

**Agenda Item No:**

**Report to:** Overview and Scrutiny (Services)

**Date of Meeting:** 3 June 2010

**Report Title:** Scrutiny Review of Sewerage Capacity

**Report By:** Overview and Scrutiny Review Team

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### **Purpose of Report**

To report the findings of the Scrutiny Review of Sewerage Capacity and seek approval for the contents and recommendations of the report.

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### **Recommendation(s)**

- 1. That the standard sewerage condition is applied to planning permission given for changes of use or conversions resulting in 10 or more residential units, as well as for new build developments.**
- 2. That Cabinet consider the implications of the Flood and Water Management Act**
- 3. That East Sussex County Council are requested to review their policy on road gully cleansing in the Hastings Borough Council area, to ensure that the impact of debris entering the sewerage system is minimised**
- 4. The Annual Meeting of Overview and Scrutiny considers incorporating a Review of Flood Management in its future work programme**

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### **Reasons for Recommendations**

To ensure the Council makes every effort to address current issues with sewerage capacity in the town, and to manage pressures on the existing system as a result of new, and planned development as far as possible.

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## Introduction

1. This report defines the process undertaken and information gathered as part of the Scrutiny Review of Sewerage Capacity. It focuses specifically on key areas of discussion, including the role and responsibility of Southern Water in assessing and dealing with flood risk, as well as addressing current concerns over sewerage capacity and infrastructure, from local residents.
2. In undertaking this review, Councillors and officers have worked closely with Southern Water, the Planning Policy and Development Control teams, as well as input from the Council's Highways Manager, and local residents associations.
3. The first section of the report identifies the terms of reference and the methodology for the review. A summary of the context and technical background to Hastings' sewerage system follows, to provide further clarity for those who have not been involved in the process.
4. The key findings of the review are set out in 2 parts. Firstly, the report identifies the key findings that have come from specific discussions with Southern Water, and secondly, its sets out those arising from consultation with the local community. Actions proposed to address these issues are shown at the end of the report.

## Executive Summary

5. The review has identified the main areas at risk of sewerage flooding in the town, as well as those areas that local residents believe to have current, or future capacity issues as a result of new development.
6. Southern Water considers that 26 properties are currently at risk of internal flooding. Proposed works at Collier Road by Southern Water, will however, remove 5 of these properties from the risk register, and a further property from the external risk register. Southern Water are also aware of existing problems with the sewerage system in Harold Road and Old Roar Road and either have schemes in place, or a proposed scheme to alleviate these. They have committed to providing updates to the number of properties removed from the risk register for the operational area as a whole, as well as a specific update on the Collier Road Scheme.
7. 6 representations were received as a result of consultation with local residents associations. Concern was raised with regard to proposed development in the Wishing Tree, Archery Road, Bohemia, Harold Road, Frederick Road and the Rock-a-Nore Road areas. Both officers and Southern Water, have provided full responses to all of the representations made, shown in Appendix C. Feedback will be sent directly to those who commented following approval of this report and the recommendations made.
8. The review has highlighted the Local Development Framework process as being key to address these concerns, as well as capacity issues for sites that may come forward in the future. Applying comprehensive planning conditions to all new

development, including conversions of existing buildings into flats is also essential to ensure that adequate sewerage capacity is provided prior to the commencement and occupation of proposed developments.

## Background

9. A Scrutiny Review to examine "sewerage systems at risk of flooding as a result of increased capacity due to development" was included in the 2009/10 Overview and Scrutiny annual work programme. The review fell within the focus of the Services Overview and Scrutiny Committee.

## Membership of Review Team

Councillor Anne Bird  
Councillor Kim Forward  
Councillor Sue Palmer  
Councillor John Wilson

Officer support: Tim Cookson, Borough Planning Officer  
Stephanie Roots, Senior Planner  
Graham Belchamber, Scrutiny and Democratic Services Manager  
Katrina Silverson, Scrutiny Officer

## Terms of Reference

10. The Terms of Reference were considered at the first meeting of the Review Team in August 2009. The agreed terms of reference were to investigate the existing sewerage systems of Hastings to ascertain if and where there are existing capacity problems, and to consider what the implications are for future developments on the sewerage systems of the town. The objectives to achieve this were:
11. To investigate the existing sewerage systems of the Hastings Borough Council area, in order to:
  - Identify existing capacity problems at present and possible capacity issues as a result of future development planned or anticipated.
  - Identify whether existing problems can be solved, minimised or reduced to acceptable levels.
  - Identify if future development can be accommodated without exacerbating existing problems.

## Methodology

12. It was agreed that the review should include the following:
  - A series of meetings to consider officer findings
  - Interviews and a presentation from Southern Water
  - Consultation with residents groups across the town

13. The results of the consultation would then be considered by both Southern Water and Planning Officers, and feedback provided to those who commented, following approval of this report and its recommendations by the Scrutiny Review Group.

## Context and technical background

14. There are three types of sewerage system named after the flow that they convey:

Foul sewers - including domestic waste and trade effluent flows  
Surface water sewers - storm water only arising from rainfall run off  
Combined sewers - domestic waste and storm water (using the same pipe to a local wastewater treatment works)

15. In the Hastings drainage catchment, flow gravitates generally from the north to the south, following the lie of the land.
16. It has been recognised in the past that the capacity of combined sewer networks could, in heavy rainfall, be exceeded causing a flooding risk. To combat this risk, overflows were constructed at strategic points in the combined sewer network to allow excess and heavily diluted flow to be spilled via screens to local watercourse or the sea, and thereby reduce the risk of property flooding.
17. Up until around the 1950's new developments were served by drainage systems that connected flow into the existing combined sewer network putting more pressure on these systems and increasing flood risk. From around the 1970's it has been common practice to lay separate foul and surface water sewers to serve new development. The foul networks ultimately discharge into the existing combined network where flow is conveyed to treatment. The surface water sewers generally discharge to local watercourses, with no treatment.
18. In cases where new development is undertaken within established areas of the town, the sewerage discharge would still be into a combined system. Development would have to comply with the Building Regulations, and soakaways provided where technically feasible.
19. The most recent strategic change to the Hastings sewerage system has been as a result of legislative requirements of the Urban Wastewater Treatment Directive and the Bathing Water Directive. These Acts came into force in the late 1990's and required wastewater flows to be treated to a higher standard prior to disposal to sea. In addition flows discharged to sea (both treated flows and those spilled from overflows at times of rainfall) were to be controlled such that specific bathing water quality criteria were achieved. This resulted in the new wastewater treatment works to be constructed at Pebsham.
20. A glossary of terms is provided at Appendix A for further clarification.

## Key findings

21. This review has further highlighted a cross-over between surface water and sewerage flooding. Whilst these issues are recognised as being connected, the planning system in particular seeks to consider them as separate entities, and

maintain close dialogue with both Southern Water and the Environment Agency in the development of planning policy and the determination of planning applications.

22. The review of the sewerage system included detailed discussions with Southern Water regarding several aspects of their service. Those most relevant for this report include:

- Properties in the town that are on the "at risk" register
- Procedures and response times for dealing with flooding incidents
- Costs per property for dealing with flooding incidents, and charges imposed on residents
- CCTV and maintenance procedures
- Commenting on planning applications

23. Each of these points will be discussed in turn, below.

### **Properties at risk**

24. It was determined that 26 properties in the town are on Southern Water's internal flood risk register. However, the area at risk from sewer flooding in Collier Road is currently in the proposed programme of works, and once complete, will remove 5 properties from the internal risk register, and 1 property from the external risk register.
25. As part of the review, it was suggested that the Council should obtain and maintain a register, which sets out the number of properties "at risk" in Hastings, as well as planned schemes to address this risk. However, Southern Water is not able to provide this information per local authority, as they focus on their operational area as a whole. They state:
26. "Southern Water is committed to achieving stable serviceability in its operational area. We are also committed to reducing the high risk register (internal flooding) by 41 properties in the investment period to 2015. However, our registers are not broken down by local authority, and our focus is on the regional level."
27. Southern Water has however, committed to providing an annual update on the number of properties registered as being at risk of flooding in the operational area as a whole, as well as updates on a specific scheme at Collier Road. This information will be fed through the Planning Service.

### **Dealing with flooding incidents**

28. Southern Water confirmed that although it can take up to 3 months to determine the cause of sewerage flooding, the analysis is often completed in 4 weeks. This includes an assessment of the severity of the rainfall event that has caused the flooding and an inspection of the sewerage system to determine whether there is a fault that needs to be addressed.

### **Costs and charges**

29. Southern Water has not been able to provide a per property cost to resolve flooding incidents. This is because these vary across the region and within the sewerage

catchment area, and at a Borough Council level, the costs are specific to the solution.

30. However, Southern Water does not prioritise or approve flooding schemes on a cost per property basis, but on a cost benefit basis. The benefit to this approach is judged to be the amount customers are willing to pay to reduce the risk of flooding.
31. Southern Water confirmed that they charge an infrastructure charge, in addition to the connection charge, when new properties are connected to the sewerage network. The connection charge covers the direct cost of work and materials for the connection itself, whereas the infrastructure charge contributes to the cost of developing the wider network to meet demand from new development.

### **CCTV and maintenance procedures**

32. Southern Water produces a CCTV survey programme and programme of work for their operational area. When asked to release this information to us, they provided the following statements:
33. "Although we prepare a CCTV survey programme, it is not definitive as priorities are continually reassessed throughout the monitoring period. This ensures that we have sufficient flexibility to deal with new information and unexpected events. This is for the benefit of our operational area as a whole and for asset maintenance planning. We would not want to release the programme into the public domain.
34. Although we produce a programme of works, this is not definitive as priorities for investment are continually reassessed throughout the investment period. This ensures that we have sufficient flexibility in the programme to deal with new information and unexpected events throughout our area. This is for the benefit of our operational area as a whole. We would not want to release the programme into the public domain."
35. The review team's disappointment with regard to the unavailability of this information has been conveyed to Southern Water.

### **Dealing with planning applications**

36. Southern Water is currently consulted on all major planning applications for new development in the town. However, analysis of applications for development that will result in a net increase in residential units indicates that they are not directly consulted on planning applications that propose sub-division of a property into flats. This is being addressed through the recommendations of the review.
37. However, monitoring of planning conditions has confirmed that where and application results in a net increase of less than 20 dwellings (and Southern Water are not consulted) the standard sewerage condition is still applied in most cases.

### **Public consultation**

38. In October 2009, 48 residents groups across the town were written to directly, to ask for their views on issues associated with sewerage capacity. Those contacted were selected from the existing Local Development Framework contacts database, and confirmed with each Neighbourhood Co-ordinator, to ensure all relevant

residents associations and community groups were involved. A copy of the letter sent out is available in Appendix B.

39. Residents were asked to comment specifically on:

Recent sewerage flooding incidents, and in which area  
Areas of proposed development that cause concern about additional stress on the sewerage system  
Ways in which existing problems could be addressed

40. Comments were also invited through an advert placed on the consultation area of the Council's website, as well as in Planning News.

41. Only 6 responses were received to the consultation. These were from:

Ken Davis (Old Roar Road area)  
Penny Beale (Old Town/Seafront area)  
Wishing Tree Residents Association  
Gaby Hill (St Matthews Gardens/Bohemia area)  
Clive Vale Residents Association  
Ore Valley Action

42. A summary of the main issues raised and our responses to them will be provided on the Council's website at [www.hastings.gov.uk/consultation](http://www.hastings.gov.uk/consultation) following approval of this report and its recommendations. Those who submitted representations will be contacted directly and advised of our responses to their specific comments. The schedule of these is shown in Appendix C.

## **Key issues arising from public consultation**

### **Gully clearance and other highway issues**

43. The consultation highlighted an existing problem with regard to gully clearance and the associated flooding in the St Matthews Gardens area. The records show that the programmed cleaning took place in June 2009 and at that time; it was only possible to clean 3 out of the 16 gullies in the road due to parked cars, although no cars were removed at this time. The Council has not however, previously had any reports of localised flooding in this area.

44. It should be highlighted here that all gully cleansing operations are monitored and logged on a database, only accessible through the East Sussex County Council Works Ordering system. There is a target to cleanse all gullies in the town every 12 months.

45. In total, there are over 10,000 gullies in the town and during 2009, 250 (2.5%) were cleansed out of the normal sequence, where the contractor made up to two return visits. 1437 of all gullies (approximately 14%) in the town were not cleaned at all during the year despite best efforts. However, during 2009, the County Council arranged for 10 parked cars to be removed to ensure gullies were cleared effectively.

## Impact of new development on the sewerage system

46. The impact of new development on the sewerage system was a key concern of most respondents. Specific sites and more general areas of the town were included in the comments made, with question marks over the capacity of the sewerage system to be able to deal with any additional housing. The comments related to sites that already have planning permission, sites that are currently under consideration, as well as sites that have no current planning status. These include:
47. The Wishing Tree area as a whole, including Fern Road, the Grove School and the former Westerleigh School site
- Horntye Park, and Archery Road proposals  
Development in the Harold Road and Frederick Road area  
The Rock-a-Nore Road area, specifically The Ice House and the Jerwood Gallery
48. Southern Water has been consulted on all of the above sites that have been, or are currently, subject to planning permission. As a general rule, they require development to be co-ordinated with provision of the necessary sewerage capacity, if existing capacity is insufficient to meet anticipated demand. They also require appropriate phasing conditions to be applied, to allow enough time to deliver investment. Where Southern Water has not been consulted, the Council will still apply the standard sewerage condition requiring details of an acceptable system to be submitted and approved before development can commence. This condition also requires the works to be carried out prior to occupation of buildings.
49. Should development in Fern Road be given planning permission in the future, the Council would again require the standard sewerage condition to be applied. For any future applications resulting in over 20 dwellings (The Grove School may fall into this category), Southern Water will be consulted as part of the planning application process, and the Council will be guided by their views.
50. An initial assessment of sewerage capacity will be undertaken for sites that demonstrate potential for housing as part of the Local Development Framework process. The former Westerleigh School site falls under this category. Planning applications for other potential sites that have not been identified through this process will be subject to the normal consultation procedures and if considered appropriate for housing, will be subject to planning conditions to ensure adequate sewerage capacity is provided, or available.
51. The consultation also resulted in a recommendation from local groups that no further development should be allowed in Harold Road in light of recent incidents, and that Frederick Road remains a problem area in terms of flooding. Southern Water is aware of the problems in Harold Road, and installed flood gates to help prevent flood waters entering the properties in 2009. Developers who submit planning applications for new development will be required to draw up proposals to rectify any inadequate capacity in the sewerage system, to the satisfaction of both Southern Water and the Council.



## **Sewerage capacity and connections in Old Roar Road**

52. Problems with sewerage capacity and existing connections in the Old Roar Road area were highlighted by a local resident. Southern Water has confirmed that they are aware of the problems in the area, which result in discharges from the gravity sewer in the Valley. A scheme has been developed to resolve this, and Southern Water will be promoting this with Ofwat for delivery during 2010-2015.

## **Planning policy**

53. The need to incorporate sustainable design in planning policy and the Building Regulations to reduce waste water from new development was highlighted as part of the consultation. This issue is being considered in detail as part of the Local Development Framework process, and sustainable design policies are a central part of the Council's Core Strategy, which will be submitted for independent examination, later in 2010.
54. The scheduled strengthening of Part G of the Building Regulations will also seek to ensure water efficiency is integral to new development. This provides a water efficiency standard of 125 litres per person per day for new homes, and requires that reasonable provision must be made in terms of the fitting and fixed appliances that use water efficiently. Part G came into force during April 2010.
55. As a result of the comments made, the review team also discussed how the Planning Service deals with hard standings and the use of materials for this. It was confirmed that the Council are now able to control these through new planning regulations, where non-permeable surfaces such as concrete and tarmac are proposed. Detailed guidance is available on the Council's website at [www.hastings.gov.uk/planning](http://www.hastings.gov.uk/planning) to this effect.

## **Actions to address the issues**

56. The original objectives for this review were to:

Identify existing capacity problems at present and possible capacity issues as a result of future development planned or anticipated.  
Identify whether existing problems can be solved, minimised or reduced to acceptable levels.  
Identify if future development can be accommodated without exacerbating existing problems.

57. This review has highlighted perceived problem areas with regard to sewerage capacity, and has demonstrated the important role of the planning system in helping to alleviate these. Close and continuous dialogue with Southern Water, pre-application discussions and applying comprehensive planning conditions are important to ensure that adequate sewerage capacity is provided prior to commencement and occupation of new dwellings.
58. The Local Development Framework process is key to ensuring capacity issues are addressed as early as possible, and the Planning Service should continue to maintain close dialogue with Southern Water in assessing capacity as part of the Site Allocations process. This will ensure that capacity problems as a result of

future or planned development can be accommodated, without exacerbating existing problems.

59. In addition, Southern Water agreed to comment on large scale planning applications (20 or more dwellings) for conversions of buildings into flats, something that has not previously been undertaken.
60. Southern Water has confirmed that they are aware of specific problems in the Harold Road and Old Roar Road areas. A scheme has already been put in place to help alleviate this in Harold Road, and a further scheme will be promoted with Ofwat during 2010-2015 for Old Roar Road. In addition, they have confirmed that they will provide the Planning Service with updates to the current Collier Road schemes, which will remove 5 properties from the internal risk register, and 1 from the external risk register.
61. Overall, Southern Water is committed to reducing the high risk register for internal flooding by 41 properties by 2015, for the operational area as a whole.
62. Established systems and monitoring suggest that the gully cleansing problem is not so significant to warrant detailed action. However, the importance of allowing gully cleaning to take place should still be promoted where possible. It will be recommended that East Sussex Council undertake their own review of gully cleansing in the Hastings and St Leonards area, involving representatives from the Borough Council.
63. Finally, it is important to note that the Flood and Water Management Act will address some of the concerns highlighted in this review. The Act removes the automatic right for a developer to connect to the sewer and put in place arrangements for a separate approval system. East Sussex County Council is likely to be the leading authority for this, and will require all new development to provide details of Sustainable Drainage Systems, before connection to the sewer is granted.

## Recommendations

64. The standard sewerage condition is applied to planning permission given for changes of use or conversions resulting in 10 or more residential units, as well as for new build developments
65. Cabinet consider the implications of the Flood and Water Management Act
66. East Sussex County Council is requested to review their policy on road gully cleansing in the Hastings Borough Council area, and involve Hastings Borough Council officers/councillors in this. This will ensure that the impact of debris entering the sewerage system is minimised
67. The Annual Meeting of Overview and Scrutiny considers incorporating a Review of Flood Management in its future work programme
68. An action plan to implement these recommendations is provided in Appendix D.

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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**

Central Hastings, East Hastings, North St. Leonards, South St. Leonards

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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	Yes
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	No

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**Background Information**

Appendix A - Glossary of Terms  
Appendix B - Consultation Letter  
Appendix C - Schedule of responses  
Appendix D - Action Plan

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**Officer to Contact**

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## **Appendix A - Glossary of Terms**

### **Bathing Water Directive**

European Community legislation (76/160/EEC) which requires Member States to take all necessary measures to ensure identified bathing waters meet certain quality standards prescribed for the protection of the environment and public health.

### **Connection charge**

A connection charge is payable to cover the direct costs of work and materials. Companies will generally allow you to make the connection to the sewer yourself. If a company insists on doing the work, OFWAT can determine a reasonable connection charge.

### **Core Strategy**

This strategy sets out the key elements of the planning framework for the area. It should comprise of a spatial vision and strategic objectives for area, a spatial strategy, core policies and a monitoring and implementation framework.

### **Infrastructure charge**

These are payable where new or existing premises are connected for the first time to the public water supply or to a public sewer, either directly or indirectly (for example, via a private sewer or drain)

### **Local Development Framework**

The collective name given to all policies and documents forming the planning framework for the town

### **OFWAT**

Office of Water Services, the government body with legal responsibility to regulate the water industry.

### **Operational area**

Southern Water provides water and wastewater services to more than four million people in Kent, Sussex, Hampshire and the Isle of Wight.

### **Site Allocations**

Local Development Framework Document that allocates land for specific uses

### **Sustainable Drainage Systems**

A combination of physical structures and management techniques designed to drain, attenuate, and in some cases treat, runoff from urban (and in some cases rural) areas.

### **Urban Wastewater Treatment Directive 1991**

A European Union directive (91/271/EEC) which sets treatment levels on the basis of sizes of wastewater discharges and the sensitivity of waters receiving the discharges. Under the Directive the UK is required to review environmental waters at four-yearly intervals to determine whether they are sensitive to the effects of wastewater discharges.

## Appendix B - Consultation Letter

See attached file

## Appendix C - Schedule of Responses

See attached file

## Appendix D - Action Plan

See attached file