

Date: 24th November 2022

Sent via email

Dear Vicki Elcoate

1. Background

I refer to your request for information under the Environmental Information Regulations 2004 (“Regulations”), received by us on 18th October 2022, which reads as follows:

1. You have told us that there were 10 discharges from three of the CSOs on the River Lim between May and September. Please could you let us know for how many hours sewage was discharged at each location (the Uplyme STW, Horn Bridge and Jericho) into the River? And can you correlate this with any exceptional rainfall during that period? If there is no correlation please could you let us know the reasons for those discharges (individually)?
2. We are concerned that the Horn Bridge pumping station is discharging outside permitted conditions because of repeated unpleasant odours near the bridge even when it's dry. Please could you let us know the reason why the Horn Bridge PS has been fast tracked into your WaterFit initiative and what steps you are taking to ensure releases are brought into line with the legislation and the WaterFit targets and the timescale for this (other than by 2025)? If the PS is malfunctioning we would expect to see a speedy resolution to avoid discharges outside your permit.
3. You have said that the target is to reduce discharges by 90% but you have only specified the number of discharges, not the number of hours that sewage will be discharged into the river. What targets have you got to reduce the number of hours of discharges and not just the absolute number of incidents? Are there interim targets?
4. Given the level of bacterial contamination of the River Lim, the impacts on the ecology of such a small river, the potential threat to human health and the impact pollution has on the local economy, what steps can be taken to bring forward the 2030 deadline to reduce discharges, to 2025? This is not unreasonable given the scale of the task.
5. How much funding has been allocated, and over what time period, to the River Lim specifically for the reduction of sewage discharges into the river?
6. Please can you provide the drain/sewer maps for Marine Parade and the Cobb Area?
7. We renew our request for early publication of your Bathing Water Investigations Programme for Lyme Regis Front Beach (the designated bathing beach). We have asked for this before and were told it wasn't available until the New Year. Please could this be brought forward?

This letter provides the response to your request.

2. South West Water's (SWW) Response

I can confirm that SWW does hold information of the type you have requested.

Under the Regulations, SWW has a duty to individuals requesting information to make that information available on request. SWW must comply with this duty, unless one of the exceptions contained within the Regulations applies.

This information is as follows.

Storm Overflow Data

SWW will not be providing this data under the exception in Regulation 12(5)(b) of the Regulations which provides that environmental information may be withheld where disclosure could 'adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature'.

As you may be aware from recent media reports and publications, water industry regulators are currently undertaking an industry-wide investigation into the use of overflows.

It is important that the regulators are given the opportunity to make their own assessment following their investigations and that the investigations are protected against the risk of any undue influence from outside sources that might be caused by the prior release of relevant information into the public domain.

As the information requested is directly relevant to the investigations referred to above, South West Water considers that these are appropriate circumstances in which the exception 12(5)(b) provided in the Regulations should be applied and the request for spill data refused.

This exception is subject to the public interest test and SWW has therefore considered carefully whether the public interest in maintaining the exception outweighs the public interest in disclosing the information.

On this occasion, we have decided that the public interest in the information being disclosed whilst the investigations described above are ongoing does not outweigh the need to ensure a fair investigation and to protect the course of justice that stands to be adversely affected in the event the information sought is disclosed at this stage.

Aligned with our commitment to transparency South West Water were until recently sharing 12/24 and individual spill data for the current year, as well as that which is contained in our EDM Annual Return.

Whilst EA and Ofwat investigations are ongoing, South West Water must ensure that the fundamental principle of the course of justice is preserved and as such, we have had to reflect upon our decision to give access to spill data other than our EDM Annual Return data at this time.

This approach has recently been upheld by the ICO (Information Commissioner's Office) in a case where it upheld a decision by a water company not to disclose storm discharge data, where an investigation is on-going and, where that investigation could lead to criminal charges, it cannot be in the public interest to disclose information that is relevant to that investigation.

This is not a decision we have taken lightly and once these investigations have concluded we will be very happy to once again share this data.

Storm Overflows

The overflows in the table below are associated with the River Lim and are currently listed for improvements under the Bathing Water Drivers in the next Asset Management Planning (AMP) period (2025-30). The target will be a maximum of 2/3 significant spills per bathing season (aggregated).

The sites are also being assessed under the Storm Overflow Drivers for the next AMP which require 'bathing water overflows' to achieve 2/3 total spills individually per bathing season (by 2035) and 10 total spills per annum (by 2030).

Name	Type	Location
Goslings Bridge	Combined Storm Overflow	Lyme Regis
Gun Cliff Pump Station	Combined Storm Overflow & Emergency Overflow	Lyme Regis
Horn Bridge Pump Station	Combined Storm Overflow & Emergency Overflow	Lyme Regis
Jericho	Combined Storm Overflow	Lyme Regis
Mill Lane	Combined Storm Overflow	Uplyme
Uplyme Waste Water Treatment Works	Emergency Overflow	Uplyme
	Storm Tank Overflow	Uplyme

We are also investigating a number of suspected surface water misconconnections to our network in the area, and this information is being communicated to the local Environment Agency, Environment Officer.

Horn Bridge Pumping Station (PS)

The PS is performing as designed and to meet the terms of the permit from the Environment Agency. We have not had any reports of odour issues relates to the PS. Please do contact us if this occurs, using our 24hour helpline on 0344 346 2020.

A pump replacement is scheduled for Horn Bridge w/c 28th November. Root Cause Analysis has identified that a new pump controller would add resilience. We are expecting this work to commence by March 2023.

WaterFit is targeting spill reduction at coastal sites (and some high spilling inland sites). The future target for spill frequency is likely to be 10 per annum. Horn Bridge was selected as a Bathing Water site exceeding this target.

Discharges are already compliant with legislation, WaterFit targets are to reduce spills over all the selected assets and targets are overall targets, rather than at individual sites.

Improvements to Horn Bridge under WaterFit are still being investigated to determine if there are affordable and deliverable improvements, hence there are no further details on timescales of delivery.

Ecological Quality of the River Lim

Whilst Bathing Waters are sampled for microbiological indicator organisms E. coli and Intestinal Enterococci, under the Water Framework Directive, the Environment Agency also carries out ecological monitoring on the River Lim.

The results of this monitoring up to 2019 suggests the river is of high quality for invertebrates and moderate quality for aquatic macrophytes and phytobenthos. Chemical ecological water quality is also generally high or good. We would recommend contacting the Environment Agency Wessex Area Environment Manager Jim Flory for the most up to date Water Framework Directive monitoring information on the ecological health of the River Lim jim.flory@environment-agency.gov.uk

It's not just SWW inputs that require action, hence our Nature-Based solutions/catchment management programmes, building on our very successful Up-Stream Thinking work.

In the South West 20% of rivers and water ways meet good ecological standards (16% in England). Of the reasons that these water bodies fail SWW are responsible for around 19%.

Less than 1% of the water industry impact on 'Good' status is attributed to intermittent storm discharges in the South West area. There are many reasons for failures as shown in the table below.

Reasons for failures: 1,738	No	%
Agriculture	804	46.3%
Water companies	326	18.8%
Mining and quarrying	212	12.2%
No sector responsible	205	11.8%
Urban Transport	44	2.5%
Local / central government	23	1.3%
General public	31	1.8%
Industry	31	1.8%
Other	62	3.5%
Total	1,738	100%

2021 Bathing Water Investigation

SWW carried out investigations at 25 designated Bathing Waters across the South West during the 2021 bathing season, including at Lyme Regis. These investigations were carried out at the request of Defra and the final reports have been sent to the Environment Agency. We will be assessing our findings and agreeing future actions in discussion with the Environment Agency and will not release any further information until then.

Please find attached the maps you requested.

3. Further Queries

Should you have any questions, please contact us at finreg@southwestwater.co.uk. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of this response and should be addressed to Lisa Gahan (Regulatory Director) who can be contacted by e-mail on EIRinternalreviews@southwestwater.co.uk

If you are dissatisfied with the outcome of the internal review, you can apply, without charge, to the Information Commissioner, who will consider whether SWW has complied with its obligations under the Regulations and can require SWW to remedy any problems. You can find out more about how to do this, and about the Regulations in general, on the Information Commissioner's website at: www.ico.org.uk. Complaints to the Information Commissioner can be made via the "report a concern" section of the Information Commissioner's website.

With best regards,

South West Water

Peninsula House, Rydon Lane, Exeter, EX2 7HR www.southwestwater.co.uk