

1. recognised this Council's obligation to protect its rivers and seas, including from the cumulative impacts of pollution, in line with its local strategy and the National Planning Policy Framework and working with other agencies to do so. And;
 2. further recognised that deterioration of water quality occurs due to cumulative impact of multiple sewage discharge events, or "sewage overload".
- 1.2. In January 2023, the Scrutiny Committee invited senior representatives of South West Water to address them at the meeting of 16th January 2023 and the committee put a range of questions to the representatives which were addressed within the meeting.
 - 1.3. In October 2023, officers responded to specific questions raised by members regarding the role of the Authority in relation to key matters/aspects relating to water quality and the protection of Rivers and Seas. Officers also detailed that the Authority is currently in the process of commissioning a Water Cycle study in support of the new Local Plan, which it is hoped will provide the Authority with a clearer pictures of issues pertaining to water related issues within the district. At this meeting, a request was made to seek to re-engage with South West Water and the Environment Agency by inviting their attendance at a future meeting – ideally this meeting, in March 2024.
 - 1.4. Since that time; officers have been undertaking a range of tasks, including;
 - 1.4.1. Liaising with both South West Water and the Environment Agency regarding attendance at a Scrutiny meetings;
 - 1.4.2. Progressing the commissioning of skilled consultants to undertake the Water Cycle study on behalf of the Council and in support of our new Local Plan;
 - 1.4.3. Researching how other Local Planning Authorities seek additional information from Water companies through the Planning Process and the success they enjoy in doing so, and;
 - 1.4.4. Incorporating an additional request for information in statutory consultee requests made to South West Water in support of major planning applications.
 - 1.5. In terms of the first tasks; the Environment Agency have accepted the invitation to come before the Scrutiny committee to discuss their work and are expected at this meeting (March 2024). South West Water have also confirmed their willingness to attend a meeting and, although acceptance was given to attend this meeting, it is now suggested that this is held in abeyance pending an understanding of how they (SWW) respond to planning consultations on major developments through the planning system (discussed in more detail in para 1.6, below) and, ideally, to allow time for preliminary outputs from our own Water Cycle study to be generated in order to support engagement with SWW on any issues and opportunities identified.

- 1.6. In terms of the fourth task (1.4.4, above), the Local Planning Authority is now seeking additional information from SWW in its consultation responses to major planning applications. Specifically, it is seeking to understand which water treatment works will be managing sewage arising from new development and whether they (the works) have capacity to do so (the exact wording is set out in para 1.7). Linking to the third task above (1.4.3), it should be noted that other Local Planning Authorities elsewhere within the country are also seeking similar information from their own Water Companies, with mixed success.
- 1.7. South West Water, through the planning consultation on major planning applications, will be asked to: “clarify which treatment works will be managing the sewage and whether they have capacity to do so; and whether it has the information available to assess the impact on the number or duration of sewage discharges in to local rivers or seas. If it does have this information, then ask for it to be shared.”
- 1.8. With the above in mind, it is recommended that a further report be brought before this committee as soon as possible and no later than September 2024 in order to update members in relation to the additional requests being made of SWW, but also (as far as is possible) to provide an update in terms of any key information arising from the Water Cycle Study. It is suggested that this will then be helpful in informing any future engagement by the Scrutiny Committee with South West Water.

Financial Implications

There are no direct financial implications as a result of this report: the water cycle study is already a piece of technical evidence to be commissioned in support of the new Local Plan.

Legal Implications

No direct legal implications arise from this report, but members and officers should be conscious of the legal obligations placed upon this council, the Environment Agency and statutory undertakers (including Water Companies) in providing services and discharging specific duties within a highly prescribed legislative framework.

Risk Assessment

No specific risks are considered to arise from this report.

Impact on Climate Change

Water quality and water management both have a direct relationship to the environment and to climate change. The effective management of water will help minimise climate change and minimise environmental impact. Conversely; poor management of water resources (both in terms of supply and quality management) will have a negative effect on the environment and climate change.

By considering how this council is considering water quality and management, this Council is clearly demonstrating its desire to abide by its own Biodiversity Duty as set

out by set out by the Environment Act 2021 and the amended Natural Environment and Rural Communities Act 2006 (NERC Act).

Equalities Impact Assessment

Not applicable

Relationship to Corporate Plan

The effective use, supply and management of water will support the Council in achieving its Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 05 Mar 2024

Statutory Officer:

Agreed on behalf of the Monitoring Officer

Date:

Chief Officer: Richard Marsh, Director of Place and Economy

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 05 Mar 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 04/03/2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Richard Marsh, Director of Place and Economy. rmarsh@middevon.gov.uk

Background information