Mid Devon District Council Scrutiny Committee

Questions for the representative of the Environment Agency

1. We hear (rExe-Catchment-Investigation_excl-Appendices-WRT-pub-24Jul2022.pdf) that from the point of view of water quality, rivers in the Exe catchment, like many other catchment areas, are not in good condition. In fact there is a perception that water quality has declined in recent years. Please tell us how you see this problem and what you are doing about it?

There is a requirement for SWW to install near real time monitoring upstream and downstream of discharges.

A large proportion of reasons for not achieving good status in the Exe Main Operational catchment is linked to rural land management (agriculture). Environment Officers work closely with Catchment Sensitive Farming utilising incentives-based schemes alongside regulatory mechanisms. There is evolving options for farmers under Environmental Land Management. Addressing diffuse water pollution is complex-often significant delay between measures implementation and downstream improvements

2. If there are some areas you would like to monitor but are unable, why is this not possible?

The Environment Agency monitors the state of the water environment by measuring water quality, water quantity and ecology. This allows us to understand the overall health of aquatic ecosystems and manage the pressures impacting upon them.

96,514 samples were taken in 2021/22.

We are investing more this year to create a modern monitoring system that utilises the skills and knowledge from across the private and charitable sectors – and will give us more evidence within local areas. We've also placed new requirements on water companies to significantly increase their monitoring and reporting so that everyone can see what is happening.

We have introduced a new long-term surveillance monitoring programme for rivers to give a national overview of the state of England's rivers - the 'River Surveillance Network'. This network will provide a statistically robust assessment of the health of rivers and how this changes over time at a national scale and over the long term.

In addition, we welcome the various emerging citizen science initiatives that contribute valuable information to help everyone involved to identify and prioritise action. We have our own citizen science programme in place to support this across the country, and have created new Environment Agency roles to connect to local citizen science projects.

3. Do you respond to reports of storm (or dry) discharges of sewage into watercourses and how do you respond?

We have currently assessed the top spillers from the 2020 data. Work on later years is currently paused while we develop the tools to allow our Officers to assess this data more quickly and accurately.

a. Follow-up question: the Sampford Peverell Waste-water Treatment Plant frequently discharges untreated sewage into Spratford Stream, a tributary of the Culm, 665 hours in 2021 and nearly 400 in 2022. Would this have been looked at and has any action been taken in relation to this?

No, this data has not been assessed yet.

4. What additional measures or resources are needed for effective response?

We require more staff and the formation of water industry teams.which is starting to take place in June 2024

5. Is there co-operation you would like from local authorities to help reducing pollution in rivers?

We would seek greater co-operation between MDDC and SWW through the preparation of the Local Plan to identify and plan for wastewater infrastructure to support growth, considering costs and timings/phasing of development. Water Cycle Studies and Infrastructure Delivery Plans can help understand what is needed.

Waste water treatment and the quality of the water environment should be addressed in the Local Plan to ensure there is infrastructure to support sustainable growth and ensure there is no deterioration of water quality. The provision of infrastructure for wastewater is listed as one of the strategic priorities that should be considered in Local Plans (NPPF paragraph 156). LPAs should also work with providers to assess the quality and capacity of infrastructure for water supply, wastewater and its treatment (NPPF paragraph 162). The Planning Practice Guidance (PPG) (Ref. ID 34-020-20140306) confirms that plan preparation should be the focus for ensuring investment plans of sewerage undertakers align with development needs. Information on sewage disposal capacity should be front loaded into the strategic planning system to inform the selection process after the call for sites.

The PPG (Ref. ID 34-020-20140306) is clear that connection to the mains sewer is the 'first presumption' for new development and that this should be done in consultation with the sewerage company when the plans are being drawn up. The onus is on developers to do this. The PPG (Ref. ID 34-016-20140306) says that water quality can be a concern for planning where a proposal would indirectly affect waterbodies through (among other things) lack of adequate infrastructure to deal with wastewater. The PPG also says (Ref. ID 34-020-20140306) that timescales do not always fit with development needs and that **LPAs should consider how new development can be phased so that it is not occupied until any necessary improvements to the public sewer system have been carried out.**

How Local Plans can help address water quality:

The outcomes we seek:

- The quality of surface, ground and coastal waters and wetlands continues to improve for the benefit of people, the economy and wildlife.

- Protection and enhancement of the environment and promotion of multifunctional benefits such as climate change adaptation, delivery of RBMP objectives, flood risk management, including SuDS, and water quality etc
- Required infrastructure to support the delivery of Local Plan economic and housing targets.
- Avoidance of non-mains drainage private treatment options
- LPAs take a catchment scale approach to the water environment to develop their Local Plan policies. This supports the Duty to Co-operate and should involve partnership working with utility companies, the Environment Agency and neighbouring LPAs where appropriate.
- Reduction in Combined Sewer Overflows (CSOs), reducing sewer flooding and protecting water quality.

The LPA should ensure that development does not result in a deterioration in the operation of the existing sewage infrastructure, increased operation of Combined Sewer Overflows (CSOs) or cause or increase sewer flooding.

6. Can citizens help you to protect water quality in any way?

Yes, we are working with a range of citizen science groups engaged in chemical, biological and bacteriological monitoring water quality. There are nationally and locally focused initiatives looking at a range of pressures on our water environment. Riverfly monitoring is an excellent way to detect water quality impacts on river invertebrates Get Involved — The Riverfly Partnership (riverflies.org) . Training and kit is provided by the Riverfly Partnership and monitoring is coordinated across several catchments in Devon. West Country Rivers Trust coordinate a range of Citizen Science initiatives, including water quality testing Get Involved - Westcountry Rivers Trust (wrt.org.uk)

7. The Environment Agency claim responsibility for rivers and water courses in the Mid Devon Council area. They highlight Critical Ordinary Water Courses (COWs). However, four associated with Tiverton are listed as Unknown, how can the public report pollution to the Agency?

The public can call 0800 807060 to report pollution to any watercourse whether it is a Critically Ordinary Watercourse or not.

8. Does the Environment Agency have the ability to guarantee the quality of water, in the Exe and the Lowman, from Bolham to past the sewage works outfall, used for swimming by the public?

These stretches are not designated bathing areas, so we do not have data on the bathing water quality so cannot advise bathing.

9. The Rivers Trust for the Exe and Lowman as they pass through Tiverton have a number of storms drain sites listed “Not Asset Maintenance, Hydraulic Capacity”. This is result of the South West Water asset being undersized and no amount of fiddling on how they are operated can prevent a spillage. Does this not course concern and suggest corrective action be taken to remedy before pollution occurs?

SWW now has a Drainage and Wastewater Management Plan (DWMP) which is a long-term plan that outlines how they plan to approach and manage sewerage and wastewater over the next 25 years. They assess things that may impact on the sewerage network such as:

Population growth - new housing developments and increased occupancy of existing homes

Climate change - more volatile weather, severe rainfall events, longer dry periods

Urban creep - paving over urban areas such as parks and gardens, removed natural soakways for rainwater run off

SWW have split the region into 22 catchments. Each area has a specific plan of improvements and upgrades that they will be working on and Tiverton is covered in their Exe plan, here: exe_l2_dwmp_plan.pdf (southwestwater.co.uk)

10. Do the environment agency keep a log of what they are responsible for and is that log in the public domain?

This is included in the presentation given at the meeting and more information can be found if search for Environment Agency at www.GOV.uk.

11. Reference the Cole Brook, and the Main River (leat), both in Padbrook, Cullompton. What measures are being put in place to reduce the risk of further flooding, given the very serious nature of the floods in September 2023?

- Environment Agency officers undertook flood reconnaissance on 17 September 2023 immediately after the flooding event to collect and record evidence. This identified 16 properties in the area that were impacted by flooding of up to 10cm depth (15 in the Knightswood estate from the Colebrook, and 1 in Knowle Lane from the Crow Green Stream). The information gathered was shared with Devon County Council Flood Risk Management Team and will help inform future flood risk management strategies and interventions for the area.
- Although there is a perception by some that the new development off Swallow Way/Siskin Chase is a cause of flooding, during our reconnaissance in this event we visited this development and observed that the surface water attenuation pond was operating effectively.
- There is a measure in the South West Flood Risk Management Plan that states *"the Environment Agency will work with the community, landowners and partners to undertake a study in Cullompton to identify opportunities to increase community resilience from the Cole Brook and Crow Green Stream, and create or enhance habitats in the catchment in the Cullompton, South West Flood Risk Area"* This already existed before the September 2023 flooding event.
- There is funding allocated in our capital programme for a project to progress this activity in 2024-2027, subject to an effective business case that meets national funding requirements.
- We are currently working with partners to deliver this activity: principally with Devon County Council and the Connecting the Culm project (which is led by Blackdown Hills National Landscape, in partnership with Mid-Devon District Council, Devon County Council and other local partners). Connecting the Culm is jointly funded by £50k of section 106 money from MDDC (linked to new property on the west side of Cullompton).
- As part of this, we are currently working on a funding application to unlock national Flood Defence Grant in Aid monies. This will be submitted in 2024. If successful, this will facilitate the progress of the following key elements of work to manage flood risk:
    - delivery of nature-based solutions in the upper catchment to reduce flows during times of flood, that have been modelled and identified as part of the Connecting the Culm project, in multiple sub-catchments of the River Culm (including those West of Cullompton: Colebrook, Crow Green Stream, and St Georges Well Stream).

- further analysis and potential design and delivery of civil engineering interventions in the area to reduce flood risk. This includes potential improvements to the conveyance capacity of the highway culvert under Colebrook Lane (owned by Devon County Council), and potential attenuation features to store flows during times of flood in an effective way that minimises risk to people and property. As part of next steps, these will be analysed and explored with appropriate consideration of the costs and benefits, to inform potential options for delivery.

- No change in activity is proposed regarding the leat. Please see attached summary of the Environment Agency position and involvement with the leat in Cullompton dated July 2018, which has been shared with Cullompton Town Council on previous occasions.

12. Also in the same Ward, the sewerage farm, which we are told has long been too small for the local need. A large macerator feeds liquidised faeces, etc into the River Culm, which is now so badly affected that many rare species of flora and fauna have entirely disappeared.

We assume this question is regarding Cullompton Sewage Treatment Works.

The environmental permit specifies the chemical standards of the treated effluent discharged to the River Culm. The LuT (look up table) standards are: 50mg/l biochemical oxygen demand (BOD), 70mg/l suspended solids, 10mg/l ammonia. The UT (upper tier) standards are: 100mg/l BOD and 37mg/l ammonia. Monitoring information: Water companies: operator self monitoring (OSM) environmental permits - GOV.UK (www.gov.uk)

The treatment used is primary settlement followed by a large rectangular percolating filter bed, then final settlement , and cloth filter for polishing.

Numeric compliance is good –
1 look-up table breach (BOD) in 2023
1 look-up table breach (ammonia) in 2022
None in 2021 and 2020.
Inspections in 2016 and 2024 – no major issues at site.

13. The Exe River, where Atlantic salmon populations have fallen from 2k in 2000 to just 2 in 2023. Insect populations are almost entirely absent nowadays, the river is very badly polluted. Rare species of crayfish no longer exist along its length.

We recognise that there are pressures in the catchment as a result of agricultural and diffuse runoff, water company and private sewage discharges as well as from water resources and climate change. However, our data does not support this statement. As an example, a fish survey on the River Barle at Simonsbath in 2023 had 51 salmon. Regarding salmon numbers, it's also worth pointing out that, as migratory fish, they face numerous pressures (climate change; barriers to passage; marine fisheries) not solely those relating to river water quality. All Environment Agency data is made publicly available on our website Defra Data services platform - App gallery

In September 2023, we found over 230 mayfly larvae in a sample at the Exe / Barle confluence. We have no evidence for a decline in riverine invertebrates in the Exe. Our most complete dataset in the catchment, at Thorverton, has consistently shown 'High' status for invertebrates since the year 2000. River Invertebrate data can also be found on our website which show our records of insect abundance EA Ecology & Fish Data Explorer

White-clawed crayfish are found in the Creedy and Culm catchments but are under threat from introduced North American Signal Crayfish which are present through most of the Exe.

Examples of waterbody classification in the Exe Main Operational Catchment:

- Exe (Quarme to Haddeo) waterbody- Good ecological status, achieving High for fish & invertebrates;
- Exe (Barle to Culm) waterbody-achieving High for invertebrates;
- Exe (Creedy to Estuary) waterbody-achieving High for fish.

14. I wish to understand the link between yourselves and SWW, and what responsibilities you now accept as yours, and which are the responsibility of SWW.

We are responsible for

- regulating major industry and waste
- treatment of contaminated land
- water quality and resources
- Fisheries
- inland river, estuary and harbour navigations
- conservation and ecology

We are also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

It is the responsibility of water companies to comply with the law and to avoid polluting the environment. All water companies have strict conditions around discharges specified through their permits and they must act quickly to address failures and reduce damage if it occurs, or face enforcement action.

15. Who and how to contact at the agency about fly tipping for example in the river Loman? but it does appear they have assumed the role of water bailiff.

The Local Authority would be contacted for smaller scale fly tipping. The Environment Agency would deal with larger scale, such as greater than a lorry load, hazardous waste and organised crime.

Fly tipping can be reported to the Environment Agency hotline (0800 807060) or to Crimestoppers.

16. The Environment Agency is the main body responsible for regulating water quality in the country, please explain the governance arrangements with the water sector and Ofwat which enables the EA to deliver on its legally binding responsibilities.

Please see a summary of Ofwat's remit on the last slide of the presentation.

17. Friends of the River Exe - We recently heard a talk by Fred Leach from the Riverfly Association who coordinates regular testing of the Exe for Riverfly species that indicate the health of the river. How important are these surveys and what do you do with these results? We have also set up our own citizen's science water testing group where we send regular sample results to Westcountry rivers trust. Do you welcome and support these initiatives?

We certainly do welcome and support these initiatives. Citizen science monitoring can reach many more sites, and at a higher frequency than our monitoring budget will allow. This means that these datasets can provide a strong evidence base for environmental impacts, even if data gathered are at lower precision than laboratory analyses. This is also particularly true in agricultural catchments where there are with multiple sources of organic pollution, sediment and nutrients.

In terms of what we do with these results, it very much depends on the kind of monitoring. Riverfly was originally intended to detect short term (acute) pollution events that impact on invertebrate communities immediately, and the lower scores are detectable for some time afterwards, in a recovery phase. We set a Trigger level for river sites based on what we would expect to find, liaise with volunteer coordinators, and investigate breaches of that score. Water quality monitoring enables us to map hotspots within a catchment where data indicates elevated levels of chemicals relative to other river reaches, or tributaries.

18. Below is a consultation for DCC about Greenway landfill.
    EX16 7AE, Decharge Limited, EPR/LB3503GH/A001: environmental permit consultation - Environment Agency - Citizen Space (environment-agency.gov.uk)

    a. This impacts MDDC residents in my ward and adjacent wards.
    b. How was this advertised for residents, or councillors, to be encouraged to respond?

The Environment Agency followed all relevant guidance and procedures in regard to consultations for the environmental permit application for Greenway, to be operated by Decharge Limited (application reference EPR/LB3503GH/A001). Our consultation process includes publishing the full application on gov.uk for the public to comment on. It is not a requirement of our consultation agreements to reach out directly to specific individuals, such as councillors. However, the application was open to the public for comment, which provided an opportunity for councillors to formally respond. We would only extend this if a site is deemed a Site of High Public Interest, where we would design a bespoke engagement plan and undertake additional and/or extended consultation with identified consultees. At the point of consultation for Greenway, the site was not deemed a Site of High Public Interest.

More information on how we decide if a site is High Public Interest can be found here: https://www.gov.uk/government/publications/environmental-permits-when-and-how-we-consult/environmental-permits-when-and-how-we-consult#:~:text=High%20public%20interest%20applications

19. What is the method or reporting fly tipping, pollution and damage in or around waterways and who is responsible for follow up (Parish/Town, District, County, Central Government)?

Regarding fly tipping, please find above response to question 15.

Regarding watercourses:

Environment Agency – Main Rivers

Local Authority – Ordinary Watercourses