

# NOTICE OF MOTION REGARDING WATER SUPPLY AND TREATMENT

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|--------------------------|--|
| Cabinet:                 | <b>26 January 2023</b>                             |
| Report Author            | <b>Adrian Verrall (Strategic Planning Manager)</b> |
| Portfolio Holder         | <b>Councillor Ashbee, Leader of the Council</b>    |
| Status                   | <b>For Decision</b>                                |
| Classification:          | <b><i>Unrestricted</i></b>                         |
| Key Decision             | <b>No</b>  |
| Reasons for Key          | <b>N/A</b>   |
| Previously Considered by | <b>Council - 13 October 2022</b>                   |
| Ward:                    | <b>All Wards</b>                                   |

## **Executive Summary:**

Council previously considered a notice of motion requesting that the Council will question those with the direct and indirect responsibility for water supply and treatment, in order for joint action to be taken to provide a sound future basis for development and progress.

This report looks at the issues further and makes recommendations to Cabinet.

## **Recommendation(s):**

It is recommended that cabinet:

1. Rejects the Notice of Motion, and
2. Support the specific responses to the details of the Notice of Motion as set out in section 2.10, 2.11 and 2.12.

## **Corporate Implications:**

### **Financial and Value for Money**

There are no financial implications arising directly from this report.

### **Legal**

National Planning Practice Guidance (Paragraph: 005 Reference ID: 34 re00520140306) also states that 'it is important to recognise that water and wastewater infrastructure can

have specific locational needs (and often consists of engineering works rather than new buildings). This means exceptionally otherwise protected areas may have to be considered.

## **Corporate**

This report relates to aims set out within the council's Corporate Statement to:

- Protect and enhance where possible our parks, beaches and open spaces for the benefit of current and future residents.
- Continue to progress the Local Plan to adoption.

## **Equality Act 2010 & Public Sector Equality Duty**

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equality issues arising from this report.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities:

- Environment

### **1.0 Introduction and Background**

1.1 The following motion has been received from Councillor Smith in accordance with Council Procedure Rule No. 3:

*“According to the outgoing CEO of Southern Water, “Thanet is the most water-stressed area in the UK.*

*Southern Water has discharged sewage on Thanet’s coastline repeatedly for more than a decade and continues to do so. In recent years public pressure and court action have brought this situation to the fore, but TDC does not yet have a systematic approach to addressing how this impacts the supply and treatment of water.*

*Our current planning systems assume that existing water supply and treatment infrastructure will meet any needs arising from new developments. Adopting this motion will ensure TDC is provided with specific data that will help officers and*

*members to determine whether we have suitable infrastructure to manage mains water supply, sewage discharges and weather-related run-offs from planned developments.*

*Loopholes in national planning rules mean we face steep rises in new housing development. Yet as it stands the link between development and sewage overload is not made visible when it comes to planning. To date we have not been able to respond as robustly as we might wish to sewage discharges and mains water supply problems. Adopting this motion will change this by allowing planning decisions to be much better informed.*

*Southern Water's outgoing CEO was very public in apologising for the 6,971 illegal spills and accepting Court findings that his company dumped an estimated 21 billion litres, or 7,400 Olympic-sized swimming pools of untreated sewage into the environment by deliberate actions, negligence and undermining of investigations.*

*Adopting this motion will test Southern Water's newfound honesty and openness by inviting the company and regulators into an active partnership with TDC. We have seen some signs that Southern Water has improved, but it is vital that they collaborate by providing accurate and timely data that will support more effective strategic planning by the Council.*

*This motion asks the Environment Agency to issue a position statement. They have done this on water quality issues in West Sussex which directly affected planning decision-making as infrastructure plans were found to be inadequate.*

*Overall, this motion will allow councillors to ask questions of those with direct and indirect responsibility for water supply and treatment, so that constructive ways can be found for joint action, providing a sound future basis for development and progress.*

*Proposed motion. This Council resolves to:*

- 1. Act upon TDC's duty to protect its coastline from immediate and cumulative impacts from pollution, in line with its local planning policy and the National Planning Policy Framework (NPPF).*
- 2. Acknowledge that water quality has deteriorated and continues to do so due to the cumulative impact of multiple sewage discharge events ('sewage overload').*
- 3. Seek to better understand the cumulative impact of wastewater discharge, including untreated sewage, on the District's coastline, wildlife and the health of its residents.*
- 4. Take a lead on addressing this issue, working constructively with other agencies.*
- 5. Write to the Environment Agency requesting a position statement that sets out its understanding of the cumulative impact of sewage discharge on Thanet District's rivers and seas.*
- 6. Ask relevant national agencies (Natural England, Environment Agency, etc) to provide up to date assessments of Thanet's SSSI's.*

7. *Ask the Overview and Scrutiny Committee to invite the Chief Executive of Southern Water plus senior representatives from the Environment Agency and Natural England to attend a future meeting to answer questions on the current levels of sewage discharge, the capacity of the existing infrastructure to manage sewage and waste/storm water and their understanding of how climate change will affect this.*
8. *Ask Southern Water, in its planning consultation responses from this date onwards, to clarify which treatment works will be managing the sewage, whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information, to share it (noting that this can only be requested and not required)."*

## **2.0 Proposed response to the Notice of Motion**

- 2.1 The current problems with sewage releases to Thanet beaches stem from two key factors - an ageing network of "combined sewers" (ie. rainwater is not separated from wastewater); and periods of heavy rainfall. This means that in times of particularly heavy rainfall, the sewers become overloaded. Southern Water estimates that at such times, approximately 90% of the content of sewers is rainwater and other surface water run-off.
- 2.2 There are 13 designated bathing waters in the Thanet district. Bathing water quality was last published in November 2022. One beach increased from sufficient to good but two beaches reduced from excellent to good. Overall eight beaches are classed as excellent. There is not the evidence to support the suggestion that bathing water quality has reduced. In fact, based on current data, the opposite is true with an improvement trend in the last few years. The standard has been raised for the two bacteria types which are monitored which may have led to some misunderstanding.
- 2.3 Since 2015, all new major (10+) residential developments are subject to a requirement to provide sustainable drainage systems to limit the level of surface water run-off. In this respect, we consult KCC as the Lead Local Flood Authority (LLFA), Southern Water and the Environment Agency (EA).
- 2.4 In addition, an Infrastructure Delivery Plan (IDP) is prepared alongside the Local Plan. EA, KCC and Southern Water, along with all statutory consultees in the local plan process and involved in the development of the plan are consulted on the IDP. Amongst other things the plan sets out the requirements for water provision and drainage linked to all new development.
- 2.5 However, these measures only apply to new development, and there is a significant level of existing stock which is not equipped in this way. Furthermore, this does not address existing highway rainwater run-off.
- 2.6 Over the last few years, Southern Water has been developing a number of "pathfinder" projects around its region that seek to slow the flow of rainwater into the

network and where possible diverting surface water away from the network, thereby reducing the pressure for emergency stormwater releases. Margate is one of 5 areas of focus across SW's network.

- 2.7 Thanet District Council is already working with Southern Water and KCC to improve drainage within the district. The project at George Park in Westbrook is an early example of this work and monitoring indicates that it has been an effective solution and plans are now in development to expand the project at this location. There are further major and minor interventions in the planning stage, including at Dane Park in Margate to remove surface water from the network.
- 2.8 Last year, Southern Water published its draft [Drainage and Wastewater Management Plan \(DWMP\)](#) for consultation. Among its priorities, the DWMP identified the serious issues caused by sewer flooding and sewage release during heavy rainfall events, and the impact that has on the wider environment, and proposed the prioritised removal of existing surface water connections from the combined sewer network.
- 2.9 While welcoming these proposals, the Council has asked Southern Water to give Thanet a higher priority in the proposed Investment Plan, for three reasons:
- Thanet has the second highest population density in Kent, and is also subject to high growth pressures over the next 10-15 years
  - Virtually the entire Thanet coast is covered by a variety of national and international wildlife designations (Sites of Special Scientific Interest; Special Protection Areas; Special Areas of Conservation and Ramsar Sites), possessing key habitats for significant wild bird populations. This means that the impact of sewage releases into the environment can be particularly high for the designated interests of those areas; and
  - Tourism is a vital industry for Thanet, with the highest proportion of tourism enterprises in Kent and is responsible for 4.4% of the District's GVA. The tourism sector employs some 8,664 people in Thanet (20% of the workforce). Thanet's visitor economy was valued at £352 million in 2019. Every release of sewage into the environment is damaging to both tourism activity and businesses at the time of the incident, and to the longer term reputation of tourism in the area.
- 2.10 In respect of the specific recommendation raised within the Notice of Motion the following is already in place (numbered to correspond to the specific points within the Notice of Motion):
1. This is already undertaken through existing planning processes;
  2. Recent data indicates that water quality has actually improved (although this will continue to be monitored);
  3. A considerable amount of work has been undertaken previously in this respect, and it is agreed that this should continue;
  4. The Council does work in partnership with the other key organisations, and it is agreed that this should continue, and that the Council should take the lead in highlighting ongoing issues and pressing for effective solutions;

6. Natural England already has a national programme to carry out “favourable condition” assessments of protected sites;
8. Southern Water are already consulted on relevant planning applications and consider the capacity of existing facilities to manage sewerage from new homes.

2.11 The following recommendation is for the cabinet to discuss and consider:

5. Officers will write to the Environment Agency requesting a position statement.

2.12 The following recommendation is not a matter for the Cabinet to determine:

7. Southern Water have given presentations to Members in the past, and could be invited to do so again, but this would be a matter for the Overview and Scrutiny Panel to determine.

## 2.0 Options

The options available to Cabinet are:

- 3.1 To agree the motion. This option is not recommended as the underlying premise of the Notice of Motion, that bathing water quality is deteriorating is incorrect. The available evidence indicates that bathing water quality is improving.

Or

- 3.2 Not to agree the motion. This option is recommended. However some of the specific requests for action that were included in the Notice of Motion are already in place (as set out in 2.10) one can be progressed (as set out in 2.11) and one is a matter for the Overview and Scrutiny Committee to determine (as set out in 2.12).

Contact Officer: Adrian Verrall (Strategic Planning Manager)

Reporting to: Bob Porter (Acting Corporate Director of Place)

### Annex List

There are no annexes with this report.

### Background Papers

Bathing water Quality information from November 2022:

<https://www.thanet.gov.uk/defra-announces-bathing-water-classifications-for-thanets-beaches/>

### Corporate Consultation

**Finance:** Chris Blundell (Acting Deputy Chief Executive)

**Legal:** Sameera Khan (Interim Head of Legal & Monitoring Officer)