 5th time in the last 2 years. Please could you provide an update on the actions being taken to resolve the problems with this pipe?

Work started in the summer to replace the sewer pipe and is around 40% complete. Some sections are well advanced where the access is easier, and Southern Water's contractor is working extended hours and weekends on multiple sections of the pipe to speed up completion of the work. The plan is to change over to the new route and overland pipe in January 2024 with a view to completing the work in April 2024. Overall, £8 million has been invested in replacing the main sewer pipe.

5) As Rye has experienced water supply interruptions recently could you please give us a written explanation as to how it occurred and the likelihood of any such similar incident? If it was caused by a water leak, what increased inspection procedures are you putting in place to reduce any future leaks?

The water supply problem was caused by a leak in a section of water main, which was in a difficult to access section of pipe. The leak was isolated and repaired together with the installation of two new isolation valves. In the future, the frequency of inspections of the trunk main will be increased.

Update on Storm Overflows including Sussex Investment and Fairlight Pathfinder Project

21.3 Dr Nick Mills outlined that storm overflows were a legacy part of the sewer system, and they will not be eliminated entirely by the planned investment, but there will be a significant reduction in their use. He showed the Committee a map of the planned investment in reducing the spills from storm overflows during the next investment period (AMP8) from the Southern Water web site. Investment was targeted at coastal areas and where spills were more frequent. A number of the early sites for investment were coastal sites and represented more than Southern Water were required to do. The remaining sites which had overflow spills of more than 10 spills per year would be included in the next investment period.

Fairlight Pathfinder

21.4 Dr Nick Mills explained that the work on the Fairlight Pathfinder included measures to slow flow in times of peak rainfall, optimisation measures, work on surface water connections and sustainable urban drainage systems (SUDs) schemes as well as capital investment in the Fairlight Water Treatment Works. Work would also enhance the ability to monitor and control the network.

Investment in East Sussex

21.5 Chris Braham outlined the investment projects that were taking place in East Sussex. This is part of a £7.8 billion package of investment contained in the Business Plan Price Review 2024. The investment is split into two types of investment:

- Maintaining the existing service assets
- Enhancing the way wastewater is treated (storm overflows are part of this work).

21.6 There is also work to increase water supply as part of the work on the Water Resources Management Plan, and the Environment Plan represents a particularly large part of the work to deliver up to 2030. The enhancement investment work will have an impact on consumer bills. The work on storm overflows will be undertaken over a seven year period and will start by looking at reducing surface water in the sewer network and the accelerated coastal overflow projects.

21.7 Chris Braham explained the work that is being undertaken on the Environmental Enhancement Plans (PR24) which are based on water catchment areas. Some of these are bathing water quality improvements (e.g. at Bexhill) and others are nutrient reduction schemes. He outlined that pollutants come from a number of sources:

- 24% from the water industry - treatment works.
- 23% from agriculture.
- 53% from other sources.

21.8 Southern Water has undertaken a large amount of customer communications and engagement work on the Price Review 2024 Business Plan. This has included speaking to over 25,000 different customers and there has been a lot of stakeholder engagement. Southern Water will continue to test and refine what is in the Plan going forward.

Feedback on the Hastings Stakeholder Event

21.9 Sue Cobb, Stakeholder Engagement Manager (East Sussex) from Southern Water provided the Committee with some feedback from the Your Water Matters drop in event that was held in Hastings on 12 October 2023. During the day around 650 people attended the event and were able to speak to a range of Southern Water staff. Some of the most frequently raised issues were wastewater and the clean rivers and seas task force; town centre flooding, problems with the Cinque Ports Way rising main and; blockages and un-flushables in sewers. Feedback from the event was positive with over 50% saying it was good or very good. Perceptions also changed after speaking to Southern Water staff, with 53% saying their views had improved. The plan is to roll out more of these events next year and to try to deliver one every two months.

Hastings Town Centre Flooding

21.10 Chris Braham provided the Committee with more information on the Hastings town centre flooding event that happened on the 27th and 28th October 2023. Extreme weather conditions resulted in 60mm of rain falling over a 24 hour period. Southern Water worked with the Fire Service, local council and the Environment Agency to tackle the incident, and alternative accommodation was arranged for those worst affected by the surface water flooding in the town centre. Compensation is be arranged for domestic customers through their bills.

21.11 Following the incident, and before Storm Ciaran arrived, temporary over pumping facilities were installed on the outfall on the beach and a manhole cover sealed in South Terrace. Regular checks were made to make sure the Pelham pipe outfall remained clear.

21.12 Southern Water have been modelling the surface water systems and more work is underway. Going forward there will be a hydraulic report to re-verify the sewer network and to determine what needs to be done to resolve the flooding issue. The over pumping will be kept in place until a solution is found. Meetings have been held with the Chief Executive and Leader of Hastings Borough Council and the local MP. There will be quarterly meetings with the council going forward. Previous work on the outfall had been to extend it and more work may be needed on the non-return valve. In future, work may be needed to double up the outfall if this would help solve the situation. Information will be provided on the future plan to deal with this situation now that plans have been firmed up.

21.13 Councillor Hilton commented that there are plans for public realm improvements in Hastings town centre and asked how to ensure those plans are co-ordinated with Southern Water's plans to provide a solution to the flooding. Dr Nick Mills responded that Southern Water plan to do some modelling and are working closely with Hastings Borough Council and ESCC on the solutions. There will be opportunities as part of the place making schemes to put in place suitable measures to deal with the flood water issues. Southern Water can work together with the Regional Flood and Coastal Committee (RFCC), Environment Agency and other funders on the solution and contribute towards it.

21.14 Councillor Hilton also commented that the internal communications between different Southern Water teams during the incident could have been better, so all teams knew what was going on. Dr Nick Mills responded that during an incident, the Incident Team will try and get communications out as well as they can, but also need to focus on fixing the problem. In future Southern Water will improve the front line communications as part of the incident response.

Questions from the Committee on the Southern Water Presentation.

21.15 The Committee asked a number of questions based on the presentation given by Southern Water. A summary of the questions and responses is given below.

Communications and mis-information

21.16 The Committee thanked Southern Water for the improved communications and asked what was being done about the misinformation that was being circulated about storm overflows containing raw sewage when usually they had low levels of dilute sewage (less than 5%). Dr Nick Mills commented that it was difficult for Southern Water to tackle mis-information as it was not always trusted as an information source. An independent climate change group does fact check the information Southern Water provides and Southern Water is working with the Surfers Against Sewage campaign group on solutions together with other parties. Sue Cobb commented that the mis-information is a challenge but will continue work on it. Local engagement work has been undertaken, such as the tours of wastewater treatment facilities, where the final effluent is very clean.

21.17 Some Committee members expressed disappointment that the signs on Bexhill seafront were not going ahead and asked what further work could be done on this issue. Sue Cobb responded that she would look at what might be possible as part of a redesigned scheme.

Highway surface water drainage

21.18 The Committee asked what work Southern Water was doing with East Sussex County Council (ESCC) and the District and Borough councils to assist with the flow of surface water off the highway. Chris Braham responded that to deal with highway surface water, different ways of working need to be found as there needs to be a multi-agency/organisation approach. There is a mixture of drainage systems, some connected to the sewer and others connected to other outfalls. This includes private landowners where surface water drains off their land onto the highway and where outfalls are on their land. Dr Nick Mills commented that sustainable drainage systems have an important part to play. It will be necessary for Southern Water to work in partnership with ESCC to deliver roadside drainage systems and the two organisations do work successfully together.

Eastbourne bathing water quality

21.19 The Committee noted that one of the overflows in Eastbourne had over 65 releases a year which has an impact on the local tourist economy, but it will not be addressed until after 2030 under the current investment plans. The Committee asked if prioritisation could be speeded up for all coastal areas. Dr Nick Mills encouraged Committee members to give feedback directly to Southern Water on the investment plans. In the case of the warning signs placed on the Eastbourne seafront by the Environment Agency in July at the beginning of the school summer holidays, the high reading levels were not related to the storm overflow. This has been discussed with the MP and it is an issue with mis-connections. It happens when there is a high rainfall event, and the pollution is coming from surface water drainage and not from the sewer system.

21.20 It was clarified that the Environment Agency carry out water quality testing for E-coli and other bacteria in line with the Bathing Water Quality Directive. In this case the high levels are not coming from the storm overflow, which is a long outfall away from the beach. The pollution is originating from other sources from surface water drainage that are not connected to the sewer system. So even if the storm overflow was turned off, there would still be water quality risks from other sources. Southern Water is committed to tackling this issue together with other partners and it will involve a lot of surveying and testing to identify the sources of the pollution. Southern Water would be happy to provide more detail on what the problem is after the meeting.

Measuring the volume of spills from Storm Water Overflows

21.21 The Committee asked when Southern Water was going to measure the volume of spills from storm overflows as well as the duration of spills. Dr Nick Mills responded Southern Water do have some flow measurements and some more measurement instruments will be provided in the next investment period. The volume of spills can also be estimated, and Southern Water is working with user groups to develop a methodology for this which could be used to update the information displayed on the Beach Buoy system. Southern Water has not worked out how to provide the estimates yet and committee members can input into the process via Sue Cobb if they have suggestions.

Surface water run-off from Housing Developments

21.22 The Committee asked what Southern Water was doing to address surface water run-off from housing developments and the need to address the problems created by increased heavy rainfall events. Dr Nick Mills outlined that newer housings developments tended to have SUDs which used attenuation ponds, swales and soak aways etc. to deal with run-off. The roof run-off is equivalent to the run-off from roads and is very fast flowing especially in heavy rainfall events. This can be slowed down by the use of smart water butts, as used in the Fairlight Pathfinder Project. Work is also targeting larger properties such as warehouses, retail units etc. that have the roof drainage connected to the sewer system.

21.23 Tackling surface water run-off from older housing estates is the biggest challenge. For some properties the run-off from rooves is connected to the sewer system. In the 1960s and 1970' dual pipe systems were used for foul and surface water which suffer from problems with mis-connections where foul water is entering the surface water system.

21.24 New developers are well aware of the requirements to deal with surface water run-off and comply with them. Southern Water also provide incentives for developers to go above and beyond the minimum requirements and can wave connection fees as an incentive. Smaller developments of less that ten dwellings, run-off from drives, and mis-connections from extensions are more of a problem. Many home owners are unaware of the requirement to gain planning permission for new driveways over a certain size and the requirement for measures to deal with surface water run-off (e.g. permeable surfacing, drains and soak aways etc.) There is a need to address this issue with joint communications from planning authorities, the highway authority, and Southern Water. With the need to park Electric Vehicles close to properties for

charging, this may accelerate the paving over of front gardens and thereby increase the amount of surface water run-off.

Investment

21.25 The Committee asked how much of the investment was targeted at removing foul (brown) water from the surface water system, how the investment was funded and whether dividends would be paid to shareholders in the next five years. Chris Braham outlined that the Storm Overflow investment plan was just under £700 million with some schemes delivered through alternative programmes. The accelerated programme for coastal overflow schemes was around £200 million and the rest of the investment was targeted at areas where there are shellfish, potential ecological harm and high flows from overflows. Over the last two year period the figures for the number of spills was an average of 20 spills per overflow per year. The target is to reduce this to between an average of 15-18 spills per year, and to 6 spills per year in the longer term.

21.26 Southern Water would like to make progress faster but is limited by the amount of investment needed. The investment planned in the AMP8 investment period tackles the easier to deliver schemes first. Southern Water has not paid dividends to shareholders since 2017. Shareholders will be paid a sensible rate commencing in the late 2020s and this information is published on the Southern Water website.

21.27 The Committee asked what percentage of the investment going forward will have to be funded by customers through increased charges and how much will be funded by Southern Water. Sue Cobb agreed to take this question away and provide a response after the meeting.

Cinque Ports Way / Bulverhythe problems with main sewer.

21.28 Councillor Beaver commented that communications with residents affected by the sewage pipe leak, especially those in Bulverhythe Road, could have been better. Residents would like to know why the problem was not tackled earlier when the condition of the pipe became apparent. They would also appreciate an acknowledgement of the problem, information on what is being done about it and an apology. Sue Cobb responded that she is working with the capital team on communications for the work that is taking place, and staff from the customer team have attended each incident. The capital communications team have been talking to residents about the works and Sue will provide feedback about an apology. Southern Water have also met with the Leader of Hastings Borough Council and officers about this issue and are holding quarterly meetings with the council going forward. Chris Barham added that the condition of the burst pipe was not appreciated initially and then it took time to plan and deliver the works to replace the pipe.

21.29 The Committee thanked Southern Water for attending the meeting and the presentation on the storm overflow work and other East Sussex issues.

21.30 The Committee RESOLVED to note the presentation and will advise Southern Water whether the Committee wishes to have further updates in the future.

22. RECONCILING POLICY, PERFORMANCE AND RESOURCES (RPPR)

22.1 The Committee considered a report on the Reconciling Policy, Performance and Resources (RPPR) process. The Chair introduced the report which provided the opportunity for the Committee to consider the latest position outlined in the November RPPR Cabinet report and identify any information it would like to consider at the RPPR Board meeting in December or further work to be included in the Committee's future work programme.

22.2 The Chief Finance Officer outlined that since the Cabinet report the Autumn Budget Statement had been published, but did not include any additional funding for local government or measures to address the pressures in Children's and Adult Social Care. The increase in National Living Wage at 9.8% was much higher than expected. This will need to be factored into the budget and may have an impact on Adult Social Care as costs in the independent care sector are likely to go up. The Local Government Provisional Settlement is expected to be announced later in December, closer to Christmas, which will contain more detail on local authority funding.

22.3 The Committee discussed the report and raised a number of questions. A summary of the discussion is given below.

22.4 The Committee asked about the transition of funding and responsibilities from the South East Local Enterprise Partnership (SELEP) to ESCC and what will happen to the ongoing programmes. The Chief Finance Officer outlined that the Council was still awaiting Government guidance, which is expected to be published in January 2024, on what will happen once the Local Enterprise Partnerships are disbanded. Work is underway with SELEP to work through the disaggregation of funding and responsibilities to understand what this means for the Council.

22.5 The Committee asked how the Council can join up the Department for Levelling Up, Housing and Communities (DLUHC) funding awarded to Bexhill and Hastings with other economic growth projects. The Director of Communities, Economy and Transport responded that the Levelling Up funding allocated to Hastings and Rother councils is their funding not ESCC's, but ESCC has some involvement with the projects and is providing advice on some schemes to the District and Borough councils. It will be for DLUHC and the District and Borough councils to agree the schemes.

22.6 The Committee asked about the capital programme which appears to have higher capital receipts for next year and the spending on the Bus Service Improvement Plan (BSIP) which makes up a large proportion of capital expenditure. The Chief Finance Officer outlined that there is a report being considered by the Audit Committee on 24 November 2023 regarding the capital receipts for next year which provides more information. A review of the capital programme is being undertaken which will look at any potential slippage, and subject to the review there may be some re-phasing of the capital expenditure.

22.7 The Committee RESOLVED to:

- 1) Note the information in the RPPR Cabinet report of 7 November 2023; and
- 2) Discuss the RPPR process further at the RPPR Board on 6 December 2023.

23. SCRUTINY REVIEW OF POTHOLE MANAGEMENT - REPORT OF THE REVIEW BOARD

23.1 Councillor Hollidge, Chair of the Review Board, introduced the report. He outlined that the review had been established due to the condition of roads in the County and the impact this was having on vehicles, people, and the public realm. The review looked at the causes of potholes and the areas that the Council could influence by considering the existing policies, procedures, and funding. The Review Board had good conversations with Balfour Beatty Living Partnerships (BBLP) who are the new highways maintenance contractor. Councillor Hollidge thanked the Board members and officers their work on the review. He recommended the Committee endorse the report and make recommendations to Cabinet for comment and Full Council for approval.

23.2 The Committee discussed the report and thanked the Review Board for its work on the review. The Committee made a number of comments and raised some questions which are summarised below.

Improvements and monitoring

23.3 The Committee noted that there had been a noticeable improvement in pothole repairs since the start of the new contract with BBLP, but it was uncertain whether this level of performance would continue. It was commented that the Council is in the early days of the new contract and the Committee can monitor progress and performance of the contract through future monitoring reports and annual reports on performance.

Recommendation 13

23.4 The Committee discussed recommendation 13 and whether there should be a specific recommendation around improving information for councillors and members of the public on defect reporting, as it was not possible to see all reported defects at present. It was explained that work was already in progress to rectify this, which was why it was not included as specific recommendation in the report.

Drainage and footway maintenance

24.5 The Committee welcomed the recommendation on drainage and that the review had considered the issue of drainage as it is a contributing factor to the number of potholes. It was noted that the report highlights that more work is needed on the topics drainage and footway maintenance, and these topics should be considered as part of the future work programme of the Committee.

Utility company reinstatement works

23.6 The Committee members noted the recommendation regarding utility company reinstatement work and questioned whether this might increase costs for utility company customers and whether it would lead to improvements. The Assistant Director Operations commented that one of the biggest causes of potholes is utility company reinstatement work. The Council can only operate within the current legislation which allows utility companies to make a temporary repair and gives them six months to carry out a permanent repair. Officers support the recommendation for changes to the regulations which would lead to better quality reinstatement work.

Cluster of potholes and advisories

23.7 The Committee asked what percentage of advisory requests were approved within two to three working days and how long it takes for work to take place once approved. The Assistant Director Operations explained that advisories are approved by the Asset Team who check to see if there is any existing planned maintenance work for that area. If the advisory is approved, it will be added to the patching programme which received an extra £2.5 million of funding this year. Unfortunately, a figure for the number of advisories that area approved within 2-3 days is not available. At the moment there is a backlog of work for the patching programme, and it can take up to six months for the work to be carried out once an advisory has been approved.

Cost of borrowing and capacity.

23.8 The Chair commented that everyone would like to see more money spent on potholes, but the cost of borrowing more money to fund pothole repairs was a constraint on what the Council could affordably do. There is also the issue of capacity to carry out additional work when additional funding becomes available.

23.9 The Committee RESOLVED to endorse the report of the Review Board, and to make recommendations to Cabinet for comment, and County Council for approval.

24. WORK PROGRAMME

24.1 The Chair introduced the report and outlined the purpose of the agenda item.

Local Transport Plan (LTP) Reference Group

24.2 Councillor Redstone gave an update on the work of the LTP Reference Group, which had considered the draft LTP prior to the public consultation which starts on 27 November 2023 for 12 weeks. He outlined that the Reference Group was one of the stakeholder groups who had commented on the draft LTP and would be considering some interim feedback from the consultation at their next meeting in January 2024.

24.3 As the timescales for the development of LTP may not fit in with the future meeting dates of the Committee, the Committee agreed that authority be delegated to the LTP Reference Group to comment on the draft LTP on behalf of the Committee, prior to approval later in 2024.

Economic Growth Strategy (EGS) Reference Group

24.4 Councillor Hilton gave an update on the work of the EGS Reference Group which had held an initial meeting at the beginning of November. The consultants who are working on the Strategy are running a number of place-based and topic-based workshops and the Reference Group will be able to see the feedback from these stakeholder engagement sessions. Future work will also include commenting on the draft Strategy as it is developed.

24.5 The Committee discussed potential items for the work programme and topics for future scrutiny reviews. It was agreed that the Senior Scrutiny Adviser would circulate a list of potential review topics and reports for consideration and prioritisation by the Committee, which would then be brought back to the March 2024 meeting for approval.

24.6 The Committee RESOLVED to:

- 1) Note and agree the work programme; and
- 2) Delegate authority to the LTP Reference Group to comment on the draft Local Transport Plan on behalf of the Committee.

The meeting ended at 12.40 pm.

Councillor Matthew Beaver (Chair)