



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 25 SEPTEMBER 2024
Subject	SEWAGE SUMMIT UPDATE
Wards affected	All
Accountable member	Councillor Lisa Spivey, Cabinet Member for Communities and Public Safety Email: lisa.spivey@cotswold.gov.uk
Accountable officer	Phil Martin - Assistant Director Business Support Services Email: Democratic@cotswold.gov.uk
Report author	Phil Martin - Assistant Director Business Support Services Email: Democratic@cotswold.gov.uk
Summary/Purpose	The purpose of the report is to provide an update to all Councillors on the Sewage Summit event that took place on the 8 th July 2024, the meetings held with the 3 water companies and 2 workshops that took place leading up to the event, along with outlining a series of recommendations associated with these.
Annexes	None
Recommendation(s)	That Council resolves to: I. Note the report and approve the following recommendations; a. The Chief Executive writes to Government requesting they: i. Make Water Companies Statutory Consultees for both Development Control and in preparing Local and Strategic Plans; ii. Introduce clear mandatory controls on storm water drainage for all development. b. Introduce a validation checklist and matrix of Grampian conditions. c. Incorporate policies within the new Local Plan to optimise water efficiency for new houses. d. Consider, subject to a business case and affordability



	<p>including in the 2025-26 budget process funding for a specialist Officer to work with the Flood Risk Management Team and Planning service to liaise between Developers and the Water Companies along with related bodies.</p> <p>e. Continue to develop an effective Communication Strategy to outline to residents the statutory obligations and powers of each local government body and other relevant organisations such as the Environment Agency.</p>
Corporate priorities	<ul style="list-style-type: none">• Responding to the Climate Emergency• Supporting Communities
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Councillor Angus Jenkinson, Legal and Finance Teams



1. EXECUTIVE SUMMARY

- 1.1** On the 16th March 2022, Councillors Andrew Doherty and Lisa Spivey raised a motion on Sewage in Rivers at the full Council meeting, in response a number of actions and activities were undertaken.
- 1.2** The report provides a summary of the relevant Government actions and the legislation framework including the Environment Act 2021 and Storm Overflows Discharge Reduction Plan that were introduced to tackle the increasing level of sewage being discharged into rivers, lakes and waterways across the Country.
- 1.3** The report outlines a new approach to working with the Water Companies by the Council, which began in January 2024 along with providing information about 2 sewage workshops held in March and October 2023, one of which included Officers from across Gloucestershire and the Sewage Summit event that was hosted in July 2024

2. BACKGROUND

- 2.1** At the Full Council meeting on the 16th March 2022, Councillors Andrew Doherty and Lisa Spivey raised a motion on Sewage in Rivers, that highlighted the increased levels of raw sewage being discharged into Cotswold rivers by the 3 water companies: Severn Trent Water, Thames Water and Wessex Water.
- 2.2** Statistics at the time from the Rivers Trust reinforced this situation showing that sewage discharges across all locations in the Cotswold district occurred for 17609 hours in total throughout 2020, which illustrated that discharges had become routine, rather than an emergency response to exceptional conditions.
- 2.3** In response to the national situation at the time, which largely reflected what was happen to Cotswold Rivers the Government established a Storm Overflows Taskforce and would publish a plan to reduce sewage discharges from storm outflows by September 2022, however one of the drivers behind the motion was it was felt it was too little too late to tackle the problem.
- 2.4** Councillors resolved to collaborate with neighbouring Local Planning Authorities, that will develop appropriate policy to guide planning application determination and enforcement in those areas where sewage treatment is insufficient. As well as instructing that the Leader and Chief Executive to write to the relevant Government Ministers, requesting an acceleration in the capital programme to lower risks of untreated sewage discharges into our rivers, and an assurance that local housing developers will be expected to fund water infrastructure to meet the needs of new housing.



3. National Government Perspective and Legislative Framework

Storm Overflow Taskforce

3.1 In November 2021, an independent report commissioned by the taskforce found:

- The complete separation of wastewater and stormwater systems—eliminating storm overflows—would cost between £350bn and £600bn. This could increase household bills between £569 and £999 per year. It would be “highly disruptive and complex” to deliver nationwide.
- The costs of retaining storm overflows discharging into inland waters, but limiting their use, “vary widely depending on how frequently they operate”. Nationally applied policies and scenarios were modelled and costed between £5bn (40 spills average) and £260bn (zero spills average). The equivalent benefits are £2bn and £39bn. The impact on annual household bills could be between £9 and £495 respectively.
- A policy focused on achieving 10 spills per year on average in sensitive rivers, such as chalk streams, would cost between £8.2bn and £16bn.
- A focus on improving rivers known to be used for bathing to achieve an average spill frequency of five per year would cost between £8bn and £26bn.

3.2 The report estimated that if nothing was changed about the use of storm overflows, up to 83 additional water bodies would fail to achieve good ecological status by 2050 because of their impact, an increase of 13% from the baseline at the time of the report’s publication. It concluded that the deterioration was because of reduced river flows, population growth, urban creep, and changes in rainfall. It stated that for the same reasons, rivers currently used for recreation would see around a quarter of their length become unsuitable for swimming.

Environment Act 2021

3.3 The government introduced a range of measures under the Environment Act 2021 to tackle discharges from storm overflows. These included:

- A new duty directly on water companies to secure a progressive reduction in the adverse impact of discharges from storm overflows.
- A new duty on government to produce a statutory plan to reduce spills and their adverse impact, and report to Parliament on progress. The plan was required by 1st September 2022.
- A requirement for government to produce a report setting out the actions that would be needed to eliminate spills from storm overflows in England, and the costs and benefits. The report was required by 1st September 2022.



- A new duty placed on water companies and the EA to publish data on storm overflow operation on an annual basis.
- A new duty directly on water companies to publish near real-time information on the operation of storm overflows.
- A new duty directly on water companies to monitor the water quality upstream and downstream of storm overflows and sewage disposal works.
- A new duty directly on water companies to produce statutory drainage and wastewater management plans. The plans must set out how the companies will manage and develop their drainage and sewer system over a minimum 25-year planning horizon, including how storm overflows will be addressed through these plans.
- A power of direction for the government to direct water companies in relation to the actions in these drainage and sewerage management plans if they are not good enough. The government has said it will “not hesitate to use this power of direction”.

3.4 The Environment Bill was introduced in Parliament in January 2020 and received royal assent on 9th November 2021. The new statutory duty on water companies to secure a progressive reduction in the adverse impact of spills from overflows was introduced by the government during the final stages of the bill. The House of Lords had added an amendment to the bill at report stage that would have placed a legal duty on water companies to take “all reasonable steps” to avoid using storm overflows and to demonstrate progressive reductions in harm caused by discharges of untreated sewage. The secretary of state and the EA would have been given powers to enforce compliance by the companies. However, during ping pong the Commons rejected the amendment, and the Government proposed an alternative amendment. This introduced the duty for companies to secure a progressive reduction in harms caused by discharges. It also gave the secretary of state and Ofwat enforcement powers. The Government’s amendment was agreed to in both Houses, and the provision was added to the bill.

Storm Overflows Discharge Reduction Plan

3.5 Under the Environment Act 2021, the government is required to publish a storm overflow discharge reduction plan by 1st September 2022. The Government has stated that the plan will “set clear and enforceable targets that the water industry must meet”. On 31st March 2022, the Government launched a consultation to seek views on the targets and its other core proposals. The consultation was open for 12 weeks and closed on 12th May 2022.

3.6 The main measures set out in the consultation included:



- Time-bound targets for water companies to achieve the “complete elimination of ecological harm from storm overflows, further protect public health and limit storm overflow use”.
- Details of how water companies will be expected to achieve these targets, such as: regulatory compliance; mapping sewer networks of overflows and separate rainwater pipes connected to the combined sewer network; reducing surface water connections to the combined sewer network; and proactively investigating “novel solutions”, making use of Ofwat’s innovation fund. Water companies will be expected to set out how they will meet their storm overflow targets in their drainage and wastewater management plans.
- Commitments to revise guidance on how to make an application for new bathing water designation. The government said it would consider further steps to improve the timeliness and usefulness of information the public are given about water quality.

3.7 On the issue of eliminating rainwater from the combined sewer network, the consultation set out recommendations from the Storm Overflow Taskforce:

- Reviewing the case for implementing schedule 3 of the Flood and Water Management Act 2010. If implemented, the schedule would introduce standards for new sustainable drainage systems and a new “approving body”. It would also remove the automatic right to connect to the public sewer.
- Giving water companies the right to repair defective drains on private property.
- Giving water companies the right to alter drainage systems on private property to reduce impermeable areas connected to the combined sewer network.
- Giving water companies the right to discharge water to water courses.
- Assessing the role of highway drainage as a rainwater drainage system.

3.8 The Government said it would assess the recommendations along with views from the consultation to inform the final storm overflows reduction plan. Nearly 22,000 responses were submitted as part of the 2022 public consultation on proposals for the Storm Overflows Reduction Plan highlighting the public interest in this issue.

3.9 In August 2022, the Department for Environment, Food and Rural Affairs (DEFRA), published the Storm Overflows Discharge Reduction Plan and a report on the feasibility of elimination of discharges from storm overflows. The scope of what the plan covered was expanded in September 2023 to all storm overflows from companies wholly or mainly in England by including all coastal and estuarine storm overflows. It also sought to clarify the extent of each target and storm overflows, which are prioritised for early action.



3.10 The new targets, aimed at revolutionising the national sewer system and generate the most significant investment and delivery programme ever undertaken by water companies to protect people and the environment:

- By 2035, water companies will have: improved all storm overflows discharging near every designated bathing water; and improved 75% of storm overflows discharging into or near 'high priority sites'.
- By 2045, water companies will have improved all remaining storm overflows discharging into or near 'high priority sites'.
- By 2050, no storm overflows will be permitted to operate outside of unusually heavy rainfall or to cause any adverse ecological harm.

3.11 The new Government is clear that improving water quality is a priority and the use of storm overflows must be addressed. Therefore, is committing to review the targets in the Storm Overflows Discharge Reduction Plan in 2027, ahead of the 2030-35 water company planning cycle (PR29)

Public Opinion

3.12 Over the past 5 years, the profile of sewage discharges has significantly changed, with campaigners such as Fergal Sharkey pledging to protect local rivers and streams along with organisation such as Surfers against Sewage, Earth Watch, Campaign to Protect Rural England (CPRE) and Windrush Against Sewage Pollution (WASP).

3.13 The recent election also saw all the main political parties focusing on the environment and in particular the need to improve the rivers and waterways across the Country.

4. Meetings with Water Companies operating in the Cotswolds

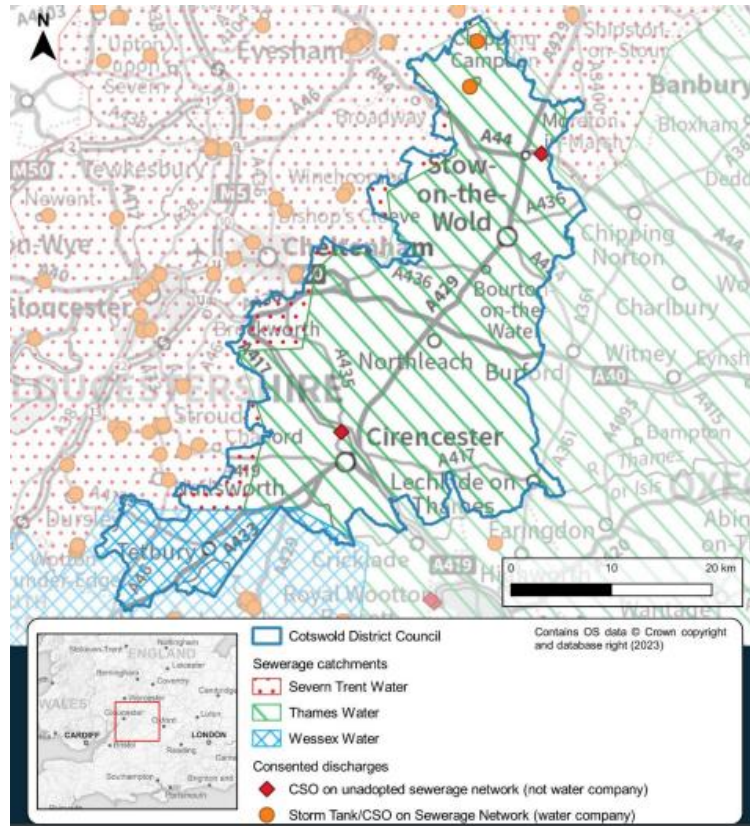
4.1 There are three water and sewage companies that operate in Cotswold District, these are technically known as Sewerage Undertakers.

4.2 Thames Water operate across most of the District with areas around Chipping Campden and Avening being served by Severn Trent Water Limited and the Tetbury area being served by Wessex Water.

4.3 The role of companies includes collection and treatment of wastewaters from domestic and commercial premises, and in some areas drainage of surface water from building curtilages to combined or surface water sewers. It excludes, unless adopted by water and sewage companies, systems that do not connect directly to the wastewater network, e.g. SuDS or highway drainage.



4.4 The map below shows the catchment areas of the 3 water companies –



4.5 The Portfolio holder Councillor Spivey approached each of the water companies operating in the district to arrange an initial meeting with key individuals to discuss –

- Background information and key contacts
- Identification of problem areas – Sewage Treatment Works and Pipework Networks
- Investment Programme - AMP 7 & 8

4.6 The first of the meetings took place on the 15th January 2024, with Thames Water and subsequent meetings with held with Wessex Water and Severn Trent relatively soon afterwards.

4.7 As Thames Water cover the largest area within the district, regular meetings with them have taken place on a 4 to 6 weekly basis, where a similar approach by peers in West Oxfordshire District Council was adopted and focused on not only challenging performance levels but also gaining an understanding of how they operated as a company and non-statutory consultee, their terminology and how they calculate capacity.



- 4.8** The meetings also provided an opportunity for key Officers to gain access to individuals from specialist teams within Thames Water such as their Developer Services as well as learn about alternative service providers (NAVs - New appointments and variations) who are limited companies which provide a water and/or sewerage service to customers in an area that was previously provided by the incumbent monopoly provider. So far there is only one operating within the district and they are still feeding into Thames Water's network and treatment works. However, we may see growth in these as Ofwat recognises they potentially introduce increased competition and feasibly as the timescales and costs involved in increasing the existing infrastructure is significant, developers may begin working with NAVs to establish local treatment facilities.
- 4.9** As the levels of discharge across the district are at an unacceptable level, the meetings also focus on different locations each time, requesting specific information and updates to help Councillor Spivey and Officers fully understand the issues, so they can then press for answers and plans.
- 4.10** Recently a site visit was held at the Cirencester Sewage Treatment Works (STW), where as part of a significant upgrade Thames Water has installed a Reed Bed as they were trialling a more natural processing approach, to help provide the additional capacity required to meet demand levels.
- 4.11** Clearly increasing the capacity of Thames Water's STWs is key in reducing helping to reduce the discharge of sewage into local rivers and waterways along with reducing the levels of infiltration into the companies' pipe network, however this is outside of the direct control of the Council. Therefore, the use of Grampian conditions as a way of aligning infrastructure with developments was also discussed in detail at the meetings, with a view to their widespread use in the future.
- 5. Sewer Workshop**
- 5.1** In response to the Motion raised by Councillors Doherty and Spivey, which reflected local and national concerns about the frequency and duration of overflows of untreated sewage to watercourses, Officers commissioned the consultancy who were supporting the Water Cycle Study that will feed into the Local plan to support a group of Councillors and Officers to –
- Review the Thames Water Drainage and Wastewater Management Plans (DWMP) to identify what Thames, Severn Trent and Wessex have planned to address sewer overflows in Cotswold District (this activity is already costed as part of the WCS);



- Review of how local authorities in other parts of the country are addressing this topic;
- Hold a workshop with a select number of CDC Councillors and Planning Officers;

5.2 The Workshop took place on the 10th March and examined:

- the role of the water industry and how it has sought to address sewer overflows in the past and plans for the future;
- the role of the planning system and how it might help to address this issue (both as part of the Local Plan update and on individual planning applications);
- The role of the Water Cycle Study update and how it will aid the planning system to address such matters; and
- any other measures that the Council could promote.

5.3 Following the first workshop it was felt there should be a follow up, with representatives from the other Local authorities across Gloucestershire to share both knowledge and experience.

5.4 The second workshop took place on the 13th October 2023 and was hosted in the Council chamber and also included representatives from Thames Water. The second workshop was split into three parts:

- An overview of sewer overflows and integrating water resource management;
- Participatory workshop that focussed on two case studies - a brownfield and greenfield development site – and a discussion afterwards; and
- A Q&A / discussion on how to work effectively with your local water company.

5.5 The two workshops concluded that -

- In exceptional circumstances there may be a need to allow overflow to avoid flooding, the workshops discussed and identified, that there can be better management of this at source (on site) including to reduce or at least not increase the rate of run off using for example SuDs; and by following the drainage hierarchy with (the option to use pipes for overflow in extreme storm events, and combined sewers in particular as the last resort). SuDs can also have multiple benefits to enable improvement to the water environment creating habitat, storing water, slowing the flow of water etc.
- There are also ways to reduce water consumption and demand; given increasing population, climate change and extreme weather events (drought and storms) and new development for example, such as rainwater harvesting and grey water recycling. However, there is no single 'golden bullet' and it has to be the right



method for the right site, dependent on local geology or other considerations such as run off from farms, which may be beyond our scope to control.

- Designing in space for water using the drainage hierarchy, especially at the start, and options for low consumption design, to achieve these aims (reduce consumption and overflow to rivers and homes) should be a priority and future focus.

5.6 The workshops have helped consideration of the update to the Local Plan (water) policies; and help confirm our choices, for example to prioritise the importance SuDs, put in a water efficiency target within the policy, and pursue no occupancy until the infrastructure is in place (by condition) from the Thames Water and West Oxfordshire work, and Regulation 18 consultation of the Local Plan. It has helped us discuss with experts (Flood Risk Officers, LLFA, JBA etc) to test out our thoughts with local knowledge (selected Councillors), find support and shape our thinking on the draft policies for the District.

6. Sewage Summit Event

6.1 In May 2023 the Council committed to holding a Sewage Summit that will bring the regulators, Water Companies and local communities together to highlight local issues and identify solutions that will reduce instances of sewer overflow pollution in Cotswold water courses.

6.2 The event took place on the 8th July 2024 and was hosted in the Corinium Museum, Cirencester, which was later than originally planned due the snap general election on the 4th July 2024. Despite limited time to promote the event, it was sold out highlighting the interest of local communities and residents was very high.

6.3 The Council recognised that its ability to take direct action is limited by its statutory powers (e.g. planning and licencing regulations) and national and local planning frameworks, therefore the focus of the event was to bring together environmental activists, Water Companies and other agencies to delve into the underlying causes of sewage pollution affecting our district and to explore effective and practical measures to stop it.

6.4 The event also gave residents access to senior representatives from all 3 Water Companies operating in the district and the Environment Agency and an opportunity to ask questions and challenge the current situation.

6.5 The format of the event was structured into 2 parts, the morning focused on information sharing and clarification whereas the afternoon was designed for residents to be able to ask specific questions to the reps from all 6 organisations, many of which were sent in before the event.



6.6 To make sure the information from the event was as accessible to all, a separate page on the Council's website was created and after the event all the presentations were uploaded on to this along with a recording of the afternoon 'panel' session where representatives from all 6 organisations answered questions and gave their views on specific topics.

7. CONCLUSION

7.1 The Council is and remains committed to finding practical solutions that will have a positive impact on the causes of sewage pollution affecting our district. The work with the Water Companies to date has helped it gain a better insight into the capacity of STWs across the district, how the water companies calculate current and future usages, the impact of infiltration on the overall sewage network and their future plans. The approach to date has been that Councillor Spivey has led the meetings and invited other Councillors with specific responsibilities and supporting Officers to attend relevant meetings, so ensuring informed discussions could take place.

7.2 The Council has also worked with West Oxfordshire District Council, who are also part of the Publica partnership, to explore how it can introduce a robust matrix of Grampian Conditions and a Verification Checklist, both of which are aimed at aligning sewage infrastructure with developments.

7.3 The Sewer Workshops helped Officers from both the Council and their peers across Gloucestershire share ideas and best practice that will feed into the emerging Local Plan and the policies that will underpin it.

7.4 The Sewage Summit was designed to raise awareness and provide a platform for both community groups and individual residents to challenge what the Water Companies and regulator are doing and explore options and ideas to help improve the situation for everyone across the district. The level of interest clearly showed that this is an area of concern for all and the Council has a role in being a voice for its communities / residents along with helping to educate them about the wider water cycle and introducing policies to ensure future housing uses water efficiently as it's a very precious and limited resource.

7.5 The Council recognises that the Water Companies are under significant financial pressures and OFWAT's draft determinations on their business plans challenged their funding request to meet future investment plans, some of which included upgrades to STWs in the district. Therefore, continued close working with them is essential to help ensure that essential improvements are delivered and improvements to the existing pipework network continue.

7.6 Whilst the Water Companies are not statutory consultees, progress has been made in regards to one of them making an informal commitment to responding to all planning



applications in locations where there is insufficient treatment capacity rather than just the larger ones. Clearly this is a step in the right direction, however Water Companies like other major utility providers should be statutory consultees as that will then help ensure that the required infrastructure is planned and operational along with any housing development across the district.

8. ALTERNATIVE OPTIONS

- 8.1** The Council could change its approach to how it works with the Water Companies in the future, requesting that they present information on their plans and performance on a regular basis. However, without the knowledge and trust built up during the regular meetings this will be counterproductive going forward as the Council has no powers to demand change.

9. FINANCIAL IMPLICATIONS

- 9.1** The work on the Grampian Conditions to date has highlighted that this is a complex and time-consuming piece of work that currently sits between the Planning and Flood Risk Management Team. One of the recommendations of the report requests that subject to a business case and affordability, the Council considers building into the 2025-26 budget approx. £55,000, that includes on-costs to increase the capacity in this area, which may change once the role has been fully specified and evaluated.

10. LEGAL IMPLICATIONS

- 10.1** There are no direct legal implications resulting from building a closer working relationship with the Water Companies as the Council does not have any specific powers under the Land Drainage Act to enforce improvements nor demand change.
- 10.2** The one area the Council does have direct influence to help reduce the levels of discharges into the rivers and water courses across the district is in regards the planning process, which is why work is currently underway in regards to the implementation of a robust set of Grampian conditions coupled with the adoption of a validation checklist. The impact of both these will ensure that all development applications must state at the outset whether there is sufficient capacity at the relevant sewage treatment works and sewer infrastructure. Where there is insufficient STW capacity, network capacity or both Grampian conditions will be applied stating that the new homes may not be occupied until additional capacity has been installed and is operational.

11. RISK ASSESSMENT



- 11.1** The one of biggest risk associated with the report is the potential reputational damaged the Council may incur if it is perceived by residents and businesses not to be trying to identify ways to mitigate the impact of continued sewage discharges into local rivers / waterways and in extreme cases flood individual properties.
- 11.2** The other significant risk to the Council is that the Water Companies fail to deliver the improvements and increases in capacity in key locations where significant housing is planned therefore potentially impacting on its ability to maintain a five-year land supply and delivery of key strategic housing sites identified in the Local Plan, which could then result in speculative development in parts of the district where the water and sewage infrastructure is inadequate.
- 11.3** There is also a wider risk associated with the water companies continuing to discharge sewage into local rivers / waterways in regards the detrimental impact on our local ecology, health, and urban welfare.

12. EQUALITIES IMPACT

- 12.1** None

13. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 13.1** As the Water Companies are responsible for providing both clean drinking water as well as processing foul water and effluent across the district their actions have a massive impact not only on the lives of the residents but also on the ecology and wider environment of the district. We have not only seen an increase in storm surge discharges into the rivers and waterways across the district but also a worrying trend in 'dry season' discharges. The work of the Council to date has focused on identifying the areas most affected along with pushing for investment in these areas so Thames Water are able to process the increased volumes coupled with making improvements in the overall network to reduce the amount of water ingress and infiltration that is contributing to the problem.

14. BACKGROUND PAPERS

- 14.1** None

(END)