

Overview and Scrutiny Panel Report

| REVIEW TITLE | O&S PANEL | DATE |
|--------------|-----------------------------|----------|
| Thames Water | Environment and Communities | May 2024 |

Our residents and borough services expect that local waterways and lakes are clean and safe to use. Sewage discharges are the major factor affecting water quality.

According to the latest published data from 2022 the Bracknell sewage treatment works however spilled 42 times, for a total of 463.5 hours. Similar spillage is expected to have occurred in 2023, and the growing number of named storms leads to increased load on the already highly utilised sewer infrastructure. As an example, the recent storm Henk triggered discharges for more than 24 hours both into the Cut and the river Blackwater, clearly demonstrating a significant lack of capacity.



Climate change is expected to lead to further increase of strong rainfalls with the continuous growth of Bracknell Forest leading to growing demand on an already overloaded system, and to further deteriorating quality of our natural environment.

We owe our residents to push for improving this clearly unacceptable situation, recognising there are no simple answers to the complex regulatory and ownership situation surrounding utilities. This panel has evaluated evidence to derive recommendations aimed at making Bracknell Forest a better place to live.

Councillor Christoph Eberle,
Chair: Environment and Communities Overview and Scrutiny Panel

Recommendations



- 1. Pursue the creation of a cross Berkshire water and sewage partnership.**
This partnership should consolidate the interactions between relevant stakeholders, including Thames Water, improving communication and in turn leading to better outcomes for the affected communities with regard to operation of the water sewage system and transparent communication with residents. This should be initiated through a report to the Berkshire Leaders Group or through the Berkshire Prosperity Board. (Review in six months)
- 2. To update the Council's website to signpost residents to reporting water quality issues, and to access open-source water quality data.**
Provide links to reporting functions to Thames Water and the Environment Agency and bring together open-source data relating to water quality, so that residents can find this information in one location. (Review in six months)

3. To review planning procedures ensuring capacity of sewage treatment works is considered.

To investigate West Oxfordshire's approach to working with Thames Water, reviewing local planning procedures to manage impact of new developments on existing capacity. (Review in three months)

4. That the Executive should lobby the Prime Minister, Secretary of State for Environment, Food, and Rural Affairs and Ofwat to review and strengthen the criteria for the Storm Overflows Discharge Reduction Plan (2023). They should urge the adoption of a criterion that aims for the complete elimination of untreated sewage discharge, with reference to this scrutiny review.

While such a review is considered the Executive requests a fully costed and timed program from Thames Water to achieve DEFRA's 2050 target to discharge above an average of 10 rainfall events per year for sewage works in Bracknell Forest. (Review in six months)

Background information and key findings

On August 16th 2023 the Environment and Communities Panel of the Overview & Scrutiny Commission discussed the recommendation agreed at Council on 12 July 2023. It was agreed to undertake a scrutiny review on Thames Water with a revised scope compared to the full text of the Council motion. The objectives of this panel were to address the following key questions:

- Which options are available to Bracknell Forest Council (BFC) to effect changes resulting in reduced frequency and impact of Thames Water operational sewage discharges?
- What collaboration opportunities with other affected local authorities exist?

While evaluating the scope of the review, it became clear that there are many interfaces between stakeholders. Therefore, a staged workplan was adopted for the review. This first stage of the review was intended to:

- Identify the interfaces between BFC, the Parish Councils, and residents with Thames Water and other agencies
- Reach out and identify local and regional stakeholders to start/ engage with any cross-borough forum(s) for coordination with Thames Water
- Establish an overview over the regulatory framework in which BFC and other stakeholders operate regarding Thames Water

The second stage of the review has gathered evidence to support the development of recommendations.

The third stage of the review has not been started due to time constraints. It is intended to:

- Develop recommendations for a continual cross borough framework dealing with Thames Water to minimise sewage discharges
- Develop recommendations linked to sewage management for BFC to ensure information available from Thames Water is considered in management of public spaces as well as planning, including the development of local plans or local neighbourhood plans
- Consider the impact of climate change on the waste water system and identify requirements to ensure resilience

The panel found that:

1. The water industry is regulated by the Environment Agency (EA) which is an Executive Agency of the Department for Environment Food and Rural Affairs (DEFRA). Service providers such as Thames Water (TW) are regulated through environmental permits.
2. The water sector is further subject to economic regulation by the Water Services Regulation Authority (Ofwat) who ensure that water companies properly carry out their statutory functions and are in the financial situation to do so.
3. The only tentative regulatory link between the water industry and Bracknell Forest Council is through local plans, where Thames Water are consultees.
4. Thames Water and the Environment Agency further engage with charities such as Thames 21 through a partnership programme.
5. While there is a fair amount of information in the public domain it is disparate and unconsolidated.
6. Thames Water is undertaking significant and fully funded improvements of sewage treatment works (STW) in the BFC area. These are expected to reduce discharge events to an average of 24 discharges per overflow per year, in line with Thames Water's 2025 commitment. Zero discharges remain a government target with no specific allocated timescale or funding.
7. The volume of discharge per event and the released contaminants per event are not specifically recorded.
8. While this panel has not been tasked to investigate local sewage spillage, the situation in January 2024 has been very problematic, with overflowing sewage pipes and discharge/spillage events in multiple areas of our Borough.
9. None of the six river water bodies in the BFC area has reached good ecological status.
10. BFC has currently no statutory duty to monitor water quality, however this is a key concern to our residents.

Good Practice



The panel acknowledges that Thames Water operates within its regulatory framework, and that regulators such as the Environment Agency maintain regulatory oversight according to their brief. The frequent pollution stems from regulatory inadequacies, not their enforcement. To prompt regulatory change, the panel suggests increased transparency and a consistent recording of discharge events.

Review findings



The review found no evidence for oversight roles and/or control BFC has with regard to water quality and sewage issues. In consequence there are no direct ways for BFC to improve the local situation for our residents. Only a change of the regulatory framework and a tightening of corresponding legislation and, in consequence, licensing conditions for Thames Water will lead to removal of the threat of sewage pollution to our waterways.

The Panel's five recommendations aim to put Bracknell Forest Council into a position where it can collect and escalate concerns regarding water and sewage management to Ofwat, the Environment Agency, Thames Water, and other stakeholders as an entity. To achieve a reduction in the frequency and impact of Thames Water's operational sewage discharges, it is the panel's view that this can be best accomplished through a collaborative process with other stakeholders, within the current regulatory framework.

Over the course of the last year the panel has interviewed witnesses on 22 November 2023 and 13 December 2023. Minutes of the public meetings have been published and are available under the links presented below:

Minutes November 22nd 2023: [Minutes details on public web site](#)
Minutes December 13th 2023: [Minutes details on public web site](#)
[Minutes April 30th 2024](#) [Agenda for Environment and Communities Overview and Scrutiny Panel on Tuesday, 30 April 2024, 7.30 pm | Bracknell Forest Council \(bracknell-forest.gov.uk\)](#)

The following sections contain key findings of the stakeholder interviews.



Thames 21 is a charity established two decades ago, emphasising ecosystem restoration through a collaborative approach.

With partners they have pioneered the development and delivery of nature-based solutions to improve the quality of water which included constructed wetlands. It was explained that these could be described as large sustainable drainage systems in public spaces, capable of treating pollution from the drainage area including sewage and road run off pollution. Communities are involved and have an input in these which provided a community hub in addition to improvement of the green spaces.

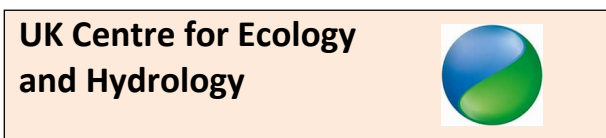
The development of a road runoff solution pollution tool was noted by the Panel. This tool is currently covering London but will be expanding to the Bracknell Forest Council area. This tool identified pollution pathways into the river and guides and prioritises where and how nature-based solutions can be used to tackle road runoff pollution.

Catchment planning was noted as an important way of working, specifically developing collaborative action across communities, authorities and non-government organisations (NGO's) to drive implementation.

The catchment partnership had set up a working group for the Bracknell Town area, which included the involvement of some Bracknell Town Councillors, Borough Rangers and local community groups. This has led to local projects in the area that included the outfall safari in 2022 and work on a successful bid for community action for the Cut, which focused on volunteer led days to restore a section of the watercourse that runs through Garth Meadows.



Thames 21 should be brought into a cross-borough water and sewage partnership (recommendation 1) and provide information to Bracknell Forest Council (recommendation 2). Tools developed by Thames 21 should be incorporated into the water quality aggregation tool (recommendation 2)



Between 2013-2016 the UK Centre for Ecology and Hydrology was involved in a Research Council funded project which monitored river flow and water quality of the Cut in Bracknell, this data was made public. They set up models that simulated the hydrology of river flows and water quality which would be capable of looking at the impacts of different management interventions. It was confirmed that the main focus of the UK Centre for Ecology and Hydrology was at a national level and they would be applying for European coordinated funding programmes with a focus on green infrastructure which was relevant for Bracknell Forest. There was also confirmation that as an

organisation the UK Centre for Ecology and Hydrology would be working with Thames Water to enhance understanding of pollution issues.

UK Centre for Ecology and Hydrology should be brought into the cross-borough water and sewage partnership (recommendation 1) and provide information to Bracknell Forest Council (recommendation 2).

Update from a previous visit to Bracknell Sewage treatment works

In response to [sewage spills at Thames Water Sewage works in May 2023](#), a group of Councillors visited the site, finding it fully automated with minimal staff. Regular water samples were taken to ensure the organic filtration process was working to a satisfactory level. This filtration system could be affected by chemicals. Stormwater was managed in holding tanks and slowly released into the system when the flow was reduced. It was noted that there was one tank out of action which would need investment to be operational again.

During the visit the Thames Water representative confirmed that the sewage works could handle a population of 250,000. It was however pointed out that issues were arising from heavy rains and surface water that entered the system which resulted in discharges into the water course and environmental damage.



Data from the Sewage Treatment Works should be incorporated into the water quality aggregation tool (recommendation 2)

Thames Water



In the witness session, Thames Water provided a visual map of the Sewage Treatment Works (STW) in Bracknell Forest with sizes of each and established the principles of sewage treatment work operation. For sewage intake in excess of 70 litres per second, storage tanks are utilised. When the capacity of those is exceeded mechanically but not biologically treated sewage is released into the water courses, in compliance with the operational rules. It became apparent that discharge of partially treated sewage is not an accident but part of the normal operation of the sewage plants.

The surface outfall water programme was discussed. This addressed the issue of foul water entering the surface water system. The outfall safaris identified polluted outfalls in partnership with community groups. Thames Water's Environmental Protection Team would then undertake strategic long-term tracing upstream from each outfall to identify the pollution source. Property owners would then be asked to rectify the issue or in some cases enforcement from local authorities would be necessary.

A reporting tool emphasised the importance of timely problem reporting, was highlighted to the panel. The interactive storm discharge map, which identified when untreated sewage had been discharged from a sewage treatment work, was shown and it was explained that this highlighted to customers the unacceptable nature of releasing untreated sewage. Investment taking place at each of the sewage treatment works was presented with works due for completion across the sites ranging from 2024 at Ascot, 2025 at Sandhurst and 2026 at Aldershot, Camberley and Bracknell.

Further improvements to Sandhurst would be scheduled for the next asset planning period of 2025-2030.

Thames Water confirmed that the improvements presented fall under the current business plan and are therefore not affected by the current financial troubles. It was acknowledged they could be delayed. Beyond the current business plan was the draft plan for the next five years, 2025-2030, that was with the regulators who would respond and then a final plan would be produced.

In further discussion with Thames Water it became apparent that the improvements are intended to reduce the sewage release events in number but are not capable of reducing them to zero, or close to zero. While Thames Water acknowledged the aim to ultimately achieve zero releases it remained unclear how this is to be attained as providing more storage is apparently not the answer due to operational constraints.

The witness session also confirmed that Thames Water have very limited control about who connects to their sewage system as there is a “right to connect”.



Thames Water should be brought into a cross -borough water and sewage partnership (recommendation 1) and provide information to Bracknell Forest Council (recommendation 2). BFC should seek exchange of information on local planning with Thames Water to ensure adequacy of waste water provisions in the context of local plans (recommendation 3). Tools developed by Thames Water should be incorporated into the water quality aggregation tool (recommendation 2). It was found that even a best-case scenario would still lead to discharge of untreated sewage under the DEFRA Storm Overflows Discharge Reduction Plan (2023), the Executive should attempt to change this (recommendation 4)

Environment Agency



The [Environment Agency](#)'s Area Environment Manager discussed their role in protecting the environment and regulating Thames Water.

The role of protecting and improving the environment was shaped by key plans which included the Government's integrated plan for clean and plentiful water, published in 2023, and the Thames and river basin management plan. Both set out the current status of the water environment and priority actions going forward.

Ecological health of rivers was currently not good enough to reach the Government's 25-year plan target of 75% of water bodies reaching good ecological status. Pressures were diverse and complex and integrated action, with catchment-based partnerships, would be key for all relevant organisations.

None of the six river water bodies in the Bracknell Forest area had reached good ecological status. Key pressures were continuous and intermittent water pollution, physical habitat modification and urbanisation. Regulation of water and sewage companies focussed on ensuring water companies delivered the environmental responsibilities and covered three primary areas:

- Assessment and reporting of water companies' environmental performance. This covered key aspects resulting in a one (poor) to four (leading company) star rating. Thames Water received two stars on the 2022 assessment which indicated they required significant improvement on environmental performance. Concerns were the number of pollution incidents and delay to environmental improvement schemes.
- Provides guidance on assessment of plans to protect and improve the environment. This included advice to Government on a range of water companies' plans.

- Determination of environmental permits and associated compliance of enforcement.

The Thames Water plan for the period 2025-2030 was recently submitted to OFWAT and set out plans to improve the environment which were critical to deliver key environmental improvements by 2030. Plans also included implementation of the storm overflow discharge reduction plan. These plans were being reviewed by the Environment Agency to assess if relevant environmental obligations were included and would be concluded by December 2024.

A range of enforcement activity was undertaken against Thames Water including successful prosecution of seventeen Thames Water sites with fines totalling more than 37 million pounds. Live investigations were ongoing at a local and national level including criminal investigation into potential breaches of environmental permit conditions at over two thousand sewage treatment works by all water companies. This indicates serious and widespread non-compliance of permit conditions.

There was ongoing investigation of storm overflow discharges. Event duration monitoring would be required by all storm overflows by the end of December 2024. The ecological status of rivers in the Bracknell Forest area is not acceptable. Issues are complex with no simple or quick solutions. Considerable planning and investigation would be required to resolve the issues. Ecological challenges in Bracknell Forest demand a comprehensive, integrated approach.



The Environment Agency should be brought into a cross-borough water and sewage partnership (recommendation 1) and provide information to Bracknell Forest Council (recommendation 2). Tools developed by the Environment Agency should be incorporated into the water quality aggregation tool (recommendation 2). It was found that even a best-case scenario would still lead to discharge of untreated sewage under the DEFRA Storm Overflows Discharge Reduction Plan (2023), the Executive should attempt to change this (recommendation 4)

Royal Berkshire Fire and Rescue



[Royal Berkshire Fire and Rescue](#) reported to the panel that water rescue training could no longer take place in rivers or County Locks due to the contamination and sickness caused by being in this water. They are now forced to rent out clean water sites such as Lee Valley or Cardiff to undertake training. This affects all stations across Berkshire.

If they have attended incidents involving open water sources equipment cleanliness and hygiene was an issue. All equipment would need to be thoroughly cleaned and decontaminated resulting in that appliance being out of action until completed. This would therefore block availability for any other call outs until cleaning was completed.



Royal Berkshire Fire and Rescue will benefit from up-to-date information on water quality resulting from the implementation of recommendation 2.

Summary

The panel highlights inefficiencies in the water industry's regulation, emphasising the lack of local council powers to hold it accountable. Inadequate communication between Thames Water and local councils, including Bracknell Forest (BFC), leads to delayed responses to residents' issues. The panel suggests local coordination and initiative to enhance data collection and analysis, improving communication with the water industry and regulator. They recommend a review of local plans to limit sewage treatment works' load and advocate for strict enforcement to identify and address uncontrolled pollution. The panel finds the discharge of untreated sewage into waterways unacceptable and urges a review of DEFRA's Storm Overflows Discharge Reduction Plan, demanding tightened criteria. Additionally, they call for a fully costed programme from Thames Water to meet DEFRA's 2050 target for sewage works in Bracknell Forest.

Financial considerations

There are minor financial implications arising from some of the recommendations contained in Annex A due to the need for officers within the Council to make changes to planning legislation and the setup of a page on the Council website to signpost residents to reporting water quality issues, but these are achievable within the current budget.

Review Panel

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| Councillor Brown | Councillor Haffegée |
| Councillor Cochrane | Councillor Hayes |
| Councillor C. Eberle (Chair) | Councillor McKenzie-Boyle |
| Councillor Ejaz | Councillor O'Regan |
| Councillor M. Forster (Vice chair) | Councillor Watts |
| Councillor Welch (Substitute) | |

Contributors to the review

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