

**Agenda Item No: 5**

**Report to:** Cabinet

**Date of Meeting:** 31 March 2014

**Report Title:** Management Response to the Scrutiny Review of Bathing Water Quality

**Report By:** Simon Hubbard  
Director of Regeneration

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### **Purpose of Report**

To respond to the Review Group's report.

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### **Recommendation(s)**

- 1. That the Review Group's recommendations are endorsed by Cabinet.**
- 2. The Review Group and participants are thanked for their work and contributions.**
- 3. That in addition to further discussion by the Review Group in November 2014 this matter should be discussed at Cabinet before Christmas.**

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### **Reasons for Recommendations**

To respond to the Scrutiny report.

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## Introduction

1. The European Bathing Water Directive poses very significant challenges for Hastings and around 50 other coastal communities in England and Wales. The quality of seawater has in fact dramatically improved for a significant period, but the new regulations effectively halve the permitted level of bacterial pollution at designated bathing beaches.
2. The Borough has two designated bathing beaches. The first at St Leonards is viewed as being able to pass the new standard with relative ease. The second at Hastings is directly adjacent to the outfall pipe for the stream running through Alexandra Park. It is this outfall pipe that has been identified as the major source of the problem. A range of other factors including run off from roads also contribute to the problem.
3. The measures of bacteria are taken very close (50m) to the outfall pipe and this is itself unusual.
4. In approaching its review the Scrutiny Review Group set itself three tasks:-
  - To increase understanding of the respective roles of Southern Water, Environment Agency and Council in protecting bathing water.
  - To assess progress towards meeting the standard required by 2015.
  - To recommend further action with timescales and targets of investment necessary to meet the EU standards by 2015.

## Roles of Organisations

5. The Review Group have identified many of the key issues facing the key players. It would be worth drawing out the particular role of the Environment Agency (EA). The EA has the role of enforcing compliance with water utility companies (and other polluters) and in this respect has a dual role of both partner and policeman. The EA will ultimately play a key role in recommending to DEFRA if key actions have been achieved:-

- Assessing if a sufficient body of work has been carried out or committed to allow earlier pollution readings to be set aside, thus improving the chances of a better overall score.
- Assessing if the Council has successfully relocated the bathing beach, thus allowing readings to be taken further away from the outfall pipe.
- Judging if enforcement action is justifiable in order to improve the situation.

There is therefore a particular responsibility upon the EA to address these issues. It is in many senses the lead agency in regard to this issue and the council should be clear that it expects these obligations to be met.

6. Southern Water [SW] is a privatised utility operating without effective competition. It has dual accountability which is to its shareholders and to its customers via the

Water Regulator [Ofwat]. SW has and is making a very considerable investment (estimated at £11m) in improving sea bathing water in Hastings and this is to be welcomed and respected. However, both shareholder and customer interest may be important if further much higher levels of investment are required. This is not intended as a criticism but recognition of how the value of investment might be assessed. Investment plans are approved by Ofwat.

7. There is an additional point that arises from the Scrutiny Review's work. Whilst SW and the EA have a genuine commitment around these issues it is local business and community interests that will be impacted by any failure to meet the new standards. It is therefore the Council, MP and community interests on the Executive Group which need to ensure a proper level of continuing challenge to the major players.

## Progress in addressing the issues

8. The community (both resident and business) has been heavily targeted in the "Clean Seas Campaign" co-ordinated by HVA, funded by the Environment Agency. The Review Group considered that "peer pressure" to alter perceptions and behaviour towards pollution was extremely important for sustainable change. This is absolutely true. The challenge will be effecting long term changes in well established behaviour in the disposal of waste items and this may require sustained work with schools, business and community for several years.
9. The Scrutiny Review Group's report included an action plan identifying the major areas of planned activity. Since that report was written, further investigations have changed the scope of Alexandra Park works. It was originally intended to remove the accumulations of silt from Buckshole ponds and throughout the stream. Contaminated material tends to adhere to silt which also, as it flowed downstream, was reducing the efficiency of the 'smart sponge' filters in the lower park. However, desilting is only temporarily effective and would have to be repeated regularly, raising issues about the disposal of contaminated silt. We are instead taking advantage of the Buckshole ponds to trap and filter silt, using both natural vegetation and manufactured silt traps, reducing the movement of contaminated silt downstream and ultimately to the beach outfall. In the next phase of works, areas downstream will be planted with more natural filters, such as reedbeds, to add to the purification of the stream.
10. The two month investigation into misconnections and other sewer faults in the immediate Alexandra Park area has just ended. The results have been reported to Southern Water, who are making rectifications in their network, and the Council's Environmental Health team, who will ensure that misconnections on private property are addressed. Further investigations in a wider catchment area will be pursued by Southern Water from April.
11. The other actions shown in the action plan are either underway or planned. They represent an extensive list of actions with large costs built into both the misconnections and refurbishment of dual manholes. However, it is still the case that there cannot be complete confidence that this work will produce consistent results ensuring compliance with the new Directive. The Review Group have correctly identified this continuing uncertainty.

## Further Action

12. The review identifies the work of the Bathing Water Quality Executive Group [BWQEG] chaired by the Leader of the Council and actively supported by the MP. The chief issues are identified, which (if any) additional actions are required to deliver a satisfactory result and progressing those that have been agreed. The following options are being considered by the BWQEG and SW have agreed to provide information on their potential effectiveness and cost.

- Diverting the Alexandra Park stream into the sewer network during the bathing season.
- Extending the outfall further out to sea.
- Treatment of the stream by chemical dosing or ultra violet light.

There may be other options that can be considered in addition to those found as above.

## Conclusion

13. There are no policy implications arising from this report itself. However, the issue of sea bathing water quality has the following potential impacts:

- a) Economically, the impact of failing the quality test is likely to be severe on the visitor, cultural and fishing economies. The damage to the image of the town might be longer term, even if a failure was quickly rectified.
- b) The issue, clearly, is of environmental concern. Although the quality of seawater has consistently risen in the last years it is important that Hastings can demonstrate its beaches are safe for residents and visitors alike.

14. The Group should be thanked for their efforts and a further report submitted on this matter to the Overview & Scrutiny Committee (Services) in November 2014.

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## Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

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## Area(s) Affected

None

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	No
Local People's Views	No

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## Background Information

Appendix A - O & S Services Final Report of the Scrutiny Review of Bathing Water Quality - 13<sup>th</sup> February 2014

Appendix B – Action Plan - Final Report of the Scrutiny Review of Bathing Water Quality - 13<sup>th</sup> February 2014

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## Officer to Contact

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