

OPEN PUBLIC MEETING
River Yealm Sewerage problems
Thursday 30 August 2012

Chair: Mr Gary Streeter M.P.

Representatives:

South West Water: Mr Richard Gilpin Head of Waste Water

South Hams District Council: Mr Ian Bollams Head of Environmental Health and Housing

Environment Agency: Mr. Jon Snowden- covering area from the lower River Tamar and South Hams

Parish Council - Cllr Suzie Cooper

The Parish of Newton & Noss: Mr Andy Coughlan

Yealm Yacht Club: Mr. Simon Julien

Cllr William Mumford, Devon County Council, was also in attendance.

Cllr Cooper made an introduction advising that there was a belief that the sewerage systems in the Parish were inadequate and consistently failing. The Parish Council had tasked her, in her capacity as District Councillor, to ask Gary Streeter Mp to instigate a meeting with all relevant agencies. Mr Andy Coughlan, a resident affected by the recent sewerage leaks, had been asked to address the meeting on behalf of the Parish.

Mr Streeter introduced the various representatives who intended to speak and advised there would be a question and answer session at the end.

1/12 Mr. Andy Coughlan

A full copy of Mr Coughlan's report is available in hard copy format.

He felt he had been asked to make a statement in light of where he lived (Riverside Road West) - by one of the most heavily polluted areas of the river and as one of many who had repeatedly brought the problem to the attention of South West Water (SWW).

The leakage had been going on for many years. SWW had replaced six manhole covers two or three years ago following repeated complaints to both SWW and the Environment Agency(EA).It had made little difference with bubbling and leaking occurring almost immediately afterwards from all most all the manholes. Since then firms such as Clearflow had been seen monthly, sometimes weekly, freeing blockages with little or no improvement and visual evidence continued to be apparent.

Newton, Noss and Bridgend had been affected with visible and identifiable waste on the open foreshore and within the tidal streams.

Blockages were evident irrespective of whether the tide was in or out or whether it was raining or not.

A SWW representative had advised a month ago that it was sufficiently dilute further down the river for contamination levels not to be a risk. Children, dogs, swimmers and dinghy sailors continued to use the slipways and water frontages between the land and the leaking manholes.

There was clear photographic evidence of the leaks. There had been a marked increase in the evidence of rats in the foreshore and local area. The smell was frequently evident and manholes could be heard from the road when pouring out onto the foreshore. When the tide was in there was significant bubbling and gassing.

It was felt, that until recently, the problem had been met with feigned incredulity, denial and apparent inability to comprehend that a clearly inadequate system would at best cause repeated manhole failures. Problems with drainage runs, further back up the system from the foreshore such as in the

Reading Rooms and some manholes above the tidal level, had been extensive and would rapidly get worse with salt water ingress and develop their own problems because of obstructed flow. Following extensive and disruptive works through the summer holidays, there was little apparent benefit.

On Saturday 25 August the EA and SWW were again notified that the manhole between the Reading Rooms and the slipway at the Brook was leaking significantly again. The EA came out. SWW did not call back despite promising to do so within 1.5 hours.

Promised statements and updates from SWW had not been apparent. Feedback and transparency had been conspicuously absent. Mr. Coughlan had therefore made his own personal enquiries about pipe survey findings- the results varying from admitted collapse/inadequate pipe work to denial that there was still a problem.

In summary;

- The pipe work infrastructure was known and admitted to be undersized despite a long established level of housing and services provision required.
- The infrastructure was known to be made up of iron pipes in an aggressively salt environment that were time expired and should have been replaced in a planned investment strategy common throughout business
- The statutory authority, despite this, had charged the highest water rates in the country whilst providing a third world service in return
- Drainage surveys had been requested to establish the situation and condition but the results had been kept secret

The River Tamar estuaries and its approaches, which included the River Yealm, were part of a European Marine Conservation Site for which the EU was able to impose fines on the British Government for pollution or infringement. Under the new National Planning Policy Framework the Government were entitled to pass the fine onto the Local Authority. If the Local Authority knew who caused the pollution they were entitled to direct the fine to the relevant party.

Sticking plasters even the size of manhole covers were no longer enough. A plan should be presented and acted upon that was future proofed in terms of system replacement, use of suitable materials and capacity designed in consultation with the Local Authority and planned community. A large number of people had proposed not paying their sewerage rates until the service paid for was provided and were prepared to make public why they had taken this action. Some were shareholders. The situation was deteriorating rapidly. It was strongly recommended that appropriate action was taken before it failed catastrophically.

2/12 Mr. Simon Julien Yealm Yacht Club

A full copy of Mr Julien's report is available in hard copy format.

A long established cadet sailing programme had to be curtailed while safety concerns relating to the discharge of raw sewage close to one of the Yacht Club launching areas were addressed.

Whilst those on the platform were thanked for attending, Mr. Julien pointed out that the necessity for having such a meeting confirmed the failure of management, oversight, and planning and communication failure.

Over a year ago, the Yacht club had had to obtain a licence before undertaking repairs to the quay frontage. The Maritime Management Organisation had insisted that various conditions imposed by the EA, Natural England, Crown Estates, SHDC, Conservation Officers, Royal Yachting Association should be overcome. The prime concern appeared to be the disturbance of a small area of mud and thereby perhaps "upset some fish". This was in contrast to untreated sewage going into the same water, putting those undertaking recreational activity at risk. The heavy repair vehicles tracking across

the mud had not appeared to have raised any concerns. Reference was made to a licence for such work.

An absolute assurance was needed that discharges like those of the summer would never happen again. Many leakage reports had been made over the years. The systems had apparently been inspected. It was therefore puzzling why the gradual and predictable degradation of the raw sewage system had not been dealt with before on a planned and managed basis.

There should be considerable doubt that the outdated system was capable of dealing with the inevitable much greater demand that would be placed upon it in the future- let alone now. Housing planners should take a closer interest in the capacity of the system before allowing yet more bigger and expanded properties to proliferate.

Mr. Julien estimated SWW received some £750,000 from 2000 local households and businesses. Funding of a new system should not be an issue. It was hoped OFWAT would take a full interest. Clear short and long term sewage upgrading plans were needed now.

Irrespective of whether beach swimming safety standards were applied or would ever be put in place, the waters had been used for many years for sailing, swimming and Regatta activities. Immersion was inevitable. Freedom was sought to carry on the long established activities in safety.

An assurance was needed that the treatment stations in use complied with the latest standards and had sufficient capacity. If this was not the case details of the plans put in place were needed.

An assurance was needed that no discharge of untreated sewage would be permitted, but if the worst happened, then guidance would be issued promptly.

A public statement was put out to residents and businesses, after much lobbying, with thanks to the Parish Council. An earlier explanation and statement would have been helpful. Warning letters had been sent out to households about flushing the supply so customers' addresses were known. Improving communication must be one of the lessons to be learned.

The Response

3/12 Mr Richard Gilpin South West Water

Mr. Gilpin advised that he had heard the messages- there had been a lot about planning and asset management.

Reference was made to an information board displayed in the hall giving details of the work that had been undertaken. SWW representatives were available to talk through the work that was going to start.

He offered apologies to everyone in Newton Ferrers for the problems over the last couple of months and for the curtailment of the Regatta. There had been no intention for this to happen. He wished to thank residents who had helped South West Water whilst the work was being undertaken overland. Mr. Gilpin had met with Mr Streeter a few years ago in Noss Mayo about leakages and planning for new development. Much work had been undertaken in Noss Mayo in 2009.

A five year investment plan had been proposed for Newton Ferrers for 2010-2015. A programme of work for the foreshore in Newton Ferrers had been planned for 2013-2014. SWW had had to react due to the current problems. There were a lot of iron pipes along the foreshore. There was a section of pipe work from the Reading Room to the slipway which was of a smaller diameter. Nodules had blocked the line and which had now been cleared. Once permission was received, SWW intended to relay the sewer in plastic. They would send a camera up the pipes crossing to the Noss Mayo side and further up.

This was the first year SWW had become responsible for lateral drains. In October the Government introduced legislation making SWW responsible for lateral drains from customers' properties to the mains. SWW was responsible for everything to the foreshore. This included private drains from a property to a public sewer.

As soon as permission was received, SWW would start work at the Reading Room and would go as far as they needed to find pipes which were not furred or noduled up.

Manholes would be replaced with plastic covers.

It was hoped to start work with their long term solution within a month on the assumption that the permission was received.

Mr. Gilpin accepted there had been issues on the foreshore with leaking manholes. Covers had been replaced but leaks had then arisen in different places.

OFWAT represented customers as bill payers. Mr. Gilpin explained that every five years SWW presented their plans to OFWAT who then looked at the affordability implications for bill payers.

SWW had funding to undertake the work.

With respect to treatment capacity, each sewage treatment works had discharge capacity agreed with the EA. If SWW were outside it the EA could take action. SWW had strict liability. The EA was the regulator of environmental performance.

Mr. Gilpin accepted the criticism regarding communication. SWW had not communicated the plan or its intended work. The management programme could shift.

SWW had a lot of old assets and they did fail. SWW was undertaking a big programme catching up on many years of under investment in sewers.

4/12 Mr. Jon Snowden Environment Agency

Mr Snowden reported that he was part of an incident response team who respond to pollution incidents and dealt with compliance monitoring.

The EA's primary role was to protect water quality, eco systems and fish. They regulated any permits in place.

If a water company discharged from a sewage treatment works, the companies would have a permit as to how much and the quality of what went in. If things went wrong then sometimes enforcement measures were taken.

The River Yealm came under the Water Framework Directive. EU legislation covered water quality, freshwater river bodies. The River Yealm had Shellfish designation.

The EA protected bathing water designations. The River Yealm did not have bathing water designation the nearest being Wembury.

The EA therefore monitored fresh water and shellfish. They did not routinely monitor the Creek.

The EA relied upon the public and industry including SWW to report pollution and referred to their hotline. They were not resourced to respond to every incident and gave prioritisation to their incident response on a score of 1-4. 1- Most serious, 4- no environmental impact. Mr. Snowdon advised that the River Yealm incidents had been categorised at level 3. The manhole discharges had had a localised impact borne out by water sampling. The first incident of which they had been made aware was in April. There had been a steady stream ever since.

It had taken time to realise there was a problem that was not going away. The EA realised in June/July that they needed to escalate their response and to get an escalating response from SWW. Their response to incidents involved stopping the cause of the pollution, ameliorating the environment followed by sanctions. If needed they would gather evidence and take enforcement action. The current situation was being reviewed in line with national policies. A public interest test would be applied. Enforcement was a possibility at a later stage.

5/12 Ian Bollams SHDC

He advised that primary enforcement action lay with EA. The involvement of the District Council was limited. SHDC had tried to coordinate the agencies in response to the problems over the Regatta week.

If there was a rat problem, SHDC offered a free pest control service.

6/12 Questions and Answers

Questions were invited in blocks of three.

6.1 Block 1

1. Cllr. Mumford advised that what had surprised most people was that the problems appeared to have come as a complete surprise to the panel in July. Complaints had been ongoing for 2-3 years if not longer. Communication needed improvement. It was a surprise that the EA did not appear to consider humankind as part of the Environment.
2. SWW appeared to believe the problem in Noss Mayo had been resolved. The problem appeared to require a completely new system or massive disruption while connecting one system to the other.
3. Where could a parishioner find out if the pollution in the river is too high for his children to be able to swim?

Mr. Gilpin

The new system would run alongside the old and would then switch over. Improved technology was available. The design of the system incorporated sewer monitoring. Manholes would be refurbished. The pumping station would be upgraded with the installation of new telemetry and control systems. SWW were looking at it holistically. SWW were aware of the sewer spills which was the reason for SWW putting in huge sums of money to invest. £400,000 had been set aside for Newton Ferrers. The question was how to prioritise it. SWW had planned to do it in 2013. Mr Gilpin accepted this was not the best decision. In hindsight SWW should have done it earlier.

Jon Snowdon

The EA did not routinely monitor the Creek as they did not have the legislative drive to do so. The EA looked after water quality and could not enforce anything else.

Mr Ian Bollams

The river did not have Bathing Water Designation and therefore would not be routinely monitored. Water quality varied according to weather e.g. run off from fields, sewage overflow. It would be difficult to say whether it was safe to bathe anywhere without water monitoring. He advised people to take the advised precautions.

Anyone could apply to Defra for Bathing Water Designation. A lot of evidence would need to be submitted to demonstrate the necessary high volume use including surveys and photographs. The amount and frequency of use would need to be demonstrated together with infrastructure facilities e.g. first aid, kiosks, lifeguards. There was a lot of responsibility on the Designated Bathing Water controller e.g. where the public gained access to the water there were responsibilities for the relevant landowner.

It was possible for the public to monitor water quality. He was unsure of the costs but they would be significant.

6.2 Block 2

1. Reference had been made to bathing in the river as "wild swimming". 2000 people lived in the village increasing significantly in the summer. The problem must affect Salcombe and Kingsbridge. Surely there was something M.P.'s could do? If there was Bathing Water Designation it would place greater responsibility on people. There needed to be some common sense approach. Mr Streeter was asked if it could be taken before the House of Commons.
2. A lady who worked for Plymouth Marine Laboratory and who specialised in water quality advised the meeting that obtaining Bathing Water Designation was very difficult. There was no limit imposed on SWW as to the amount of coliforms and bacteria that could be discharged into the river. So long as the river was not designated as Bathing Water SWW would not

be liable. She lived in Yealmpton and her children played in the River Yealm in that area. 75% of the time the water was unfit for children to play in as coliforms was above safe levels.

Six other sewage treatment works emptied into the River Yealm including Newton Ferrers, Yealmpton and Brixton. The whole catchment area needed to be addressed.

3. A chef from the village reported that there had been hundreds of tourists in the village over the summer. Many had advised that they would not be coming back. Children had not been able to play in the water. There would be an economic impact for people employed in the community. It was not good enough. Visitors came to the area to use the water. The village could lose the post office and the shop and it would be the fault of the organisations represented on the panel.

Mr Snowdon

Very valid points had been made. It would be necessary to look at the entire Yealm catchment. They were focusing on the shellfish at the moment. The EA were concerned regarding the shellfish water quality and the EA wanted to do something about it. SWW were undertaking an investigation on the impact of their works on shellfish. The EA would look at the results to see how sewage treatment or the sewage network was impacting. Following receipt of the results it was possible the EA would look to SWW to improve SWW assets. OFWAT would need to become involved.

The EA had bid successfully for resources to look at the catchment including road drainage, and private discharge and would be doing so over the next 18 months

Mr Gilpin

Apologised for disruption caused by the sewers.

6.3 Block 3

1. The panel seemed to give more attention to shellfish than people.

2. What were SWW currently doing? The Reading room toilet which was lower than any other toilet in the area has been blocked for a week. The parishioner knew of other pipes blocked along Riverside road West.

3. i) SWW had apologised. There had been severe economic disadvantage from what had been happened. Why didn't the Parish of Newton & Noss put in for compensation?

ii) No definitive answer has been given as to sewage capacity. How many properties could be connected?

iii) The EA said they had been tasked to ensure SWW were compliant with discharge. SWW said treatment centres were checked. The discharges were not legal. There was no discharge consent for the pipes to go into the river.

iv) The parishioner had correspondence going back to 2007 complaining about the problem. Why had it taken this long for the EA not to take legal action? It was systematic of incompetence of managing estimates. The EA said it was resource issues. They had funding sources for monitoring but yet nothing to stop it going into the river.

Mr Gilpin

Mr. Gilpin did not have information as to the capacity for sewage treatment but could pass it onto the Parish Council after the meeting.

With respect to current operating process- SWW had a discharge permit which they were marked and measured against. Mr Gilpin was happy to give figures to the Parish Council after the meeting including the sites, location, what they treated and their capacity.

Mr Snowdon

The EA's priority was to stop and ameliorate the pollution. They could look at enforcement- that process being underway. They did take enforcement action in 2009. It was not that they would not resort to that if needed.

Clearly shellfish were not more important than people. They had statutory legislation which they had to enforce. The EA was information rich but needed to do something about it. There was a bid to look at it.

6.4 Block 4

1. It was understood cast iron pipes were to be replaced with plastic presumably polypropylene. This would only solve part of the problem. Leakage occurred when there was heavy rain. Surface water went into sewage pipes and the system was unable to cope. It was suggested separating surface water from the sewage system.
2. A gentleman who worked for the Rivers Trust referred to the Urban Waste Water Treatment Directive under which the River Yealm was designated as a sensitive area. The Surface Water Directive- it was an infringement to indirectly pollute a shellfish area. With the tidal reach- would it not affect the shellfish indirectly?
3. A budget had been mentioned of £400,000. Who had to issue the permission to SWW to undertake the work and how long would it take.

Mr Gilpin

SWW would be, on an emergency basis, replacing like for like and not separating surface water from the sewer network. The core strategy for future development was to separate them. He advised that they could look at some separation.

SWW prepared a 5 year works programme. OFWAT set a cap on spending on all different areas. They regulated to a high level- fifty million pounds over five years. SWW did not have to ask for permission as it was dealt with in 2010.

Permits to work in the estuary were dealt with by the Marine Maritime Organisation.

Mr. Streeter

Mr Streeter confirmed OFWAT had not been invited to the meeting.

Mr Snowdon

He believed the Urban Waste Water Directive applied to conurbations over certain population thresholds.

Shellfish waters were protected. The EA were focusing on the current breach of the bacterial limit.

6.5 Block 5

1. An explanation of the difference between Tertiary and secondary sewerage treatment was requested.
2. Who was taking responsibility for ensuring the work was done- was it the EA?
3. To Mr Gilpin- would he be prepared to issue a programme to the Parish Council so it could be placed on the Parish Council website and for SWW to report monthly thereafter on progress. The Parish needed to see the plans.

Mr Gilpin

Secondary treatment involved the removal of suspended solids in the sewage. Tertiary treatment removed suspended solids together with the application of UV disinfectant for certain matters.

He advised Tertiary was not applied unless there was Bathing Water/Shellfish Designation.

He would be happy to share the works plan once received.

The EA would usually enforce against the plan.

Mr Snowdon

The EA would want to see unpermitted discharge stopped and the plan stuck to. They would enforce.

6.6 Block 6

1. There would be delight to hear about replacement plastic pipes in a limited area. This was another sticking plaster. It was not the answer to the fundamental problem of outdated sewage systems with an ever increasing population using more water.
2. Mr Streeter- why was it that the Government can rate shellfish above humans?
3. Who was responsible for the Public Health Officer?

Mr Gilpin

It was an outdated system. SWW had a starting point- relaying the pipe heading to the slipway. Ahead of that would be camera work. The other area of concern was the slipway across the river. SWW would be continuing with the work until they could find a connection to a sewer in a fit state.

Mr Bollams

Public Health was now called Environmental Health. SHDC were responsible together with the Public Health Agency.

6.7 Block 7

1. If the bacterial levels were too high for shellfish then too high for human consumption. The questioner lived at the Coastguards cottage and had smelled raw sewage that morning. The river was obviously contaminated. Were mud samples being taken? Could a time sample be obtained by using a drill?

Mr Bollams

EA and Public Health both had an input to protect Shellfish consumers. Shellfish would have to go for purification before selling.

Unless there was Bathing Water Designation SHDC were limited in what they could do. He suggested the best that could be devised was to secure Bathing Water Designation- but it was an horrendous process. The decision would be made by Defra. If the application was successful then the water would be monitored.

The District Council wanted good water quality for tourism.

Mr Streeter

There was a river with seven discharges into it. There should be a long term plan to upgrade standards for children, bathing and tourism. DCC, SHDC and the Parish Council would need to sit down to take it forward. He believed Bathing Water Designation was the best way forward.

6.8 Block 8

1. The Parish Council had complained umpteen times to SWW and the EA. There were too many government associations paying large salaries, blaming each other and doing nothing.
2. If the creek was designated as Bathing Water and it fell below certain standards, then could certain activities could be banned?
3. A holiday homeowner advised that this was the first year two people who had regularly rented his house, had said they would not be coming back. They needed to do their jobs properly. What could the Parish do to get them more money to do their jobs properly?

A parishioner commented that SWW had 4.3 billion pounds invested in Pennon.

Mr Gilpin

There was some investigation ongoing under the Shellfish directive with potentially some upgrading. To clear the River Yealm would involve a number of issues including wet weather, agricultural run off- not just SWW assets.

Samples had been taken up and down the estuary. He was happy to share the sample results and happy to undertake more sampling.

6.9 BLOCK 9

1. i) The Parish Council wrote to SWW on 6 August 2010 with 13 technical questions. SWW's response did not answer any of the questions at all.
 - ii) How many incidents of category 3 would it take before getting to category 1?
 - iii) The questioner had reported spillages at least four times. If a report was made to SWW were they obliged to advise the EA?
 - iv) A lot of houses had combined sewers. Water from the roofs drained into the sewers. Every individual here at the meeting could do something about that. Whenever planners received an application for a reasonably sized extension there could be insistence that the waste from sewers was separated. It would then improve the loading on the treatment works.
2. Were there any simple tests for Coliform- something the public could put into the water and receive a swift result?
 3. The lady who worked for Plymouth Marine Laboratory advised that Bathing Water Designation was the best way forward and she would be happy to support the Parish. She wished to make it clear that the River Yealm only received Secondary Treatment- removal of lumps, but everything else went into the river. Tertiary treatment removed bacteria. She had the Coliform data for the Yealm from 2006-2012. 73% of the time it exceeded safe limits.

Mr Snowdon

In hindsight he accepted there had been a rash of category 3 incidents. It was now firmly on the Radar. The EA's role was to stop the discharges. They had a commitment to see it through. As a local community the Parish knew the area best. If the Parish wanted Bathing Water Designation the EA would do anything it could to help in the process.

Looking at the catchment as a whole there were 7 treatment works and the sewage network together with hundreds of fields and private discharges. The EA recognised there was work to be done to protect the environment, shellfish and public health in the creek. In terms of communication the EA were happy to receive calls/emails and to keep people advised of the work being done. He was happy to keep the Parish Council informed of work on the estuary and catchment.

Ian Bollams

He was happy to work with the Parish to achieve Bathing Water Designation

There were dangers- if water quality failed then the responsible persons would need to take action to advise the public.

He agreed that agencies should get together to resolve the matter as soon as possible.

A sampling kit could only give an indication in time. It could change very quickly.

Mr Gilpin

He would pick up points in the Parish Council's letter if they had not been properly dealt with. Boards at the back of the hall explained the work undertaken and advisors were present to advise on the work planned.

He apologised for July/August and the period the problems had been going on.

SWW were determined to make sure it was put right.

SWW would issue feedback.

6.10 Mr Streeter

He hoped that the meeting had been helpful, that it added momentum and that greater focus would be seen.

He was happy to work with Councillors and the Parish Council to smooth the path to a satisfactory outcome. A strategic meeting was needed- in September to decide whether to proceed with a Bathing Water Designation application.

The professionals who had given up their evenings to attend were thanked for coming.

Councillor Cooper

Councillor Cooper thanked Mr Streeter for coming and the alacrity with which he had responded for the request for help.

Meeting finished 8.35pm

Public attendance:100- 130