OVERVIEW AND SCRUTINY PANEL

TUESDAY, 28 NOVEMBER 2023 - 2.30 PM

Fenland District Council

PRESENT: Councillor Mrs M Davis (Chairman), Councillor R Gerstner (Vice-Chairman), Councillor B Barber, Councillor A Gowler, Councillor S Imafidon, Councillor Dr H Nawaz, Councillor D Roy, Councillor E Sennitt Clough, Councillor Woollard and Councillor S Harris

APOLOGIES: Councillor G Booth, Councillor J Carney, Councillor L Foice-Beard and Councillor A Hay

Officers in attendance: Peter Catchpole (Corporate Director and Chief Finance Officer), Amy Brown (Assistant Director), David Wright (Policy & Communications Manager) and Linda Albon (Member Services & Governance Officer)

OSC22/23 PREVIOUS MINUTES.

The minutes of the meeting of 16 October 2023 were confirmed and signed.

OSC23/23 DISCUSSION WITH ANGLIAN WATER

The Chairman welcomed Grant Tuffs, Regional Engagement Manager, and Natasha Kenny, Head of Quality Regulation and Enforcement, from Anglian Water (AW) to the meeting.

Members made comments, asked questions, and received responses as follows:

- Councillor Gowler asked, on behalf of Councillor Carney, for several years now it has been known, or at least believed, that the street sewers and drains in Chatteris town centre have, in some parts, collapsed or are broken in some way or another. For example, there is a drain in Church Lane that is frequently blocked with mud and earlier this year the road surface was repaired and when a resident asked the Highways engineer whether the drain could be repaired, the answer was 'it is broken underneath the road so there's not much we can do about it, that's why the surface is uneven'. Please can you advise what the position is replacing or repairing the drains? Grant Tuffs responded that he had checked with the local network manager, and he is not aware of an issue on Church Lane so this may not be the responsibility of AW, but if it were a broken sewer it would show up on their system and it would be fixed. AW has a planned preventative maintenance programme, and the Church Lane drain was cleaned in January 2023. He has asked the team to look at this again and get back to him as there is a case-by-case repair on anything reported to their contact centre.
- Councillor Sennitt Clough stated Church Lane sounds like a small road and given that AW had these questions in advance, she is surprised that they cannot confirm or deny whether it is their responsibility. Natasha Kenny responded AW has not been aware of any problem at Church Lane, but it will be investigated after today's meeting.
- Councillor Nawaz asked what role does AW have in housing development projects and what responsibility regarding the disposal of surface water and the safe disposal of domestic effluent? Grant Tuffs answered this is a complicated issue as currently water companies are not statutory consultees on planning applications, so a developer under the Flood and Water Act can connect to AW's assets without their permission. However, they are lobbying the new Secretary of State for the Environment to see whether this law can be changed to allow AW and other water companies across the UK to have more say within the

developments. If AW believes an action can have a detrimental effect then they can ask for a planning condition to be put on an application to manage surface water and foul water flows, but it is up to the local authority to accept that condition. AW are consultees for local plans for the long-term view of housing growth in the area but rely on the goodwill and nature of planning authorities in the meantime.

- Councillor Nawaz asked for confirmation on AW's role within development sites stating is he then to understand they are consultees to the planning authorities? Grant Tuffs confirmed this was correct for 5-year local plans, not for individual applications. Councillor Nawaz responded so will AW be consulted by the planning authorities or not? Grant Tuffs confirmed no, and Councillor Nawaz asked what about the developer? Grant Tuffs replied the developer has to come to AW and ask how to connect to the water pipes as AW does not want surface water connected to the foul system but has no power to stop them fitting pipes where they want to. The local planning authority can insist on conditions to stop the developer doing that, but AW cannot in law. Councillor Nawaz responded he was amazed at the disconnect between the planners and AW and asked if AW have statutory responsibility for foul and surface water. Grant Tuffs responded that AW are responsible for foul water but not surface water. Councillor Nawaz said so a developer could propose to build 300 or 400 homes and connect to AW's network without your permission? Grant Tuffs confirmed this was correct, but it rarely happens. Councillor Nawaz asked what happens if the network does not have sufficient capacity, Grant Tuffs responded when AW know this is going to happen, they would lobby the planning authority to ask for a condition to be added to create another connection, however these are normally looked at within the local plan and the company would have worked with the developers to get a mitigation in place to source another connection to help with the flow of water, this should be in the local plans so there are no surprises when development starts. Councillor Nawaz responded he begs to differ as he could name two places in Whittlesey East where during the recent rains not only has the surface water failed to drain but sewage has bubbled up through the manholes, he agrees this may be a rare occurrence, but it is not pleasant for the residents. He asked who do the residents report to in this instance? Grant Tuffs responded that will be because the system has overflowed with rainwater, not because it is an inadequate system, but if there is sewage coming out of the system then yes customers should call AW as there could be a blockage or collapse that need addressing. However, surface water run-off could be caused by a disconnected roof gully, and this would be down to inspections not being undertaken on new builds.
- Councillor Gowler stated that he thinks a role is missing here for the internal drainage boards as every area has certain drainage boards responsible for drainage of surface water and AW should be responsible for the out flow. Councillor Davis agreed saying if ditches need clearing this could solve the problem. Councillor Gowler added local drainage boards are also consultees on planning applications, so he thinks this should be investigated.
- Councillor Nawaz stated he would like to illicit the exact role AW has, as it is said this is a rare occurrence and the explanation is logical regarding the accumulation of rainwater but is it AW's responsibility to clear the network of blockages? Grant Tuffs responded yes, but it is rare that connections are made without AW's consent. Also, if a blockage occurs within their system then it is AW's responsibility to investigate and fix it. Some of their sewers do have holes and there is a renewal programme in place but if there is a storm this does overwhelm the system; flooding is a complex matter which involves dozens of agencies, there are 36 agencies with responsibility for flooding in Norfolk alone.
- Councillor Nawaz asked how much spare capacity does the network have, how would it be known it has been reached and if it has, what would AW's options be? Natasha Kenny responded the Environment Agency issues permits which specify how much flow can pass through the network and AW must remain compliant with the flow capacity specified within the permit. Flow data is sent to the Environmental Agency yearly and if there is risk of a breach AW can apply for a higher flow limit permit. AW assess capacity in two ways. Firstly, when there is a new development, AW considers if there is the capacity to take the volume and can it be treated. Secondly how much biological load does that growth put onto the

recycling water system. They then determine whether the volume and load in both areas has the capacity needed, if not AW look to invest to increase capacity of works, the network or both to take the additional flow into the catchment area. She added commercial growth works in a different way from domestic growth and has a different process route but if the capacity is not big enough to cope with the load AW can refuse the intake but can offer that business a chance to contribute to enable the network and take their flow into that catchment area.

- Councillor Sennitt Clough stated she understood some sewage was leaked into the River Nene in Peterborough which went through to Whittlesey if that is the case what measures would AW take to protect the reservoir if that occurred again in the future? Natasha Kenny responded this will be in relation to storm overflows and to give some background, there are several storm discharges to rivers and water courses around the region. AW applies for a permit from the Environmental Agency to allow them to use these discharges, the discharge is tested regularly to ensure they stay within the conditions of the permit. Historically these overflow points stop homes from flooding during heavy rain and snow melts, when these discharges do happen AW report on their website, this does not cause harm to the receiving water course and the downstream reservoirs as the discharge is very diluted in nature. Councillor Sennitt Clough thanked Natasha Kenny for the detailed explanation.
- Councillor Woollard stated, focusing on March some 2000 plus houses are in the pipeline to be developed with 1700 in the west of the town, considering the number of complaints of flooding and raw sewage does AW think they can cope with such an increase of demand? Grant Tuffs responded AW would be fully aware of the developments coming up and would look to upgrade any works that needs addressing to accommodate the build. The good thing about new builds are they tend to be more water efficient with duel flush systems etc and water meters fitted in every house, this means not as much water is needed or entering the network, if accommodation could not be met then AW would look at alternative solutions to connect the flow to another recycling source elsewhere, but this would not be left to the last minute.
- Councillor Gowler stated that he is the local Councillor of Chatteris North and Manea and supports the reservoir which will be on the doorstep, but some of his constituents are concerned where the funding is coming from. Grant Tuffs responded the funding will be coming from shareholders and investors within AW not customers' bills. He stated that the next 5-year Business Plan from 2025-2030 will have nine billion pounds worth of investment across the region, with the bill payers paying this back over the life cycle of its assets and the reservoir is similar with two million of that nine billion being used for modelling, construction, surveys and mostly preparation work but it will be run by a consortium of private companies and not AW.
- Councillor Sennitt Clough commented it was her understanding that AW plan to raise bills to pay for the reservoir could there be some clarification on this as it has just been hinted that bills will be going up and do you have any figures to share? Grant Tuffs responded there are no numbers regarding the reservoir but there will be an investment plan put forward out of the nine-billion-pound, five-year investment plan this will be going up by 15-16% which is roughly £1.57 by 2030 this is the lowest proposed rise within the water companies. Councillor Sennitt Clough responded she hoped Fenland would be compensated for having this reservoir in the area. Grant Tuffs replied there is a community liaison group which AW representatives sit on and with a lot of local representation around the table which adds to the long-standing value of the project, this will be a great asset to AW and will create tourism, jobs, transport and add to the local economy as this will be a local leisure venue for local people to enjoy like Grafham Water.
- Councillor Gowler commented currently residents affected by the reservoir plans feel they are in limbo, and he asked for a definitive timescale on clarification of what is happening and what compensation these residents will receive from the compulsory purchase arrangements? Grant Tuffs replied he could not give an answer today but there is separate group set up to look after these residents and ensure the issues raised will be dealt with. Councillor Gowler stressed the importance of this timescale. Grant Tuffs agreed to

investigate this. Councillor Gowler stated AW are spending millions of pounds on the reservoir when residents in Manea are at risk of flooding, a few thousand pounds of investment in Manea would mitigate the issue. Grant Tuffs responded AW, along with other local authorities, are looking at the flooding issue within Manea. As a result of this cameras have been used in the sewers to make sure there are no blockages, the flooding issues are not necessarily the responsibility of AW, but they continue to work with other authorities to see what improvements can be taken and once the reservoir is built this will protect from and not cause flooding. He agreed local issues need to be addressed.

- Councillor Roy stated he would like to address the Friday Bridge pumping station, in 2020 it was mentioned there would be no investment to the pumping station, but many residents do comment on the low water pressure they experience daily. What investment is going to be made in Cambridgeshire and the Fenland area specifically? Grant Tuffs responded with regarding the Friday Bridge pumping station since 2020 AW has replaced 3000 meters of pipework with something more durable also there has been a pressure optimising project across the network to prevent bursts which has shown an improvement. Dividends have not been shared between the shareholders for the past few years as the money has been put back into the network. Expected investment into the local area is around ten million with three million being spent in March, three million across Doddington and Manea for upgrades for growth within the region plus several other projects across the region, the plans have been submitted and AW are confident they will get the funding. A list can be provided to show the detailed breakdown of the proposed Business Plan. Natasha Kenny commented there are schemes in place at Doddington recycling centres to bring a new phosphorus removal limit, and a new storm tank, this is already work in progress with the cost of three million pounds, by the end of 2024 there will also be upgrades to storm tanks in Manea and Chatteris and replacing some treatment sites plus some new monitors fitter to see the flow response. Councillor Roy thanked AW and requested a copy of the proposed Business Plan.
- Councillor Davis asked can AW give any idea of progress of the work in Doddington and the timetable as residents are seeing tankers coming in and going out with effluence because there is no capacity for this at Doddington. Natasha Kenny responded there is a new phosphorous removal scheme currently in place alongside that a new limit for that permit, the storm tanker has been expanded on site and the water flow has also been increased. What is being removed is sludge which is transported to the Kings Lynn plant to be treated and recycled. Councillor Davis commented despite all the work, Doddington and surrounding areas are still going to have these lorries going through the towns. Grant Tuffs stressed the lorries should be covered to cut down on the smell but if it is offensive then to contact AW.
- Councillor Gerstner asked what do you term as pollution? Natasha Kenny replied, pollution that causes harm to the receiving environment and in accordance to the environmental impact, this is categorised from one to four, four being worse case causing fish killing, sludge, chemical discharge or escaping water, She shared that AW have caused a category four in the past due to blocked pipes or failure in the network, some cases can be caused by agricultural run off or highways run off but there are many areas that can cause a category four. Councillor Gerstner asked who is responsible for dealing with the water pollution? Natasha Kenny responded it is AW as a responsible sewage undertaker that is the company's responsibility, but the Environmental Agency role is to take enforcement action against anyone who causes a pollution as it is their job to ensure the rivers and surrounding areas are protected against pollution.
- Councillor Gerstner stated AW pleaded guilty after allowing untreated sewage into the North Sea so what are AW doing to prevent further discharges into rivers and seas? Grant Tuffs responded this was an incident at Jaywick in Essex, the fine shocked everyone as there was no environmental damage the discharge was caused by a blockage in a u-bend that had not been checked. Natasha Kenny continued to drive down pollutions in the area, AW are installing twenty-two thousand monitors across the region which will give the company a better visibility to be more proactive rather than reactive. Currently AW is halfway through

this project programme which is given new science and analytical roles to the company and a better idea of what is going on in the catchment area. Alongside this there are campaigns to educate the public called ‘Keep it Clear’ this highlights area of concern around things flushed down the toilet, fats, food etc. for homes and businesses. Natasha Kenny added an environmental prevention plan is being put together with the help of data collected to educate and prevent another situation happening in the future.

- Councillor Gerstner stated the report highlighted three main reasons AW remained a two-star company; 33 sewerage pollution incidents per 10,000 km, AW caused 255 incidents in 2022. This included 11 serious incidents. More than half of all the serious pollution incidents nationally were from AW and Thames Water assets. AW was the worst-performing water company for self-reporting of all the pollution incidents. The Environment Agency revealed in its annual report on the environmental performance of nine water and sewerage companies today (July 12) that AW has been rated two stars. Is AW irrespective of its investment putting profit before pollution? Natasha Kenny responded AW is not in a place it would like to be regarding the environmental assessment, the plan is to improve and do a better job, the number of pollutions AW had last year is not where the company wants to be, there are new processes and improvements in place to better this area and AW have looked at other water companies to benchmark themselves to improve performance and best practice within the region. Grant Tuffs continued the figures are the figures and the company takes this on board but there is a lot more positives to take away and improve on.
- Councillor Nawaz stated it seems clear that AW has a problem with public image which generates from being proactive in the past to maybe inactive if not complacent, there needs to be assurance that AW have adequate measures in place and there is no recurrence of the issues raised by my colleagues and there is a role for public education in the services AW provide and problems that arise in the way it is utilised. In Whittlesey I have seen 1000 houses go up in two years, can AW’s infrastructure cope with another 1000 houses within the next two years? Natasha Kenny replied if there were an additional 1000 houses developed within Whittlesey the flow, load and volume assessment would be carried out and action would be taken accordingly. Grant Tuffs added AW would look at flows further out towards Peterborough if there was an issue but at this present time AW has not been made aware of a further 1000 houses being developed.
- Councillor Sennitt Clough referred to the system that could cause pollution how much is down to wear and tear within the system? She made the point that she had seen the ‘Save Every Drop’ campaign but not the ‘Keep it Clear’ campaign spoken of earlier, and she feels this need attention. Natasha Kenny responded that she is not the first person to say they have not seen the ‘Keep it Clear’ campaign and she will look into this, with the plan being to take education into schools with the hope this will have a better impact moving forward. Grant Tuffs commented the pollutions from wear and tear are monitored through AW’s assets, the ages of pipes are monitored to search for cracks so they can be repaired swiftly.
- Councillor Roy stated can AW assure the public that the water they are drinking is safe? Natasha Kenny replied drinking water is very heavily monitored and inspected to high standards AW has to comply to the high standard set by the Standards Agency and the Environmental Agency and the water is tested and monitored on a regular basis for PFA levels and there is a programme in place to understand where PFA is coming from and how it might harm the public as this is a recent discovery and AW is working with the Environment Agency to continue to deliver high quality water and assist with the ongoing research.
- Councillor Gowler commented he would like clarification on the categories spoken about earlier Natasha Kenny responded if a pollution arises there are four categories which are used to assess the situation, a category one is a major serious persistent and/or extensive impact or effect on the environment, people and/or property. a category two is significant impact or effect on the environment, people and/or property, a category three is minor or minimal impact or effect on the environment, people and/or property. A category four is substantiated incident with no impact.
- Councillor Davis thanked Natasha Kenny and Grant Tuffs for their time and attendance and

looked forward to receiving the report.

OSC24/23 TASK AND FINISH GROUP

David Wright, Policy and Communications Manager, presented the Task and Finish Group report on the review of the Council's Corporate Performance Indicators.

Peter Catchpole commented that the draft Business Plan is being presented to Cabinet on 18 February 2024 and the Council is looking at aligning the Business Plan with what can be achieved as a District Council and not being held hostage to other agencies, after the 18 February there will be a period of consultation to feed back before the Business Plan goes to Full Council at the end of February. Councillor Davis stated that two members of Overview and Scrutiny put their views across as part of the sub-committee. Peter Catchpole agreed stating it has been a lengthy time due to an election taking place and the panel changing but is pleased with where the specific priorities are, and the indicators line up much better.

Members AGREED

- **the sub-priorities and performance measures outlined in Appendix 2 and highlighted in purple so far as they relate to matters over which Fenland District Council have direct control and that they should be presented for consideration to Cabinet as part of the draft Business Plan for 2024/25 for which consultation will commence in January 2024; and**
- **the sub-priorities and performance measure recommendations outlined in Appendix 2 and highlighted in yellow and grey so far as they relate to matters over which the Council's partner organisations have direct control and that they should be presented for consideration by Cabinet with a view to periodic updates being included within future portfolio holder briefings when available.**

OSC25/23 UPDATE ON PREVIOUS ACTIONS.

Members noted the update on previous actions.

OSC26/23 FUTURE WORK PROGRAMME

Members considered and noted the future work programme.

Members made the following comments:

- Councillor Nawaz suggested topics on health and education as since he has had the opportunity to access information at the CPCA it appears that the health inequalities are quite different across the District, for example the average life expectancy. He feels it would be helpful if the panel could ask the Integrated Care Board to come prepared with a presentation and explanation for the huge difference across the districts so the committee could put some mitigation measures in place. Councillor Nawaz made the point that educational measures are worryingly low across Fenland compared to other Districts and he feels it would be beneficial for the panel to invite the right people to a meeting who are responsible for education in Fenland to explore the issues and reasons. Councillor Davis agreed.
- Councillor Sennitt Clough agreed with Councillor Nawaz's proposal but stressed there would need to be some discussion around who to invite.
- Councillor Davis stated she would work with Amy Brown to see how this can be incorporated into the programme and who to invite.
- Councillor Roy added that he feels the Fenland area is always underfunded when it comes to education and aspiration needs to be raised for the Fenland children.
- Councillor Gowler agreed but stated the panel should be aware that this is the County Councils responsibility but that should not stop the panel challenging some decisions made.

Members AGREED to the inclusion of Health and Education topics to the work programme.

4.15 pm Chairman