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MEETING OF EXTERNAL OVERVIEW & SCRUTINY COMMITTEE

On:	Wednesday 1 June 2022	At:	2.00 pm
Venue:	Caddsdow Business Support Centre, Bideford, EX39 3BE		

NOTICE OF MEETING

Temporary measures during the Coronavirus Pandemic:

Members of the public attending meetings or taking part in the public forum are advised that all External Overview & Scrutiny meetings taking place during the Covid-19 Pandemic will be filmed for live or subsequent broadcast via the YouTube channel -

<https://tinyurl.com/TorrigeYouTube>

To:	Councillor J Manley (Chair) Councillor C Cottle-Hunkin (Vice-Chair) Councillors: C Woodhouse, S Harding, C Hawkins, S Langford, C Leather, P Pennington and R Wiseman Non elected Members: K Baker and L Bach
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Members are requested to turn off their mobile phones for the duration of the meeting

AGENDA

PART I - (OPEN SESSION)

1.	Apologies For Absence To receive apologies for absence from the meeting.
2.	Minutes (Pages 3 - 10) Confirmation of the Minutes of the meeting held on Wednesday 27 April 2022.
3.	Public Participation 15 minute period for public contributions

4.	Action List (Page 11)
5.	Declaration Of Interests Members with interests should refer to the agenda item and describe the nature of their interest when the item is considered.
6.	Agreement Of Agenda Items Part I and II No Part II items.
7.	Urgent Matters Brought Forward With the Permission Of The Chair
8.	Natural Devon An opportunity to hear from Harry Barton (CEO Devon Wildlife Trust & Vice Chair of Natural Devon) regarding the progress of the Devon Nature Recovery Network (NRN) map and toolkit.
9.	Annual Report - External Overview & Scrutiny A draft of the External Overview & Scrutiny Committee Annual Report for 2021-22. To be sent in advance of the meeting and noted by members.
10.	Consideration Of The Forward Plan (Pages 12 - 13)
	Meeting Organiser: Democratic Services
	Centre for Public Scrutiny – website http://www.cfps.org.uk/

TORRIDGE DISTRICT COUNCIL

EXTERNAL OVERVIEW & SCRUTINY MEETING

Caddsdow Business Support Centre - Bideford

Wednesday, 27 April 2022 - 6.00 pm

PRESENT

Councillor J Manley, L York (Chair TDC & NDDC)

Councillor C Cottle-Hunkin (Vice-Chair TDC)

TDC Councillors S Harding, C Hawkins, S Langford, C Leather, P Pennington, C Woodhouse, D Brenton, P Hames, C Hodson and K James

NDDC Councillors F Biedernam, Y Gubbs, N Pearson, D Spear, L Spear and F Tucker

TDC Independent Members K Baker and L Bach

ALSO PRESENT

S Dorey - Head of Legal & Governance (Monitoring Officer), TDC

J Williams - Public Health & Housing Manager, TDC

T Vanstone - Senior Electoral & Democratic Services Officer, TDC

K Hewlett - Electoral and Democratic Services Officer, TDC

A Cole - Service Lead – Environmental Protection NDDC

A Dunbrook - Corporate & Community Services Officer NDDC

D Trewolla - Team Leader Integrated Environment Agency, Environment Agency

A Burrows - Director of Environmental Liaison & Culture, South West Water

129. APOLOGIES FOR ABSENCE

No apologies were received.

130. MINUTES

Chair ran through the minutes of the meeting held on Wednesday 9th February 2022 with members.

It was proposed by Councillor Leather, seconded by Councillor Harding and

Resolved:

That the minutes of the meeting held on Wednesday 09 February be agreed as a correct record.

(Vote: For 7, Against, 0, Abstentions 1)

131. PUBLIC PARTICIPATION

There were no requests for public participation.

132. ACTION LIST

Chair reviewed the action list with members and updated on progress.

133. DECLARATION OF INTERESTS

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

134. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

135. URGENT MATTERS BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR

There were no urgent matters.

136. CONSIDERATION OF THE FORWARD PLAN

The Chair deferred discussion of the Forward Plan for 2022-23 until the next Committee, following the AGM on Monday 16 May. It was explained this was in case of a change in membership.

137. JOINT AGENDA ITEM WITH NORTH DEVON DISTRICT COUNCIL - PRESENTATIONS FROM ENVIRONMENT AGENCY & SOUTH WEST WATER

Environment Agency

Both Chairs welcomed Dave Trewolla Environment Agency Team Leader Integrated Environment Planning (Devon, Cornwall & The Isles of Scilly)

A detailed and informative presentation was shared with members. An overview of the role of the Environment Agency was provided, which highlighted the legislation that informs their work.

Combined Sewage Outflows (CSOs) and Emergency Overflows (EOs) were explained to members along with an overview of Event Duration Monitoring (EDMs), which monitor storm overflows nationwide.

It was explained to members that site specific cases could not be discussed due to the Environment Agency and OFWAT investigations, which started in November 2021. A link to the investigation was provided to members [following this link](#)

The Environment Agency representative highlighted the location and spill frequency map for members. It was explained what would happen if a spill was unpermitted and how the permit system works in terms of management of discharges.

It was confirmed there were 1290 spills into the River Torridge in 12 months of 2021, this was across all of the monitored sites on the provided map.

A map and graph highlighting bathing waters and shellfish standards compliance was explained to members. It was confirmed that currently the Environment Agency operate under the same legislative standards they were when part of the EU.

In relation to wild swimming it was confirmed that anyone was able to follow the process to designate a site, but until the process was underway Environment Agency be responsible for monitoring.

It was further explained that, without the legislative change, it wasn't possible to monitor designated bathing sites outside of the bathing season. Though the increasing pressure to extend monitoring was acknowledged due to the increased popularity of wild swimming. A link to the designation process was provided following the meeting - [link to guidance on bathing water designation & de-designation](#).

It was stated that the most recent bathing water classifications were successful in the South West, with all bathing waters meeting the required standards from 2017-21.

The graph for shellfish water compliance was highlighted, which showed this was generally improving. DEFRA do not publish shellfish water compliance, so members were directed to the relevant plans – River Based Management Plan and Shellfish Water Action Plans - for further reading.

A graph showing overall pollution in local authority areas was then shared with members. The Environment Agency representative highlighted that the predominant problems in the area were linked to diffuse pollution (agricultural, land management and some small sewage work discharges) and point source pollution (predominantly water company, but also industrial discharges and other larger private discharges.)

A breakdown of the agricultural proportion of the pollution was then provided. It was explained that the graph showed that the main issues related to poor livestock management, poor nutrient management, or poor soil management.

The importance of reporting was highlighted to members and the pollution hotline number for the Environment Agency was provided – 0800 807060.

The meeting then moved onto questions from members, and it was agreed that the Environment Agency representative would share the presentation with members via the Torridge Democratic Services Team.

Questions

Councillor Pennington declared a personal interest and asked about the monitoring results for Plymouth from the final slide. It was explained by the Environment Agency representative that this was a boundary issue and that agricultural pollution would be picked up by other council areas before the boundary of Plymouth.

Members asked if there was a response to the questions provided in advance, with specific mention of sewage pollution on Northam Burrows.

It was agreed that the Environment Agency representative would provide further written response to questions via the Torridge Democratic Services team where possible and a copy of the presentation would be shared with members.

Members asked how many prosecutions were taken out against South West Water for non-compliance. The Environment Agency representative confirmed he was not able to provide this at the meeting. It was agreed that the Environment Agency representative would look into the number of cases for the last few years and provide this data outside of the meeting.

Following a query in relation to accountability it was confirmed that the Environment Agency is held to account by DEFRA, as well as pressure groups and that they regularly attend partnership and committee meetings.

Members asked what profits South West Water had made in relation to the investment mentioned and whether this investment had increased in the last decade. It was stated that investment has grown overtime, but more could always be achieved.

Members requested more detail regarding the 2021 investigation, who was leading the investigation and when it would be completed. It was confirmed that this was a joint investigation involving OFWAT and the Environment Agency. A link to more information on the investigation was provided outside of the meeting - [Link to a Press Release](#).

Members asked whether it was true that the Environment Agency are no longer attending smaller, low-level incidents. This was confirmed and explained as a resourcing constraint and there was a need to prioritise the most urgent cases. However, the lower-level incidents could still be reported and this information would be gathered to monitor the type and number of complaints being received. This was confirmed as a national response due to significant cuts in funding.

In response to a query regarding inland bathing waters it was confirmed that there were no inland bathing waters to enforce in the area currently, so there would be no compliance activity as a result.

It was explained that designation of bathing waters can be initiated by any individual, however this would need the support of the Local Authority. The process is available via the Government website and requires the gathering of statistics on use. It was confirmed that once the designation process has begun the Environment Agency would become involved and start the monitoring for compliance. The Government link was provided following the meeting - [Link to process for designation and de-designation](#)

Members asked what plans the Environment Agency have in respect of mitigating the impact and effects of climate change. It was confirmed that there are plans in place, but resourcing remains the main issue.

Councillor Gubb took the opportunity to thank the Environment Agency and South West Water for their work in Combe Martin over the last 3 years to improve the quality of the bathing waters there.

Members thanked Dave Trewolla for attending the meeting and it was agreed that there would be an opportunity for members to contact Torridge Democratic Services with any further questions.

South West Water

Alan Burrows, Director of Environmental Liaison and Culture, introduced himself to members. A detailed and informative presentation was provided and it was agreed that the slides would be shared with members following the meeting, along with a more detailed response to the questions that were submitted by members.

An overview of South West Water's work was provided, and it was confirmed that an Environment Strategy had just been launched. Members were made aware of the 6 themes of Water Fit and how these aims will be achieved.

The South West Water representative went on to review the questions submitted by members before the meeting.

It was confirmed that all Storm Overflows, Emergency Overflows (EOs) and Combined Sewer Overflows (CSOs) are permitted by the Environment Agency. Some detail was provided on how the permits are awarded and the criteria that is in place, as well as detail on monitoring systems and how information is shared with partners.

In relation to spill events it was explained that South West Water monitor start, stop and duration, but do not currently measure volume. However, work is currently taking place to look at how volume could be monitored in the future. It confirmed that the decrease in spills during 2021 was mainly weather related.

Members were reminded of South West Water's commitment to reduce spills to an average of 20 per year by 2025 and to target zero harm from CSOs by 2030.

In relation to breakdowns it was confirmed that only 3 of the EDMs fell below the 90% operability and the average for all was over 90%. The Environment Agency has recently set a target for EDMs to operate 90% of the time.

In relation to accountability, it was confirmed that South West Water also meets with the Consumer Council for Water and representatives from various stakeholder groups.

The planning considerations of new developments were highlighted for members as a response to the question about Cornborough WWTW . It was explained that South West Water were not a statutory consultee in the planning process, but used the local plan, strategic plans and particular developments that may impact on South West Water's ability to treat sewage.

It was confirmed that South West Water had committed £2 million investment on waste water treatment, with specific mention of Bideford Fine Screens.

In relation to Victoria Park the South West Water representative stated there was sufficient storage to offset spills and a second storage tank was installed in 2004 to manage known future development. It was added that if spills became an issue then the EDMs in the area would pick this up.

It was stated that there were no known recent reports of pollution at Northam Burrows and it was advised that if there were events these could be reported to South West Water via the phone number - 03443462020.

The South West Water representative reiterated that the Bathing Water season was set in legislation. However, South West Water have committed to maintain sites all year round and they operate 62 sites with UV treatment all year - 6 of these sites are in North Devon.

The South West Water representative confirmed that there are no poor bathing water and there was 100% compliance in the last year. Coombe Martin was highlighted as one of the areas that improved and gained a satisfactory result.

In addition to this other work taking place was mentioned on smart metering and real time information using AI.

Whilst summing up the South West Water representative highlighted awareness raising work to ban the use of wet wipes.

Members were asked for any questions.

Questions:

The Ward Councillor for Hartland raised concerns regarding Bucks Mills and explained that raw sewage is going into the river and down the waterfall. It was

stated that, following direction from the Environment Agency, an application was submitted 2 and a half years ago. This was put through with Parkham and Woolserby Councils. As a result residents were unable to sell their properties.

It was explained that there was currently no resolution, but it had been suggested that a treatment works be installed in the car park to service the relevant properties. An update on this work was requested, but the representative from South West Water was not able to provide this in the meeting. It was agreed that the question would be forwarded to South West Water for a response outside of the meeting.

Members highlighted the initial response and the work that took place following the flooding event in Braunton in 2012. The pollution of the River Caen was raised and members asked how well plans were going to reduce pollution to safe levels and what progress was being made?

The Environment Agency representative stated that progress was being made on targets and went on to explain the monitoring they are required to complete and what sat outside that remit. The complexities of monitoring compliance were highlighted, but overall it was re-stated that improvements were being made.

The representative from South West Water added that the Environment Act would impact on the work of the regulator and what water companies need to achieve. Water Fit was explained as the South West Water response.

Members queried if South West Water were involved in the discussions regarding the Joint Local Plan Review. It was confirmed that the Development Services Team would be involved in this.

Members referred to the news that the region had achieved a 100% bathing water quality and raised concern that monitoring processes had changed, highlighting anecdotal evidence of pollution in the area. The de-designation of Instow was also mentioned.

The representatives from South West Water and the Environment Agency confirmed that the water quality monitoring locations have remained the same for several years. It was recognised that more can always be done, and the Environment Act was highlighted as an opportunity. It was stated that the de-designation of Instow as a bathing water was due to the safety of swimming at the location and the majority of impacts were coming from agricultural, so improvements to the sewage system may not have had an impact on the overall water quality.

Members highlighted the 2018 surface water management report by DEFRA and the impact of decreases in funding on the clearing of drains locally. The representatives were asked what impact this had for them regarding partnership working and the percentage of South West Water profits are allocated into water safety and resilience – specific mention was made of the drainage systems and waterways.

The representative from South West Water wasn't able to answer the question regarding finances in the meeting, but members were directed to the annual performance report. In relation to the partnership working on surface water drainage the strategic reporting process was explained to members and it was confirmed that so far this seemed to be working well.

Members highlighted reports that stated storm drainage use - the number of hours of release - showed South West Water to be the 4th worst in the country in 2021. The plan to reduce storm overflow use to zero was highlighted and members asked for more detail on how this could be achieved.

The representative from South West Water highlighted the complexities of measuring this use across all the water companies. It was explained that the figures would be higher for areas who have more Event Duration Monitoring in place and where there was higher operability. It was stated that work is taking place with the Environment Agency to come to a common standard so that all the EDMs operate 90% of the time.

Both representatives explained the real time warnings and monitoring processes they have in place. South West Water explained Beach Live provided real time warnings when CSOs were operating and the Environment Agency explained Pollution Risk Forecasting, which operates during the bathing season.

Following a question about water charges and the impact of increasing energy prices it was confirmed that average cost water charges would be going down this year. It was also confirmed that South West Water would work with customers in arrears to ensure they are provided with drinking water, because it is essential for life, and they would signpost to support agencies like Citizens Advice.

Both Chairs thanked Alan Burrows from South West Water and Dave Trewolla from the Environment Agency and all members for attending.

The meeting commenced at 6.02 pm and closed at 8.05 pm

Chair:

Date:

ACTION LIST

Overview & Scrutiny (External) Committee – 27 April 2022

Minute No.	Raised by	Action	Allocated To	Progress Update	Status
118.	Councillor Newton	Recommendation to Community & Resources Committee that the Citizens Advice grant for 2022-23 be uplifted to £50,000, given the potential impact of the energy crisis.	Community & Resources Committee	Request from C&R Committee for detail report drafted in relation to the request. To return to External O&S.	Ongoing
119.	Councillor Manley	Update of the format of the Forward Plan.	Dem Services	New format used for the 2022-23 cycle of meetings.	Complete
119.	Councillor Manley	Make contact with Chair of Mid Devon Scrutiny Committee to discuss letter and possible future actions.	Councillor Manley	Meeting held on 26 th April.	Complete
137.	Members	Environment Agency to provide a copy of the presentation slides and written responses to questions submitted before the meeting, along with a response to questions that were not answered in the meeting.	Dave Trewolla, Environment Agency	Emailed to Dem Services and forwarded to members following the meeting. Also shared with North Devon colleagues.	Complete
137.	Members	South West Water to provide a copy of the presentation slides and written responses to questions submitted before the meeting, along with a response to questions that were not answered in the meeting.	Alan Burrows, South West Water	Emailed to Dem Services and forwarded to members following the meeting. Also shared with North Devon colleagues.	Complete

EXTERNAL OVERVIEW & SCRUTINY COMMITTEE – FORWARD PLAN 2022/2023

Cycle 1 01 June 2022 2pm	Cycle 2 20 July 2022 6pm	Cycle 3 14 September 2022 2pm	Cycle 4 26 October 2022 6pm	Cycle 5 7 December 2022 2pm	Cycle 6 01 February 2023 6pm	Cycle 7 15 March 2023 2pm	Cycle 8
Natural Devon – speak to their letter to Torridge District Council.							
<p>to be invited 2022-23 cycle:</p> <ul style="list-style-type: none"> Burton Art Gallery Citizen’s Advice funding uplift Mid Devon letter to Chair Richard Haste – Parks / Grounds Maintenance Alabare North Devon Dentistry – invite Clinical Commissioning Lead Biosphere funding update – Rob Passmore (following TDC award of £18k to progress projects) 							

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