

Report To: Cabinet

Date of Meeting: 2nd October 2023

Report Title: Southern Water update

Report By: Victoria Conheady

Key Decision: No

Classification: Open

Purpose of Report

To update cabinet on Southern Water issues and recommend action going forward

Recommendation(s)

Discussions continue with Southern Water (SW), and the Environment Agency (EA), to ensure that the needs of Hastings are understood and, where possible, met. It is imperative that trust is restored.

SW are pressed to provide input to East Sussex County Council Report on town centre flooding, to enable publishing of the report as a matter of urgency

SW are asked to publish detailed plans for all current infrastructure investment taking place in Hastings; to produce a comprehensive plan for the protection of Old Roar Gill; and to provide regular updates on these plans.

SW are asked to continue developing their communications with local residents in conjunction with Hastings Borough Council's communications team.

SW are asked to financially compensate the council for the infrastructure failures which have had a significant impact on the reputation of Hastings as a tourist destination.

If a satisfactory response is not received by 31st December consider what action might be taken, to include the consideration of legal action.

Reasons for Recommendations

It is imperative that trust is restored between Southern Water, Hastings Borough Council and the town's residents and visitors.

Introduction

1. There have been a number of incidents involving Southern Water (SW) in the last two years, and we have worked closely with them and other agencies on these, and on other areas such as bathing water quality and misconnections. This report provides an update on these, and also identifies areas where further work is required.
2. SW is responsible for managing the risks of flooding from water and foul or combined sewer systems providing drainage from buildings and yards.
3. It should be noted that a number of agencies are involved in this area.
4. The Environment Agency (EA), an executive non-departmental public body sponsored by the Department for Environment, Food & Rural Affairs (DEFRA) was established in 1996 to protect and improve the environment. In England they 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. The EA is also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.
5. East Sussex County Council (ESCC) is the lead local flood authority (LLFA) responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses and lead on community recovery. ESCC as the highways authority is also responsible for providing and managing highway drainage and roadside ditches and must ensure that road projects do not increase flood risk.
6. Under the Flood and Water Management Act 2010 all risk management authorities mentioned above have a duty to co-operate with each other and to share data.
7. Ofwat is the Water Services Regulation Authority and is the economic regulator of the water sector, whose duties are set out under the Water Industry Act of 1991 as amended. These are to :- further the consumer objective to protect the interests of consumers, wherever appropriate by promoting effective competition; secure that water companies (meaning water and sewerage undertakers) properly carry out their statutory functions; secure that water companies can (in particular through securing reasonable returns on their capital) finance the proper carrying out of their statutory functions; secure that water supply licensees and sewerage licensees properly carry out their licensed activities and statutory functions; and further the resilience objective to secure the long-term resilience of water companies' water supply and wastewater systems; and to secure that they take steps to enable them, in the long term, to meet the need for water supplies and wastewater services.

Bathing water quality

8. Hastings has two designated bathing beaches, Pelham and Marina. Marina has Blue Flag status, the highest recognition, and both Pelham and Marina have Seaside Award status. Blue Flag status recognises beaches for being clean, safe and having excellent water quality. The Seaside Award is for the high standard of facilities the beaches have to offer visitors to the seafront. The Blue Flag is only held for Marina as the water quality is graded as Excellent, for Pelham the water quality is graded as Good, so it is not eligible at this time for Blue Flag status.

9. There has been considerable media attention on the quality of the bathing water at seaside resorts in recent years. Much of the focus has been on Combined Sewer Overflows (CSOs), these are essentially a failsafe built into the sewer system to prevent flooding in the event of a blockage, allowing foul sewer effluent to pass through the surface water drainage when needed.
10. The bathing water season runs from 15th May to 30th September with the Environment Agency carrying out regular testing of water quality. Throughout the bathing season the EA issues warnings of any forecast pollution risk on its [Swimfo Find a Bathing Water website](#). HBC puts signs up at Pelham and Marina to inform bathers about any forecast possible dips in quality as a result of factors like rainfall, wind and high tides; HBC normally receives this advice just before 0900 daily with the daily forecast displayed on electronic signage, which automatically updates when the daily prediction is issued.
11. In the autumn Defra publishes its classifications – Poor, Sufficient, Good, or Excellent – for each designated bathing water site. Pelham is currently designated good, Marina is currently designated excellent.

Working with SW

12. One of the factors impacting on the water quality at Pelham is the outfall pipe, which discharges into the sea south of Albert Road/The Carlisle public house. This carries water from Alexandra Park and other culverts; it runs under the town centre from Alexandra Park to the beach at Pelham. Ownership of this pipe was disputed for some years, but SW have now taken full responsibility for it.
13. Although ostensibly carrying water from Alexandra Park and other streams it has been found that its discharge contains foul water.
14. Wastewater from appliances such as a washing machine, showers and toilets should be discharged into a foul water sewer and then treated at a wastewater treatment plant, before being released into rivers and streams or the sea.
15. A drain misconnection is essentially when plumbing is accidentally discharged into the wrong sewer; for example, if a dishwasher was plumbed to a surface water sewer.
16. A drain misconnection is the responsibility of the property owner. A misconnection is often found in older properties or is caused by substandard plumbing.
17. Hastings Borough Council (HBC) has worked with SW and the EA for several years to try and reduce the number of misconnections, particularly those which might impact on this outfall. A number have been found, and continue to be found. Clearly discharging waste water from washing machines and dishwashers, and even raw sewage (as has been the case) will impact on the water quality, especially at Pelham. This pollution will continue 24/7 if it is not remedied. This work is ongoing; it must be acknowledged that the misconnection group has worked very well over a number of years, and continues to do so.
18. SW have created a self-reporting tool for releases from CSOs called Beachbuoy. The tool is freely accessible to the public and details release locations, durations, whether the release was confirmed (or a sensor error), and whether there was an impact on the nearest bathing water. Beachbuoy is still in an early version, with SW making continuous improvements to meet the needs of users. HBC sits on the steering group for the system, along with representatives of key user groups, and is able to feedback on the improvements required in an influential way.

Recent incidents

19. There have been a number of recent incidents involving SW over the past two years or so. The first was a catastrophic failure of a main sewage pipe at West Marina, to the west of Cinque Ports Way and in the centre of the West of Haven beach huts, in late July 2021. This resulted in two prolonged discharges of raw sewage onto the beach in the area within 48 hours, and attracted much media attention and very considerable public (and visitor) reaction. At the time SW said that this had never happened before, but subsequently acknowledged that there was a problem with this part of the network, and several more bursts have been reported since, with varying degrees of impact. SW have spent some time developing plans to replace this pipe, and the latest phase of the remedial work, the installation of a temporary pipe, is due to start on August 21st. SW are currently predicting that all work on the sewer should be completed by May 2024.
20. The Pelham outfall had been the subject of concern for some time; part of the raised section of the pipe had been removed following its earlier failure. Its removal gave us concerns about the pipe being blocked by shingle from the beach, and our fears were realised when flooding took place in Denmark Place on 16th November 2022. At the time SW advised :- *We are aware of flooding which took place in Denmark Place, Hastings, on Wednesday afternoon following heavy rainfall. Initial investigations indicate this happened due to a drainage pipe containing surface water from nearby Alexandra Park being blocked by stones and shingle. Specialist teams attended, and were able to clear the blockage and prevent further flooding.*
21. Further serious flooding took place in the town centre on 16th January 2023 (see below), and there were concerns that shingle obstructing the Pelham pipe was at least a contributory factor. As noted above the ownership of the Alexandra Park – Pelham culvert had been disputed for some time but, following the West Marina sewage pipe failure in July 2021 and subsequent discussions SW agreed to take full responsibility for it.
22. SW's contractors carried out work to partially reinstate this pipe during the first part of 2023, although concerns remain that the raised section may not be long enough to deal with the expected shingle accretion in the short to medium term. This is likely to increase over time due to increasing climate change impacts moving a greater volume of beach material, and the coastal protection improvements carried out in recent years, both on the groynes on Pelham beach and on the harbour arm. We have advised SW to contact our marine works consultants, the East Kent Engineering Partnership, who have access to shoreline data and forecasts in order to inform the future design of the structure.
23. As noted above, very serious flooding took place in Hastings town centre on 16th January 2023, which closed the whole of Priory Meadow shopping centre for several days, causing very extensive damage. HMV only reopened its store in August 2023, and some retailers have not reopened, their stores remaining empty. There was also extensive flooding to Alexandra Park, and South Terrace, the latter leading to the emergency evacuation and temporary rehousing of a number of households. East Sussex Fire and Rescue Service led the emergency service response, although it should be noted that they have no responsibility to respond to floods.
24. As Lead Local Flood Authority, East Sussex County Council commissioned independent consultants to undertake an investigation to gather evidence and facts and identify the causes. However, to date only an interim report has been produced, because the consultants are still awaiting detailed information from SW before they can conclude their investigations. It is understood that this information is still awaited, some seven months after the incident. The uncertainty over the cause is causing considerable concern to local

residents and businesses. It is also impacting some of the design work for our Town Deal garden town project.

- 25 In February 2023 there was a further failure of the sewer at Bulverhythe Road. The failed pipe was not the same pipe as the 2021 burst, but was part of the same network, approx. 150m north. The flooding affected homes and commercial premises, led to contamination of the Combe river and caused a collapse of the river bank and subsidence of the highway and pavement. A repair was promptly carried out to the failed pipe, with further works planned to line the network from Autumn 2023 to Spring 2024. However, the highway adjacent to the failed river bank remains closed to one lane, and no date has been provided by SW for the major repairs needed to be undertaken.
- 26 Significant pollution in Old Roar Gill was noted on May 14th 2023 and this was significant, although it was confined almost entirely to the gill and catch ponds, with little recorded impact below Buckshole Reservoir. SW undertook considerable investigations over several weeks and uncovered several problems that they had not been aware of previously. This included five foul sewer leaks, at least three damaged areas of domestic sewer, three misconnections and at least five unmapped sewers identified. The considerable amount of work done by the SW misconnections team must be recognised. An ecology report on the impact of this incident on the gill is awaited. It is understood that further misconnections have been found very recently
- 27 SW invested £1.5m in a pollution prevention scheme for the gill around eleven years ago and it would be helpful to understand whether that work was completed satisfactorily, or if there are lessons to be learned if things did go wrong.
- 28 SW have recently advised that they will be carrying out significant refurbishment work at Rock-a-Nore Wastewater Pumping Station. We are waiting details on the scale and purpose of this work.

HBC action

- 29 HBC has arranged a number of meetings with SW's senior management, including their CEOs (Ian McAulay at the time of the first Bulverhythe incident, and more recently Lawrence Gosden who took over in July 2022). HBC has also convened a flood agency meeting, and offered SW a slot in our regular residents/community newsletter.
- 30 In July 2023 the council leader sent the following open letter to SW's CEO :-

*Dear Lawrence
Southern Water in Hastings*

Much has happened since we first met in 2021, following the major sewage leak on the beach at Bulverhythe. Your predecessor, who told me this kind of burst had never happened before anywhere in the world, has left and I do appreciate the efforts you have clearly made to be more open and responsive to us, and the public.

However, during these two years we continue to see a series of major disasters in Hastings related to Southern Water. Some of these may well be due to the age of your physical infrastructure, some will be down to the way our town has grown and developed, and others will be because of how you manage the service.

I have come to the conclusion, especially after your two recent letters of apology to me, that a reset is needed in order to help Southern Water regain the trust of our residents.

That won't be easy to achieve, but a start would be to agree that Hastings should be, and is, a priority for SW. We need to see your long-promised investment plan, and then be part of a team regularly assessing progress on delivering this.

Sending us plans of investments in Rother, which you have done twice, doesn't inspire any confidence. Nor does the current well-meaning but scatter gun approach to communications, where I have no idea who has been told what, and I don't suppose you do either.

To remind you, we had four further major bursts to the main sewer that first discharged onto the beach two years ago. And only after these bursts did you commit to replacing this pipe. However, you have spent so much time designing, and then redesigning, the scheme, that only now are you preparing to make the changes we know are needed. And instead of flagging these redesigns and delayed timetable with me, you have taken detailed reports to a couple of community groups, leaving us to deal with the wider pr needed when we finally catch up with you plans.

And on the detail during this time, I found the most direct answers I could get were always from your engineers at the incident sites. As soon as we were back to emails, things were far less clear. For example, I have asked at least three times for your explanation of the very high pollution readings supplied by Clean Water Action at Bulverhythe beach last spring and have had no reply. Your team told me clearly there had been no discharge then into the sea. We find this hard to believe until you provide more evidence.

I was promised maps of your system so we could better understand the complexities. They never arrived. And you often now say you don't really know what is under the ground here. Then we had the major flood in our town centre on January 16th. Having convened a multi-agency meeting, where we all committed to our best efforts to provide the evidence needed to understand the causes, and provide a basis for ensuring future resilience, ESCC has been forced to publish a draft report citing the lack of evidence provided by you. So we, the council, the residents and the traders are still not clear why the flooding happened. Businesses were lost, people made homeless and confidence from future investors reduced, creating a crisis of confidence for the future of our town centre. The media were told by you that you had complied with the requests, but our consultants and the Flood Defence team clearly don't agree.

You say you are now working to provide this crucial evidence, but this six-month delay has further harmed our position to argue for national resources, slowed down our ability to redesign for the future, and undermined even more confidence in Southern Water.

And for the last two months we have been firefighting a series of environmental disasters in our very special Alexandra Park, starting with another sewage leak which polluted the nature reserve at Old Roar Ghyll. Since then, in a series of frankly confusing statements, we understand you have found and dealt with a dozen mis-connections feeding into the main park stream and repaired other blocked sewage pipes. Only last week, residents alerted me to sewage below the reservoir. Your response was to quickly take measurements and say this wasn't the case. But we have the pictures. It happened.

Instead of the angry residents feeling patronised and ignored, wouldn't it be better to spot the strategic issue and set up a team to work in partnership to understand and resolve the problem. Because this hasn't happened, trust has plummeted further. So we arranged a

residents meeting and now a group has been formed from this to protect the park's water. We need Southern Water as part of that, please.

For me, I was taken back by these events in the park to our last meeting about bathing water quality in January. Your team told me then that the mis-connections work in the park's catchment area had been successful and had been concluded now that the water readings were so good. So I asked why it was that readings at Pelham Beach showed pollution getting significantly worse since 2021. The answer was it must be coming from the Ore stream, not from the park. So the team was due to tackle mis-connections in the Ore Valley this year.

I suggest that the events since May indicate that pollution has been entering the water in the park for months if not years, and needs further prioritisation. You did, after all, commit to protecting the Ghyll ten years ago but we don't know what investment this led to, if any. I asked about the pace of recent mis-connections work, but your team would not answer. It may well be that at the current pace, we won't clear mis-connections for another 20 years. And so pollution levels in the sea will not drop (as the EA says, this is far more important than the outfall discharges after storms, as it is happening every day).

And importantly, perhaps you need to take a more robust position when commenting on planned new development. Can you honestly say your system can cope, whatever is built?

We are of course totally in your hands. You have the expertise and the resources to give Hastings clean water on land and at sea. I ask you to commit to this, and to refocus on how local partnerships with both Hastings Council and community groups can help you both get it right, and keep our residents informed.

Paul

- 31 This was a year after Full Council agreed the following motion (agreed at its meeting on 13th July 2022 :-

Following the appalling sewage leak at Bulverhythe last summer, our residents have been rightly calling for action to ensure that this doesn't happen again. Since then, Hastings BC has been working to hold Southern Water to account.

This Council now calls for:

- * Southern Water to be returned into public ownership*
- * To setup a working group including representatives from groups such as the Coastal Users Group, subject to their agreement, and Clean Water Action to hold regular meetings with Southern Water at the highest level to hear current plans to improve both the sewage system and clean water supply for everyone, everywhere, in Hastings. This to include at least one public meeting a year where residents are able to ask progress on these plans.*
- * Further letters to be sent to both our MP and Government expressing severe reservations about the performance of Southern Water*
- * Stronger action from the Environment Agency, Ofwat and the Consumer Council for water to enforce sea water and domestic water supply standards in Hastings.*

** Residents of Hastings to continue to report concerns about water on the Hastings Borough Council website.*

- 32 In addition, there has been considerable community activity, as has been widely reported in the media. This includes beach protests against SW, CWAG, the Clean Water Action Group and RAPTOR, Residents Against Pollution To Old Roar
- 33 National and local discussions on taking action against all water companies are taking place and HBC will consider joining any group action.

Discussion

- 34 There can be no doubt at all that Hastings has suffered a disproportionate amount of disruption, and damage, from its water assets over the past two years or so. Our concern is that these will continue; the town centre flooding last January had a huge impact on the town's retail economy, and continued bad press on sewage leaks and poor water quality is impacting our reputation and, in turn, the visitor economy.
- 35 Hastings needs to be recognised for the special case it is. With much of the town in poverty, the focus on many of our residents is immediate need, and they are less likely to complain about or challenge poor service. And with tourism so important to the town, supporting an estimated 7000 jobs and contributing around £385m to the local economy, we can ill afford bad stories about the seaside experience. Anecdotally we continue to have concerns raised about the quality of the bathing water. And with a Victorian town centre and seafront we are likely to have a very high level of original Victorian sewage infrastructure which, it appears, is failing and we might expect more serious failures.
- 36 There is a real sense of frustration in the town that SW should do more here, and properly engage with the council and the local communities. That is not to say that there is already some communication :- we note that SW have worked with both the West of Haven Beach Users' Association and the Coastal Users' Group. However, SW themselves have acknowledged that on occasions their communication was not as it should have been, and they could do better in terms of their communication with local residents, particularly during pollution incidents.
- 37 As noted above there is already dialogue between the senior management of SW and HBC's leadership, and we must build on that. We do not believe we are asking for anything unreasonable, simply for our concerns to be heard, listened to, acknowledged and acted upon. If HBC does not get a satisfactory response to its concerns, it will have to consider what other action it can take.
- 38 HBC's leadership is also in active discussion with EA's senior management, and this is also to be welcomed. It is hoped that we can develop better tools for measuring and reacting to pollution levels in streams and watercourses, so that residents can have faith in what they are being told. It might be possible for EA to forecast potential pollution events in streams and watercourses in the way that they currently do for bathing water; this would be a very useful step forward. There is also potential for greater data sharing, which could be of considerable benefit.

Recommendations

39 Discussions continue with SW, and the EA, to ensure that the needs of Hastings are understood and, where possible, met. It is imperative that trust is restored.

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If a satisfactory response is not received by 31st December consider what action might be taken, to include the consideration of legal action.

Wards Affected

All

Policy Implications

Reading Ease Score:

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

Equalities and Community Cohesiveness	Y
Crime and Fear of Crime (Section 17)	N
Risk Management	Y
Environmental Issues & Climate Change	Y
Economic/Financial Implications	Y
Human Rights Act	Y
Organisational Consequences	Y
Local People's Views	Y
Anti-Poverty	Y
Legal	Y

Additional Information

Officer to Contact

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