

## **Motion submitted by Councillor Emily O'Brien.**

### **To protect our local rivers and sea by taking into account the cumulative impact of sewage discharge.**

#### **This Council notes:**

- Local residents are deeply concerned about water quality and the impact of regular wastewater discharge, which includes untreated sewage, into our local rivers and seas and the impact on wildlife and on human health<sup>i</sup>. Lewes District Council has committed to taking lead on tackling this issue, building on a motion to full council in September 2021<sup>ii</sup>.
- Southern Water discharged sewage into local rivers and seas in Lewes District over 800 times in 2020<sup>iii</sup> totalling over 11,000 hours of sewage discharge in just one year. Recent figures for 2021 show that on average, the Ringmer Waste Water Treatment Works was releasing untreated sewage into Glynde Reach which leads to the River Ouse and then the sea, for approximately 18 hours per week – 10% of the time<sup>iv</sup>. It is clear that releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe storms, but an everyday occurrence even in 'normal' rainfall, and that we are in a situation of cumulative overload on the sewage and wastewater system.
- Not one of the rivers in Lewes District is classed as 'Good' for Ecological or Chemical Status under the Water Framework Directive. The UK has the dirtiest rivers in Europe.<sup>v</sup>
- Affected local wildlife habitats include Lewes Brooks, which is a Site of Special Scientific Interest (SSSI) and home to rare snails, flies, moths and water beetles<sup>vi</sup> and which has not been assessed by Natural England since 2013<sup>vii</sup>. The Ouse and tributaries are home to notable and rare species including sea lampreys<sup>viii</sup> and the cherished and iconic local species of sea trout<sup>ix</sup>, protected under the Salmon and Freshwater Fisheries Act 1975. Beachy Head West Marine Conservation Zone<sup>x</sup>, a Marine Protected Area, is home to other protected species including short-snouted seahorses, blue mussel beds and native oysters.
- Whilst there are long term commitments, there are no plans in place which will address the immediate unacceptable situation either locally by Southern Water<sup>xi</sup> or by national government<sup>xii</sup>
- Additionally, there is no clear statement of position by Environment Agency, who has overall responsibility, which would clarify cumulative impact of sewage overload our wildlife and habitats. In nearby areas it has issued position statements on the separate but related area of water neutrality<sup>xiii</sup> which have directly led to a pause in development – why not sewage overload?
- Both the local and national planning policy requires a robust approach to both water quality and pollution and a recent legal opinion from the Environmental Law Firm confirms the need to consider *cumulative* impact<sup>xiv</sup>. Yet like other councils, when assessing new planning applications this Council does not ask Southern Water to tell us about cumulative impact i.e. whether or not development may lead to any potential increase in 'emergency' discharge into rivers and seas <sup>xv</sup>.

## **Proposed motion:**

### **This Council resolves to:**

1. Recognise this Council's obligation to protect its rivers and seas, including from the cumulative impacts of pollution, in line with its local planning policy, and the National Planning Policy Framework.
2. Recognise that there is clear evidence of deterioration of water quality due to cumulative impact of multiple sewage discharge events or 'sewage overload'.
3. Ensure the evidence base being compiled for the new local plan fully assesses the cumulative impact of sewage discharge so that this is factored into decisions made in the new local plan, including the overall level of future development.
4. Seek to better understand the cumulative impact of waste water discharge including untreated sewage on the District's rivers, wildlife and the health of its residents
5. Continue to take a lead on addressing this issue, working constructively with other agencies.
6. Write to the Environment Agency asking it to issue a position statement in relation to Lewes District, which sets out its understanding of the cumulative impact of 800+ sewage discharge on our rivers, or if it is not willing to do, the reasons why.
7. Ask Natural England to update its 2013 assessment of Lewes Brooks SSSI.
8. Ask the Policy and Performance Committee to invite the Chief Executive of Southern Water plus senior representatives from the Environment Agency and Natural England to attend a Lewes District Council Policy and Performance Committee meeting to answer questions on the current levels of sewage discharge.
9. Ask Southern Water, from this date onwards, in its planning consultation responses for major development, to clarify which treatment works will be managing the sewage; and whether it has have the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information to share it (noting that this can only be requested not required).
10. Request that District Council planning officers, from now onwards, include in all reports relating to major development a specific section on Core Policy 10 and the impact on watercourses, including the potential for the development to affect sewage outflow into watercourses (i.e. cumulative impact), or to flag if this information is not fully available, so that this information (or the lack of it) is clearly and transparently set out.

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## NOTES AND REFERENCES

<sup>i</sup> See <https://www.sas.org.uk/water-quality/the-risks-of-mixing-with-sewage/> and House of Commons Environmental Audit Committee 2022 quality in rivers report pages 23-25.

<sup>ii</sup> Motion [here](#)

<sup>iii</sup> 2020 Data from <https://www.theriverstrust.org/about-us/news/sewage-map-questions> - 2020 for all Waste Water Treatment works in Ouse catchment including the Uck plus releases directly to the sea from Newhaven.

<sup>iv</sup> Calculated by CPRE Sussex & verified by Ouse & Adur River Trust, using Environment Agency monitoring data.

<sup>v</sup> See <https://www.theguardian.com/environment/2020/sep/17/rivers-in-england-fail-pollution-tests-due-to-sewage-and-chemicals>. Note that the House of Commons Environmental Audit Committee Water quality in rivers in January 2022 stated “The most recent figures published by the Environment Agency, under obligations originally established by the EU Water Framework Directive, show that only 14% of English rivers met good ecological status and no river met good chemical status. [...] Water pollution remains a major impediment to achieving targets established under the Directive (requiring all European surface water to reach ‘good ecological status’ by 2015 with a maximum deadline of 2027). The report also warns of plastics, ‘forever chemicals’ and points out (p.15) that “The presence in rivers of a number of so-called emerging pollutants—such as microplastics, and a range of chemicals, such as pharmaceuticals and narcotics—is not being systematically measured.”

<sup>vi</sup> <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1003002.pdf>

<sup>vii</sup>

<https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S1003002&ReportTitle=Lewes%20Brooks%20SSSI>

<sup>viii</sup> <https://canalrivertrust.org.uk/enjoy-the-waterways/fishing/freshwater-fish-species/rare-and-protected-fish/sea-lamprey>

<sup>ix</sup> <https://www.wildtrout.org/assets/files/projects/South%20Coast%20Sea%20Trout%20Action%20Plan.pdf>

<sup>x</sup> <https://www.sussex-ifca.gov.uk/beachy-head-west-mcz>

<sup>xi</sup> Lewes District Council wrote to Southern Water following a motion in September 2021 asking them to set out how they would reduce sewage discharge to zero. Their response set out a long term-strategy for dealing with storm run-off but **did not** acknowledge this is a day to day issue rather than a freak event mainly related to storms, and their **strategy does not consider the impact of increasing development**.

<sup>xii</sup> Govt commitments (all long term solutions) are at <https://deframedia.blog.gov.uk/2020/09/18/latest-water-classifications-results-published/>

<sup>xiii</sup> Whilst Natural England have issued position statements for areas including [Chichester](#) and [Horsham](#) which have effectively meant a blanket temporary halt to development, they have not issued a position statement for Lewes District.

<sup>xiv</sup> The council is legally obliged by the National Planning Policy Framework (NPPF) to consider in planning decisions **all forms of pollution including to rivers and seas**. As clarified by a Legal opinion provided pro bono by Alex Shattock of Landmark Chambers thanks to the [Environmental Law Foundation](#) the council is required not only to look on pollution a case-by-case basis but to **consider cumulative impact of pollutants**.

Local Planning Policy states “Watercourses are integral to biodiversity, health and landscape character of the district. A [...] The plan focuses on the protection, improvement and sustainable use of the water environment. The way that land is managed has given rise to complex pollution issues and planning policies can be used to facilitate enhancements to watercourses. This can be through amongst other things; preventing deterioration of aquatic ecosystems, protecting and improving the ecological condition of waters; conserving habitats and species that depend directly on water and contributing to mitigating the effects of floods and droughts”.

**Lewes Local Plan Core Policy 10** requires development to “**Ensure that water quality is improved where necessary or maintained when appropriate (including during any construction process) and that watercourses (including groundwater flows) are protected from encroachment and adverse impacts** in line with the objectives of the South East River Basin Management Plan. Where appropriate, the local planning authority will seek the enhancement and restoration of modified watercourses.” (Plan May 2016 Part 1 Joint Core Strategy)

<sup>xv</sup> Currently, Southern Water is a ‘statutory consultee’ which means they are consulted about planning applications on sewage and wastewater. However their responses are on a case-by-case basis and they do not assess **cumulative impact** on the system as a whole, i.e. whether the development may increase the existing levels of sewage overload. East Sussex County Council as the drainage authority are also consulted on planning applications but only on rainwater run-off from development, not on sewage.

Natural England and the Environmental Agency are also statutory consultees but do not comment on the cumulative impact on the sewage system in individual planning applications, focussing on designated sites rather than whole river catchments.

It is however reasonable to assume further development is likely to mean further impact on the clearly overloaded sewage system. The Ouse and Adur River Trust report that in 2016, when the levels of development in local plan were agreed, just 16% of reading scored ‘high’ under the Water Framework Directive status classifications for phosphate across the River Ouse. However by 2019 (the most recent figures available) this was just 12% (data from Catchment Data Explorer). In addition number of major developments currently being submitted which are speculative, i.e. outside of the agreed local plan, due to the ‘5 year rule’ introduced by Government in 2018 (see <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/312138.pdf>) so have never through any local plan process therefore have had no analysis of cumulative impact.