

**RIVER SEWAGE AND POLLUTION MEETING
FRIDAY 2 SEPTEMBER 2022
1030 – 1200 HRS**

**COUNCIL CHAMBER, COTSWOLD DISTRICT COUNCIL,
TRINITY ROAD, CIRENCESTER GL7 1PX (IN PERSON)**

Present

Sir Geoffrey Clifton-Brown MP (GCB)
David Lesser, representing local lead flood authority, Gloucestershire County Council
Laurence King, Publica, Shared Lead Flood Risk Management Officer
Richard Aylard, Sustainability Director, Thames Water
Jake Morley, Local Government Liaison, Thames Water
Colin Chiverton, Area Environment Manager, Environment Agency
Professor Richard Skeffington, Bristol Avon Rivers Trust
Peter Hammond, WASP (Windrush Against Sewage Pollution)
Ashley Smith, WASP (Windrush Against Sewage Pollution)
Cllr Andrew Doherty, Cabinet Member for Environment, Cotswold District Council
David Reinger, Vice President Cotswold Fly Fishers
Cllr Stephen Hirst, Gloucestershire County Council

Apologies

Lucy Bee, Environment Management Team Leader - Land and Water North
Thames Area, Environment Agency
Dr. Richard Knowles, Chair, Cotswolds Rivers Trust
Cllr Nicholas Field-Johnson, Oxfordshire County Councillor Burford & North Carterton

GCB:

Good morning everyone, welcome. I've started an attendance sheet. There are not many of us so I suggest we identify ourselves.

Basically we are meeting here this morning to discuss mainly the issue in general but we will get into particular rivers too.

Colin, just to give you warning, could you tell us how the new Environment Act is going to change things in terms of how your agency regulates.

Colin Chiverton, EA:

I'm not sure...

???:

I can do that

GCB:

I want to introduce our minute taker Liz Sajewicz. Please fill in the attendance sheet to make sure you get a copy of the minutes. This is basically a public meeting. If you know of others who should have them, do let me know. We will make sure they get a copy of the minutes.

[Attendees introduced themselves as per list of those present above.]

GCB:

Andrew, sincere thanks to you because without you we can't hold the meeting.
Ashley, why don't you start so we can thoroughly understand the new system.

Ashley Smith, WASP:

A little bit of context, the law prior to the Environment Act ... quite strangled. There had always been the issue that campaigners and the public had always been concerned about the level of pollution and the ability of authorities to deal with it. There had been some spectacular fines but they were basically an admin charge for Thames Water and were never a deterrent. There was so much public disquiet that the Environment Act came in. MPs came under a lot of pressure from whips to vote for the requirement for it to be phased out over time based on the argument that it would cost taxpayers a lot of money.

One of the key issues brought in was the duty on Government to make a plan. Two weeks ago the Government came up with a plan to address pollution and storm overflow discharges.

WildFish (previously Salmon & Trout Conservation UK) is preparing to issue a judicial review against the plan on the grounds of its being unlawful. General response from the sector is that the plan is too slow. It allows up to 100% of storm overflows that are currently discharging to continue until 2035, and allows up to 25% of those same storm overflows to continue to cause ecological damage for a further 10 years to 2045 and in places for the next 28 years to 2050. We don't think it affects anything the Environment Agency can do. It seems to give the water industry permission to continue polluting illegally. Many sewage spills are illegal events and could be dealt with if Government would change its policy on sanctions. It now seems to have been built into statute that, as long as water companies improve, they can continue to operate illegally.

GCB:

I'm not sure either I or Thames Water would agree.

Welcome, Cllr Stephen Hirst.

Richard, would you like to give us your view on the Act?

Richard Aylard, Sustainability Director, Thames Water:

There has been some interesting politics around this. "The Duke of Wellington's amendment" would have tightened things up. The water industry lobbied in favour of the amendment. It was as much of a surprise to the water industry as it was to campaigners when it didn't get through. The Government must have had its reasons. I don't know whether you had any explanation, Ashley.

Ashley Smith (WASP):

The cost to taxpayers.

Richard Aylard, Sustainability Director, Thames Water:

There were cost estimates but they were wet finger in air with no robust costings behind them. Thames Water didn't recognise the numbers being talked about.

We are looking at it and working out. What is already in the Environment Act is the requirement to notify the public in real time (effectively within minutes/half an hour) of a discharge. Thames Water is aiming to have this in place by 1 January 2023 for all 468 discharge points – locations for which it has a permit to discharge. It is important when we do get a discharge that local people should know straight away. It's a very important piece of transparency that we are committed to.

The second thing is the requirement for upstream and downstream monitoring of discharges. Details not known...

From a practical perspective, for us it means not just 1000 new monitors, it's 1000 access agreements with land owners, maintenance, and the monitors can also get washed away and stolen. I'm not saying we don't want to do it, it's just the practical stuff.

Thirdly, we are all required to get progressive reduction in ... storm overflows and public health. This hasn't been done before.

The commitment we've made will take us further than Government requires.

We have committed to a 50% reduction in the total annual duration of discharges and, within that, an 80% reduction in sensitive catchments.

GCB:

I don't want to get into individual detail.

Clearly that's going to cost money. As I understand it, plans are to be produced by every water company for monitoring. That costs money. And Government then sends the plan to Ofwat who then allow you in your investment plans to then upgrade the sewage infrastructure to have a bigger containment.

Richard Aylard, Sustainability Director, Thames Water:

It will be up to us to put forward a proposal to meet the requirement. How much to cost. Balance between what's in plan and what's regarded by Ofwat and Government as being affordable. Looking at water bills across Europe, ours are very significantly lower than most other countries. We can be more efficient, more innovative etc...but there is also no doubt that this work will cost a lot of money and we will be factoring that into the business plan we submit to Ofwat.

GCB:

You've committed by 2030. Next plan?

Richard Aylard, Sustainability Director, Thames Water:

Kicks off 21 April 2025.

GCB:

Is everyone happy we've got the general picture?

Ashley Smith, WASP:

We haven't talked about the fact that the plan is based on annual spilling out. Annual spilling might be shown to be going down but I estimate that Thames Water spills are about 30% illegal. Hours might be going down but illegality hasn't. Also submissions by water companies are not reliable. When say ... not the case, unreliable, some false. Recently we looked at Burford and they said no spills in 2021, but we said there was and showed them and they agreed... For Henley, three years on run Thames Water said there had been no spills but there were and the danger is...

GCB:

What would be your suggestion as to how we can check?

Ashley Smith, WASP:

We need to have an independent body. EDM monitors should be certified by an independent body. Strictly speaking should have volume meters, as they are much more accurate and scientifically based and can give a better idea of how affecting...

The public health issues are transgenerational. What we're doing now will affect our grandchildren. There is already evidence that there are five generations of effects, particularly microplastics. They should be removed by retreatment but aren't because with spills there is no treatment. Microplastics then become nanoplastics and then can cross the placenta.

GCB:

Richard, do you agree with the science?

Richard Aylard, Sustainability Director, Thames Water:

I don't disagree about microplastics.

GCB:

Ashley, can you send me a separate note so this detail can go into the minutes, and I'm going to send a copy to the Minister. It's very important about public health.

Richard Aylard, Sustainability Director, Thames Water:

We never suggest that all our monitors are 100% accurate all the time, but they are improving. We've got one of better records across the water sector for monitors being in service. When there are concerns about monitor accuracy, we are putting webcams. Not in your constituency but there is a webcam at Burford.

Ashley Smith, WASP:

That is what caught you out.

Richard Aylard, Sustainability Director, Thames Water:

What I want to say is there are ways we are trying.

GCB:

The type of measurement they are taking, it won't tell us how much?

Richard Aylard, Sustainability Director, Thames Water:

We find there is a pretty good correlation between duration and volume. There are a few places where we have volume meters, and they don't add to the understanding we get from looking at duration.

Ashley Smith, WASP:

It could be trivial for three days or –

Richard Aylard, Sustainability Director, Thames Water:

We can do a correlation ... it's one more thing to spend money on and we aren't convinced of the value in measuring volume.

Richard Aylard, Sustainability Director, Thames Water:

We admit there are sites that struggle to meet permits. All of the work is going on to... It's our responsibility to comply with discharge permits.

Professor Richard Skeffington, Bristol Avon Rivers Trust:

Currently I understand that it is the Environment Agency's responsibility to monitor rivers and the water companies' responsibility is only to monitor their own discharges. So asking water companies to undertake monitoring of rivers above and below discharges is a step change.

Richard Aylard, Sustainability Director, Thames Water:

Yes, it will tell us, providing we get the right monitors and properly calibrated and maintained, it will be interesting to see what it tells us.

Colin Chiverton, Area Environment Manager, Environment Agency:

With public health, the bigger picture about the environment and life of rivers.

GCB:

Presumably it includes human discharge, domestic, commercial and from agriculture?

Colin Chiverton, Area Environment Manager, Environment Agency:

It will be missed connections, agricultural, industrial, human interactions. Outlets from Thames Water will be one.

Richard Aylard, Sustainability Director, Thames Water:

Probably the biggest single factor, but only around one third of the total impacts.

???:

On WASP website, photos showing the yellow.

GCB:

It's now 11am and I would like to get into specifics. We've got two important gentlemen here and would like to know what they are doing in the wider context. I'd be grateful if you could get into specifics of what you are doing on individual rivers.

???:

Rivers or catchment area?

GCB:

Environmental Agency perspective.

Colin Chiverton, Area Environment Manager, Environment Agency:

No knowledge of individual rivers, only totality.

Clearly discharge, we've got people out, targeting those works where evidence suggests there is more of an issue. Limited resources. We can't do everything. We've been given limited money by Government to employ more agricultural officers, but struggling to employ because it's the southeast, struggling to attract people. EA has a single pay structure. Committed to getting more as and when we can. Major investigation going on nationally in storm discharges, team focussed on that. We are stymied at the moment because of the drought. It's a major incident. Involves more work with Thames Water on abstraction. We're not seeing a decrease in major incidents. That uses officers' time. Out deploying aeration. Absorbs a lot of time to do that. We continue to prioritise. Not saying we can look at every one of the discharges. We get all the data and it is reviewed. It's not for me to talk about funding or politics, overflows Government response. We are there to do what we can. As our CEO has said, you get the environment you pay for. What are details of monitoring required, what water companies need to do to meet obligations or go beyond, but we will continue to do the best we can do with the resources we have. This is bringing everything to the fore. The public appreciate the environment they are in.

In terms of holding water companies to account we will do what we can. It's labour intensive. There has to be a presumption of innocence. Fines/consequences are down to court system. Money from fines doesn't go to Environment Agency, it goes to Treasury. When people say the fines were poor, the fines are what the fines are because that's what the judicial system decides. The Environment Agency carries out an investigation and if it believes ... will take to court and it is for the courts to decide culpability and decide level of consequence. Our role is to investigate.

GCB:

Anyone else?

Professor Richard Skeffington, Bristol Avon Rivers Trust:

How many posts?

Colin Chiverton, Area Environment Manager, Environment Agency:

10 ...

2 ...

3 years funding.

Ashley Smith, WASP:

To take case to court takes years.

Colin Chiverton, Area Environment Manager, Environment Agency:

Depends on complexity. The threshold has been raised. Once we get a case into the judicial system it takes years because it starts off in Magistrates Court. Currently looking at 2+ years because of delays in Court system for us to get things through. A lot is due to Covid backlog. Even if we get a case to start, it's a minimum of 2-3 years. We have limited resources, have to be targeted, focussed, have to meet Attorney General's guidance, have to meet regulator's code.

Ashley Smith, WASP:

We get it. That isn't the case for terrorist offences, etc. In the meantime water companies are not required to stop doing what they are doing. You get snapshot of pollution but it doesn't necessarily interfere with water companies.

GCB:

Right across the Court system there are big delays. Politicians need to keep pushing the judicial system. Some rape cases take 5-7 years to get to court.

Peter Hammond, WASP:

Could we ask Colin maybe for assistance? We rely on the Environmental Information Regulations (EIR) legislation to request data from water companies. Some water companies are using the EA investigation of the water industry as an excuse not to give information, saying it might prejudice matters. Thames Water is not doing that and is continuing to respond to EIR requests as usual. Wessex is continuing to provide data, but not all do and the worst is Severn Trent. Is there anything the Environment Agency can do to put pressure on Severn Trent, perhaps by saying that all other companies are giving their information?

Colin Chiverton, Area Environment Manager, Environment Agency:

You can get all the information from us. The obligation to water companies is their obligation. If not there is recourse to the Information Commissioner's Office.

Peter Hammond, WASP:

The EA does not routinely receive the detailed data that is needed to check compliance with discharge permits. But with the Information Commissioner's Office it currently 6 months before they look even allocate an officer to investigate.

GCB:

Homework Peter. Please send me a note with that detail, so I can take it up if the information is not being provided. I'm very hot on transparency, so send me a little note.

Do we want to talk about individual catchment problems?

???

We're quite well engaged with Thames Water on issues on the Windrush.

GCB:

Richard.

Professor Richard Skeffington, Bristol Avon Rivers Trust:

I'm here because of an approach by two landowners who's land is near the head of the Tetbury Avon. Both are concerned about the quality of the Tetbury Avon that flows through their land. They noticed various adverse events in the river over the last few years. This is in Wessex Water's area, immediately downstream of Tetbury sewage works. Tetbury is a growing town, right on the headwaters. The second land owner's particular problem is two ornamental lakes built in the river. Dealing with algal growth is the biggest expense on the estate even though they've got 100 breeding mares. Peter Hammond and Ashley Smith came and had a look at the river and did some sampling, and we also used published Environmental Agency data to produce two reports on the state of the river. The report using EA data shows clearly that Tetbury sewage works is the source of high phosphate concentrations in the river, which in turn is likely to be the cause of the excessive algal growth in the lakes.

Peter Hammond, WASP:

My analysis has shown there were many untreated sewage discharges, including 30 illegal ones, between 2018 and 2021 year. WASP has estimated that an average of 30 million litres of untreated sewage is

dumped into the river each year. The capacity of Tetbury's storm tank, used for temporary storage, is considerably smaller than the Environment Agency requires, one thing that can be corrected. There is a lot of spilling during dry weather which means there is significant groundwater ingress to the sewerage pipes through cracks and joints. So, Wessex Water could do two things to reduce the spill frequency and spill volume: increase the storm tank size and line sewerage pipes as Thames Water have done in Bourton on the Water.

GCB:

Presumably the Environment Agency would force Wessex Water to do that.

Professor Richard Skeffington, Bristol Avon Rivers Trust:

The EA also noted some low dissolved oxygen levels in the river. Probably two likely reasons – discharge of sewage and river more productive than it ought to be.

GCB:

Colin, what more could the Environment Agency do?

Colin Chiverton, Area Environment Manager, Environment Agency:

Can take this issue back to colleagues in Wessex and see what they can do. Sizing of storm overflow tanks. I've heard what you've said and we'll take it away. On the lakes, are they offline or inline with river?

Professor Richard Skeffington, Bristol Avon Rivers Trust:

Inline.

Colin Chiverton, Area Environment Manager, Environment Agency:

How they are managed? We need to also recognise that if this is events that you're seeing now or previous years, the climate impacts we're seeing on our rivers. There is another picture apart from pollution, the groundwater stream.

Professor Richard Skeffington, Bristol Avon Rivers Trust:

At the moment the river is looking nice because it's being supported by borehole water. Rational thing to do, so long as we are not mining the groundwater.

GCB:

I'm not a scientist, presumably not only the flows but also the temperature makes it grow faster?

Professor Richard Skeffington, Bristol Avon Rivers Trust:

Yes, temperature, light and nutrients all increase the growth of algae..

GCB:

Request Colin to pass on with minutes, send to colleagues in Wessex area and ask them to respond to GCB and we will then do a supplemental minute.

We'll do another one of these meetings in 6 months and invite Wessex Water.

David Reinger, Vice President Cotswold Fly Fishers:

Back to a favourite works Ampney St Peter. In correspondence with Peter about inclusion of this works in the current round of the WINEP programme, and specifically trying to get less water to storm by more effectively treating sewage. Now informed that Ampney St Peter for some reason has been removed from the programme? If I understand correctly, the Environment Agency have decided there is sufficient capacity at the works?

Richard Aylard, Sustainability Director, Thames Water:

[Read out extract from report.] Will send a copy in a separate note.

We've got a visit planned there and I think you're away but maybe Ashley and Peter can come.

Cllr Andrew Doherty, Cotswold District Council:

The short version – it's undersized, fullstop?

Richard Aylard, Sustainability Director, Thames Water:

No, it's undersized for its dry weather flow. Environment Agency put a limit on the dry weather flow it can take based on what we're putting into the river.

Cllr Andrew Doherty, Cotswold District Council:

Concern – that's the second worst one in the district. Have been asking what works are going on. Haven't had any updates. There's been a change in liaison officer.

Richard Aylard, Sustainability Director, Thames Water:

It's ... there has been progress, have done half of sewer lining.

Cllr Andrew Doherty, Cotswold District Council:

Can you send that through for the meeting notes because that's one of the concerns?

Richard Aylard, Sustainability Director, Thames Water:

Funding means what we're doing at the moment is the worst bits. Different at Bourton on the Water where we've done 1000s of meters to test it. Going to be doing the same at Ampney St Peter in future.

GCB:

If you've still got queries Andrew and David, come to me.

Colin Chiverton, Area Environment Manager, Environment Agency:

Both Richards and my teams work closely together. Those discussions are ongoing and we work together to get the best outcome for the environment.

GCB:

Thank you. Richard, could you let me have that narrative. It would be helpful.

I've got an old chestnut, Ampney ..., but certainly Windrush does.

The whole business about whether Thames Water ought to be a statutory consultee on planning applications so you would have the ability to say "our infrastructure cannot take extra houses".

Richard Aylard, Sustainability Director, Thames Water:

We are statutory consultees on Local Plans. Not keen on being statutory consultees on planning applications, but we build and maintain good relationships with planning officers ...

We are asked whether we can take foul flow from new developments, but we end up taking surface water and that is a lot more and causes problems. Plans look okay but when developers get onsite the developer sometimes subcontracts drainage and the subcontractors put stuff wherever it's cheapest for them. It's ended up in many places where surface water has gone into foul sewers and reduced their capacity to do their job.. Would like to see much tighter control of what actually happens. It gets grassed over and we don't know about it. Surface flows are much greater than foul, but misconnections in either direction are a problem. .

GCB:

We have in South Cerney a problem with lake dewatering. It might be helpful if there was a statutory requirement for developers to furnish local authorities with plans showing what was actually done at end of every development.

Richard Aylard, Sustainability Director, Thames Water:

It might help but the developer may not know what was done.

GCB:
He should.

Richard Aylard, Sustainability Director, Thames Water:
If they know about it.

Laurence King, Publica, Shared Lead Flood Risk Management Officer:
This has come up before. We approve plans. There is a trust element that that's what will be put in. We don't physically go out during the construction phase to see what is being done. GCC thinks there is a need for developers to show what has been done, but it's still in discussion phase. That's something that might need to be done. If found not to be the case then the developer could be brought back by the planning authority. Recourse. With major developments, would like to think that would be very rare. With minor developments, could have the occurrence and that's probably where we need to increase our resource so they know that's happening. Historical ones are the ones that are connected. So it's about looking at the surveys to identify historical misconnections and look at how to install new surface sewers to pick those up.

GCB:
Surely when planners look at the drainage system and approve, surely the developer should get a plan from the subcontractor and give it to the planning authority so we can go back.

David Lesser, representing local lead flood authority, Gloucestershire County Council:
Building control is now done by private organisations. As far as we are concerned they should be checking. We don't know if they do. We don't see as-built plans.

GCB:
Would it be possible to require that as part of planning, as-built plans.

Cllr Andrew Doherty, Cotswold District Council:
Not part of planning. Building inspection should check drainage but it's outside the local authority's control.

GCB:
If it was a requirement.

Cllr Andrew Doherty, Cotswold District Council:
If forced to do inspections, it would be simple to do a dye test, then it should be mandatory that they have to fix it. Planning enforcement is hard to take a legal process. Can prove it's not been done properly, but there needs to be a way to follow through.

GCB:
Stronger legislation required.

Cllr Andrew Doherty, Cotswold District Council:
Would be relatively simple.

GCB:
Foul water into sewage.

A patio measuring 6 m sq – in heavy rainfall one patio will put as much volume into foul sewer as 100 houses.

David Reinger, Vice President Cotswold Fly Fishers:

On the fringes of the Cotswold's and wearing one of my other hats, ie Upper Thames Fishery Consultative. Given the horrific pollution of the Swindon Ray we've now seen another river completely wiped out by sewage pollution as far as fish life is concerned?

Richard Aylard, Sustainability Director, Thames Water:

Obviously bitterly regret the incident at Haydon End. When you have sewage under pressure uphill (rising main), can't switch pumps off immediately because it will flood into houses where it's coming from. Needed to mobilise more than 20 tankers to take away first then switch off, but in the meantime damaged the river. Talking to ... about how to make amends prior to ... anticipating prosecution.

GCB:

Presumably difficulty is unless it was an act of negligence, this is an act of God.

Richard Aylard, Sustainability Director, Thames Water:

Well this is not, it's our infrastructure and we've got to make sure that doesn't happen, but you can't see everything. We look at and have a replacement problem. Rising mains are a particular problem because of the damage they can cause. Very serious pollution.

GCB:

Cost of tankers is incentive?

Richard Aylard, Sustainability Director, Thames Water:

No, it's our job to manage this and avoid pollution. A similar situation arises with the major trunk mains for water in London. We do have a replacement programme but can never know which ones were fixed just in time and which might have lasted a lot longer. There was a burst here from this rising main in 2003. It is a relatively modern pipe. All is being investigated now.

GCB:

Thank you, Richard, for your candour. Are you happy with that David?

David Reinger, Vice President Cotswold Fly Fishers:

Not the first time the Swindon Ray has been wiped out in its entirety.

Richard Aylard, Sustainability Director, Thames Water:

Will be looking at it literally hour by hour.

David Reinger, Vice President Cotswold Fly Fishers:

How worrying it is that a complete river in our locality can be wiped out like that. I accept what Richard said by way of explanation, just the history of continued pollution.

GCB:

Any other business?

Our lead team of flood monitoring?

David Lesser, representing local lead flood authority, Gloucestershire County Council:

We don't have responsibility for pollution. Interesting on planning, but haven't got anything.

GCB:

We have got the Levelling Up Bill. If you want to liaise with Cotswold District Council planning on this, and combined send me a note from GCC and CDC on this particular issue. Heard about illegal discharge from patio. Multiply that. It would be helpful to try and correct this at source.

David Lesser, representing local lead flood authority, Gloucestershire County Council:
I'm not entirely aware that there is a problem there. Have been to see large developments in the area, Twigworth and In..., and have seen that SUDS and drainage are as in planning.

Richard Aylard, Sustainability Director, Thames Water:
It's the biggest impact for us.

GCB
But if it's cumulative impact of small developments.

Cllr Andrew Doherty, Cotswold District Council:
I also don't think it's a problem on major developments. Obviously got 10 houses or less. Cumulative effect.

GCB:
Poor old Thames Water have to go round houses, how to do.

??? Thames Water:
Have to go round.

GCB:
If Andrew/planning authority looked at last ten years of plans and could check. Could you both talk about that.

David Lesser, representing local lead flood authority, Gloucestershire County Council:
A lot won't even hit planning. We can find someone's put a washing machine in a garage and plumbed it into a sewer.

Laurence King, Gloucestershire County Council:
The good thing about CDC is there is a team to look at small developments. But we shouldn't forget there are a lot of combined sewers, a large amount in rural areas, and people just keep connecting to them. It needs investment in surface water sewers to take away. Biggest aspect.

GCB:
Thanks to the officials from Environment Agency, Thames Water, GCC, CDC, and the other groups. Thanks to everybody for work they do so we know about problems otherwise not known about.

Will make sure the minutes are widely circulated.
Peter and Richard – including the technical bits you are sending.

Should we have more often, every 6 months? Yes, planning another meeting for March. Will look up a suitable date and put it in with minutes.

Thank you all very much for coming, particularly Andrew and your technical man, and Laurence, we know how busy you are.

Meeting closed at 11.59am