

Report to: Lead Member for Transport and Environment

Date of meeting: 13 June 2022

By: Director of Communities, Economy and Transport

Title: Discharge of untreated wastewater by Southern Water

Purpose: To consider the Notice of Motion requesting that the County Council calls on Southern Water and the Government to undertake a number of actions in respect of wastewater treatment.

RECOMMENDATIONS:

The Lead Member is recommended to recommend that the County Council agree the amendments to the Motion set out in paragraph 3.1 of the report.

1 Background Information

1.1 The following Motion has been submitted by Councillors Field and Lambert:

1. *“Southern Water has discharged untreated wastewater (raw sewage) into the sea in Eastbourne 20 times in the last year.*
2. *Southern Water were fined £90 million in 2021 for dumping raw sewage into the sea, after pleading guilty to 6,971 unpermitted sewage discharges.*
3. *Southern Water conducted a severe raw sewage dump on the Eastbourne coast for more than 17 hours on Saturday 5th February 2022.*
4. *The 5th February dump was caused by an electrical fault at the Southern Water Treatment Plant. No back-up system was in place and this could not be rectified until a portable generator was brought on to the site.*
5. *Clean Eastbourne sea is critical to Eastbourne’s tourism economy, the quality of our coastal environment, and to the enjoyment and fitness of local swimming groups and residents*
6. *Southern Water made a profit £139 million last year.*

This Council calls on:

1. *Southern Water to swiftly complete a full and transparent investigation into the 5th February Eastbourne discharge, and their raw sewage dumping more generally.*
2. *Southern Water to take robust action to prevent such discharges from reoccurring in Eastbourne and elsewhere, including the deployment of a permanent on-site back-up generator at the Eastbourne Water Treatment Plant.*
3. *Southern Water to take responsibility for such discharges in Eastbourne and apologise to Eastbourne residents, businesses and visitors.*
4. *The Government to introduce a ‘Sewage Tax’ on water companies’ profits to begin compensating for their discharges, and to help fund cleaner sea.”*

2 Supporting Information

2.1 In respect of this Motion, it is recognised that the matter of discharged untreated wastewater into watercourses and the sea are incidents that all who value the quality of the environment in East Sussex wish to avoid. With heightened awareness around environmental matters, it is also recognised that such incidents cause distress to those who live in, visit and generally value the environment of the county. It is therefore in everyone’s best

interests that such incidents are avoided and that those who have responsibility for acting on this matter take all reasonable steps to reduce the likelihood of further occurrences.

2.2 The activities of Southern Water, and other statutory sewerage undertakers, are regulated by the Environment Agency and the Water Service Regulation Authority (OFWAT). Whilst it is recognised that there are clear benefits to be had from controlling untreated wastewater discharges and improving bathing water and river water quality, the County Council does not have a statutory role in monitoring this matter nor in ensuring that sewerage undertakers achieve compliance with various environmental standards and permits. This role sits with the Environment Agency. In addition, depending upon the incident and the impact it has, the District and Borough Councils' Environmental Health teams may have a remit with regard to bathing water quality.

2.3 Given the above point, it is important that the Environment Agency determines whether the discharge complied with the terms of the wastewater discharge consent, or whether there was an illegal discharge.

2.4 It should also be noted that any improvements to Wastewater Treatment Works, which do not benefit from permitted development rights (i.e., works that can be undertaken without the need for planning permission), would need to be considered and determined by the County Planning Authority. Whilst the County Council will be supportive in principle of any such improvements, it would be inappropriate for us to provide what could be considered a predetermined view on prospective works to a Treatment Plant in the event that planning permission from ourselves would be required. In addition, whilst the Motion calls on Southern Water to deploy a permanent on-site back-up generator at the Eastbourne Wastewater Treatment Plant, until the outcome of the investigations into the event on the 5 February 2022 are known, it cannot be said for certain that this is the most appropriate form of remediation. Other measures may be shown to be more effective and depending on what works Southern Water wish to proceed with, those works may require planning permission from the County Planning Authority and it will be necessary to consider the merits of any such proposals at the time an application is received.

2.5 Although the Council does not have a statutory role there are opportunities for the County Council to work with and influence the likes of Southern Water when it comes to seeking to achieve water quality improvements in the county. Along with the County Council, and the likes of the Environment Agency, Natural England and the Sussex Chamber of Commerce, Southern Water is an active member of the Environment Board for East Sussex. This Board provides an opportunity to work in a collaborative manner in seeking to drive environmental improvements across the county, which are to the benefit of residents, businesses, and visitors. Recognising that there are some concerns held over the matter of untreated discharges into the sea and rivers, rather than focusing on one particular event, it is recommended that this wider matter is sought to be mentioned and addressed through discussions at the Environment Board and possibly through the next review and refresh of the current East Sussex Environment Strategy.

2.6 The County Council also has representatives on both the working group and executive group supporting Hastings Borough Council in overseeing bathing water quality compliance in Hastings. This is a model that has successfully ensured continued bathing water compliance in recent years and could be something that is replicated in locations across East Sussex, although it would be for other statutory organisations to instigate and facilitate this.

2.7 Another opportunity for such a collaborative approach is through the Blue Heart project. In 2021, it was announced that the County Council had been successful in applying to be one of 25 project areas to secure funding under Defra's £150 million Flood and Coastal Resilience Innovation Programme (FCRIP). The Blue Heart project focusses on the Eastbourne and South Wealden area, with its primary aim being to mitigate the impact caused by flooding through the use of technology to manage and monitor water levels. Although the County Council is leading

the project, it is being undertaken in partnership with a number of other organisations, including Southern Water. By improving knowledge of the local water catchment, it is anticipated that ways to better manage water levels in the catchment may lead to a reduction in foul and surface water flood events, and consequently, improvements to water quality in the project study area.

2.8 The final part of the Motion calls for the Government to introduce a Sewage Tax. It is not clear how such a tax would work and there is always a risk that such an arrangement could lead to higher costs and, in turn, higher bills for customers. Until it becomes clear as to how such a tax would work, it is considered more prudent to call for regulators to consider stronger penalties, or other mechanisms, in an effort to reduce incidents of unauthorised sewage discharges.

3 Conclusion and Reasons for Recommendations

3.1 The Council recognises the importance of this issue and the impact that it has on East Sussex residents, businesses, visitors and the environment, and therefore recommends that an amended Motion is put to the County Council, as follows;

“This Council calls on:

- 1. The Environment Agency to swiftly complete a full and transparent investigation into the 5th February Eastbourne discharge, and sewage discharges across East Sussex.*
- 2. Recommendations from investigations be published with clear action plans agreed with the regulators where appropriate.*
- 3. Southern Water to take responsibility for sewage discharges in East Sussex and apologise to residents, businesses and visitors where appropriate to do so and offer a full explanation.*
- 4. The regulators to consider stronger penalties or mechanisms to reduce incidents of unauthorised discharges of sewage.”*

In addition to recommending that the above amended Motion is agreed, it should also be recognised that opportunities exist through forums and projects, such as the Environment Board and the Blue Heart project, where the County Council has the ability to influence and work with Southern Water in order to deliver an improved sewage infrastructure network, which in turn reduces incidents such as the one that occurred on 5 February 2022.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officers: Edward Sheath

Tel. 01273 481632

Email: edward.sheath@eastsussex.gov.uk

LOCAL MEMBERS: All BACKGROUND DOCUMENTS: none