



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Environment Overview and Scrutiny Committee – Thursday 1 October 2020
Report Number	Agenda Item No. 5
Subject	Petition: Sewage and Sewage Discharges
Wards affected	All
Accountable member	Cllr Norman MacRae, Cabinet Member for Environment Email: norman.macrae@westoxon.gov.uk
Accountable officer	Phil Shaw Business Manager- Development Management Tel: 01993 861687 Email: phil.shaw@publicagroup.uk
Summary/Purpose	To report the receipt of a petition and seek resolutions as to any desired actions.
Annexes	Annex 1 – Text of covering letter with petition Annex 2 – Text of the petition
Recommendations	(a) That the contents of the petition be noted; and (b) That the Cabinet Member for the Environment be requested to (i) support the lobbying of Thames Water to confirm its plans to combat the widespread problems reported; and (ii) copy Robert Courts MP into this report and advise him that the Council considers legislative changes are required in order to enable an effective solution.
Corporate priorities	N/A
Key Decision	N/A
Exempt	No
Consultees/ Consultation	None

I. BACKGROUND

- 1.1. A petition relating to sewage and sewage discharges has been submitted to the Council. As the petition contains more than 750 signatures it has been referred to this Committee for consideration.
- 1.2. The Committee's role is to consider the content of the petition and to make a recommendation as to what, if any, action should be taken by the Council. That recommendation will be to Cabinet, although Council approval could also be needed if, for example, the proposed actions have budgetary implications.

2. MAIN POINTS

- 2.1. The text of the covering letter and of the petition itself are included at [Annex 1](#) (page 4); and at [Annex 2](#) (page 5) respectively. The covering letter refers to the intention to "give West Oxfordshire District Council a mandate from residents to demand the best in their environmental and planning interactions with Thames Water"; and highlighted in [Annex 2](#) are the specific requests which the petition makes of the Council.
- 2.2. Looking at the sentiment behind the report your Officers are aware of the reports of the increase in incidents of untreated sewage discharging to the river and would concur with the concerns being raised at the consequent harms to its quality and its role as an ecosystem. In this regard there is no material difference between the parties that there is an increase in the incidents and consequences of unauthorised discharge and how undesirable that is for humans and wildlife. Similarly the extent to which the actions of TW and subsequently the Environment Agency in ensuring/monitoring the quality of the water environment are well understood having been raised in considerable detail by local residents and action groups in the context of the successful "Water Day" events that the Council has hosted over the last few years. Thus 'the problem' is recognised
- 2.3. As part of the solution proposed in the petition a greater degree of coordination of development and sewerage infrastructure is encouraged. However it is difficult to see what more could actually happen in that regard. Before any sites are allocated as part of the Local Plan process Thames Water are consulted such that they can advise as to any deficiencies in the current network and make bids for infrastructure improvements on the back of new development occurring. Similarly when planning applications are received there is a consultation protocol with Thames Water as to what level of planning applications they wish to be consulted upon and, when they have been consulted, their suggested conditions are subsequently imposed on any decision issued. In the absence of a recommendation for refusal from either Thames Water or the Environment Agency (EA) there would be no locus to withhold planning permission and the Council would bear any costs of seeking to defend what would be considered an unreasonable refusal reason. In that regard there is thus already close liaison such that integration is not seen as an issue- it is more the matters causing concern largely fall outside the planning/regulatory control of the Council.
- 2.4. These remaining points appear to largely involve enforcement of the legislation that falls outside the remit of the Council in its role as Local Planning Authority and where, as such, the Council does not have a regulatory or enforcement role. That duty falls to the EA and your Officers have some concerns that if encouragement were to be given to directing complaints to WODC it may give the impression that this would give rise to some form of action being taken- but without the teeth to undertake that action. However our experience is that notwithstanding that WODC does not have a regulatory role, residents will still contact WODC members and

certain staff if they do not obtain a response/solution from TW or the EA in monitoring licences that never appear to be breached by quality or volume. Therefore, on balance, perhaps WODC should be seen to encourage the reporting of frequent problems to WODC (as already happens really, whether formally or informally) to assist in the recording of the scale of the problem but noting that the regulatory bodies do not answer to WODC and that enforcement actually sits with the EA. WODC could then flag up any concerns with them as the regulatory body as a means to raise the profile of the concern and hopefully encourage them to deliver meaningful outcomes.

- 2.5. Furthermore, in that the solutions do lie outside of the WODC remit and basically require tighter national legislation as well as comprehensive work to combat the ingress of groundwater into the network and the dislocation of storm water sewers from foul or combined systems that have a history of frequently surcharging into rivers, it is also suggested that the local MP be advised of the need for legislative amendments if the problems are to be properly resolved.

3. FINANCIAL IMPLICATIONS

- 3.1. This report has no financial implications.

4. LEGAL IMPLICATIONS

- 4.1. None although the Planning system is not enabled to intervene where other statutory regimes exist to control or protect the environment i.e. it cannot duplicate alternative statutory processes

5. ALTERNATIVES/OPTIONS

- 5.1. N/A

6. BACKGROUND PAPERS

- 6.1. None

Text of covering letter

Petition cc'd to
richard.aylard@thameswater.co.uk CVO
ian.marchant@thameswater.co.uk Interim CEO
customer.feedback@thameswater.co.uk
OfWat, CCW, with covering letter and petition totals sent to the EA and WASP

Dear Mr Butler,

There have been raw sewage discharges near Witney Sewage works into Colwell Book, part of the River Windrush catchment. Other stretches of brooks and the river in Witney have changed their appearance beyond recognition from clear water to brown-grey.

Trust between the public and Thames Water is broken, so long as 'storming' overflows happen in normal wet weather.

The factual and meticulous campaigning of Windrush Against Sewage Pollution has alerted the town to Thames Water's practices. The petition enclosed was drawn up to give a voice to Witney residents in parallel to WASP's campaign. It is addressed to Thames Water, as sewerage undertaker, and to West Oxfordshire District Council as local overseer of environmental problems and Local Planning Authority. The petition had a West Oxfordshire focus.

The intention is to inform Thames Water of the strength of feeling locally and to give West Oxfordshire District Council a mandate from residents to demand the best in their environmental and planning interactions with Thames Water.

The petition ran online from 2 March to 2 May 2020 and was also made available locally in paper form.

Insist that Thames Water Improves West Oxfordshire's Sewerage

Total signatures gathered: **1700**

1610 e-signatories; 90 paper signatories

Of which

1182 are residents of West Oxfordshire

1550 are Thames Water customers (with 214 residents of Cotswold District Council and 154 other)

150 from outside the Thames Water supply and sewerage area (including 25 from Gloucestershire, 16 from Warwickshire and several from Wiltshire, Northamptonshire and Buckinghamshire, to name flanking areas.)

In accordance with the petition's stated data protection policy, the 150 signatures from outside Thames Water are not included.

The grand total is therefore for Thames Water customers only: **1550**.

Sincerely, with hope for a vastly-improved way forward,

Ruth Smith.

Text of the petition

The online petition stated:

West Oxfordshire's combined sewerage system is unable to cope with the current volume of foul and surface water. Untreated sewage has been released into our rivers and waterways on a regular basis. This continues to risk the health of residents, pets and wildlife. It threatens the delicate biodiversity of our waterways. Perhaps most worryingly, it exposes wild microbes to antibiotic resistant strains of bacteria from human waste and increases the likelihood of humans contracting antibiotic-resistant superbugs. West Oxfordshire District Council and Thames Water need to work together to forge a joined-up sewerage upgrade plan to ensure that the new developments are a success and don't make waterways worse for all of us.

And went on to state the following:

To:

West Oxfordshire District Council and Thames Water

From: Residents

This petition from local residents requests that West Oxfordshire District Council joins us in calling on Thames Water to bring forward essential upgrades to the sewage storage tanks and the sewerage network in West Oxfordshire to put a stop to the frequent discharges of sewage into the River Windrush and other waterways.

Our combined sewerage system is unable to cope with the current volume of foul and surface water. Untreated sewage has been released into our rivers and waterways on a regular basis. This continues to risk the health of residents, pets and wildlife. It threatens the delicate biodiversity of our waterways. Perhaps most worryingly, it exposes wild microbes to antibiotic resistant strains of bacteria from human waste and increases the likelihood of humans contracting antibiotic-resistant superbugs [i].

We expect our services to be fit for the 21st century, not heading back to the pre-Victorian era of inadequate sanitation.

The Local Plan promises 15 000 more houses by 2031 [ii]. That's at least 15 000 more toilets to be added to a system that already cannot cope with rainfall. The plan was written, with Thames Water as consultees, before the full extent of the existing problem was apparent [iii]. Residents report a marked change in the appearance of the Windrush, as well as frequent sewage pollution events.

The areas earmarked for over 1000 new homes each are North Witney (Hailey), Chipping Norton and Eynsham. The Local Plan states that new drainage systems must provide biodiversity enhancement and, at North Witney and Chipping Norton, must achieve a "reduction in surface water run-off below greenfield rates". If biodiversity is already being harmed by frequent sewage discharges in relation to excess surface water, we need Thames Water to fix existing problems before these future targets become plausible.

We want to give WODC a mandate to insist on the improvements that Witney and West Oxfordshire need. Thames Water have a plan that should deliver small changes in step with the expansion rate of the Local Plan but does not acknowledge the unacceptability of the immediate situation. We ask them to bring their works forward. We ask that the Council:

- Works pro-actively with Thames Water to address current sewage pollution.
- Works preemptively with Thames Water to plan infrastructure upgrades ahead of each part of the Local Plan happening, not just in response to the first planning applications for each area.

- Outlines a joined-up approach to sewerage in the Infrastructure Development Plan currently being updated.
- Reminds Thames Water that Section 94 of the WIA91 requires sewerage companies to provide, improve and extend a system of public sewers to ensure an area is effectually drained [iv].
- Reminds Thames Water that Ofwat say: “Strong and on-going conversations... should deliver a range of benefits to all parties, including both new connections customers and monopoly companies’ existing customers. These benefits include ... being able to deliver strategic, joined-up solutions where there are multiple development sites coming forward, rather than a succession of smaller schemes” [iv]
- Works with the Environment Agency and catchment management organisations to pinpoint and control agricultural sources of sewage entering waterways.
- Uses strong relationships with departments at Thames Water and the Environment Agency to keep both organisations candid and realistic in their communications and advice to WODC.
- Seeks and records evidence for the causes and circumstances of the raw sewage leaks, and presents it to the Environment Agency.
- Invites residents to submit evidence of Thames Water tankers pumping at locations in villages or towns, and presents it to Ofwat and the Consumer Council for Water.
- Keeps the public aware of sewage leaks as they happen. • Liaises with our MP so that the case for a change in the law can be built, to make such frequent sewage leaks illegal.

[i] <https://wellcome.ac.uk/sites/default/files/antimicrobial-resistance-environment-report.pdf>

[ii] <https://www.westoxon.gov.uk/localplan2031>

[iii] <https://www.windrushwasp.org/>

[iv] <https://www.ofwat.gov.uk/regulated-companies/markets/connections-market/new-connections/#growth>