

Clerk: Governance Support  
Telephone: 01803 207013  
E-mail address: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)  
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Governance Support  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

## **OVERVIEW AND SCRUTINY BOARD - THURSDAY, 5 OCTOBER 2023**

I am now able to enclose, for consideration at the Thursday, 5 October 2023 meeting of the Overview and Scrutiny Board, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
5.	<b>South West Water Spotlight Review</b> Update to responses to recommendations	(Pages 3 - 10)

Yours sincerely

Governance Support  
Clerk

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## **Update on the recommendations of the Overview and Scrutiny Board – Spotlight Review of South West Water**

### **Recommendation 1:**

That all bodies and agencies including but not limited to Torbay Council, Tor Bay Harbour Authority, and South West Water be aware of the importance and interrelated nature of water systems in Torbay. They are vital to supporting delivery of the Community and Corporate Plan and the Torbay Story vision of the premier marine and natural experience; whilst meeting the needs of existing and future populations and enabling urban regeneration to take place in a safe and sustainable way.

### **Response/Update:**

Tor Bay Harbour Authority fully understand the importance of the water systems within our bay and have open lines of communication with South West Water so as to ensure that the correct notices are placed when Storm Water Overflows are activated and the bathing water quality is deemed to be reduced. This has been happening and will continue to happen moving forward. Tor Bay Harbour are keen to ensure the correct information is published by way of what is an overflow notice in comparison to raw sewage. Tor Bay Harbour authority monitor our three harbours for fuel pollution as endorsed by the Maritime and Coastguard Agency within our Oil Spill Contingency Plan. In relation to sewage we monitor the bay and report as necessary to SWW and or the Environment Agency.

## **Recommendation 2:**

That South West Water (SWW) be requested to liaise with the Director of Corporate Services and the Director of Pride in Place - Torbay Council and its partner bodies across the spectrum of water related issues including:

- to promote campaigns to raise awareness about the need to save water, protect the environment and ecology (e.g. not putting fat down the drain or flushing sanitary products or wet wipes; avoiding storm water connections to the combined sewer network);
- to ensure sufficient monitoring and reporting of sea water quality across Tor Bay and that this information is also shared with the public;
- to understand and plan for the infrastructure needed to accommodate growth, regeneration, climate change and permitted development rights developments in Torbay; and
- to support and encourage the use of Sustainable Drainage Systems and water sensitive urban design across the built environment;

## **Response/Update:**

The Engagement and Communications Team have made contact with South West Water and they will inform them when they are running campaigns that are informative to Torbay residents. This will be done by including articles in the Council's One Torbay e-Newsletter (which currently has over 11,500 subscribers) and sharing South West Waters social media posts via the corporate social media channels. The Team have already support SWW with the promotion of their recent engagement event that took place in Torquay.

Tor Bay Harbour Authority work with the Environment Agency for our Water quality tests for Bathing Waters and will continue to do so and the water quality is made public for each designated bathing beach.

**Recommendation 3:**

That the Director of Pride in Place be recommended to prepare guidance to amalgamate existing policy relating to flooding and drainage as a guide for officers, Members, developers, householders etc. and that this to be made a Supplementary Planning Document (SPD) after a draft has been prepared by January 2024.

**Response/Update:**

Tor Bay Harbour Authority for and on behalf of the Director of Pride in Place will liaise with both SWW and the EA in relation to coastal flood defence and work with colleagues in Planning and Environment to collate one document.

New legislation and guidance expected on the revised roles of local authorities as the Lead Local Flood Authority has still not been issued. That information, in addition to clear local specific drainage and flooding advice will be developed into a supplementary planning document following the completion of the Strategic Flood Risk Assessment currently being undertaken.

**Recommendation 4:**

That all Councillors and relevant Council officers be encouraged to attend the Planning Modular Session – Draining and Flooding Issues scheduled for 17 January 2024 to raise awareness of the issues and ensure appropriate considerations are given through the Planning process and development of future policies.

**Response/Update:**

Complete with relevant Planning Officers also attending the session.

**Recommendation 5:**

That the Overview and Scrutiny Board monitor the implementation of the proposals 1 to 4 above in 2024 and invite the Environment Agency to contribute to the discussions.

**Response/Update:**

Topic included on provisional items for Overview and Scrutiny Board 2024/2025 Work Programme (date to be agreed once attendance confirmed).

**Recommendation 6:**

That all Councillors be encouraged to report any local issues with SWW to provide key local data.

**Response/Update:**

Complete - The minutes of the Overview and Scrutiny Board held on 5 October 2023 are emailed to all Councillors. An email was sent to Councillors on 6 February 2024 with a link to the [Report a problem | South West Water](#) webpage.

**Recommendation 7:**

That the Director of Pride in Place be requested to consider publicity and QR codes signposting the public to the beaches webpages and the South West Water Waterfit and the Environment Agency Swimfo sites.

**Response/Update:**

The Council recognises the potential benefits for our residents and visitors of this information. Tor Bay Harbour Authority is working towards replacing all signs bay wide to have the relevant links to the QR codes stated above for water quality but also for Sea Safety. It is likely that this will need to be brought forward over the medium term with significant maritime and coastal schemes at Brixham Harbour and Paignton & Preston sea defence schemes planned for later 2024.

**Recommendation 8:**

That the Director of Adults and Community Services be requested to keep the Overview and Scrutiny Board informed of the outcome of the investigations into Brokenbury Quarry.

**Response/Update:**

Officers are monitoring this issue and will update when information is available.

## Recommendation 9:

That the Democratic Services Team Leader be requested to write to the Environment Agency and SWW on behalf of the Board to request a written response to the outstanding questions raised at the meeting.

## Response/Update:

Complete responses set out below:

### **1. Currently water quality testing was only carried out between May and September, what consideration had been given to carrying out water quality testing all year round and could this be revisited in light of Torbay Council's ambition to be a premier tourism destination**

The Environment Agency is required to follow the monitoring requirements set out in the Bathing Water Regulations (2013). These specify a fixed bathing water season between 15th May and 30th September. Monitoring is required to take place within these dates except for the first sample of the season which is required to be taken shortly before the start of the season. Going beyond the statutory monitoring requirements for a fixed season set out in the Regulations is not within the Environment Agency's remit and would require changing policy and/or legislation which are the responsibility of Defra.

### **2. To explain why Livermead beach does not show on the map as a designated bathing beach, which was popular for people swimming with dogs, jet skis and other water sport users**

Livermead does not show up on Swimfo as it not a designated bathing water under the bathing water regulation. If the Council wish to apply for its designation this can done. Guidance on this can be found here: [Designate a bathing water: guidance on how to apply - GOV.UK \(www.gov.uk\)](#) This would need a Byelaw change as it is within the Byelaws that the bathing area is designated as a water ski lane.



**3. What assurance could be given that the testing and standards for water quality had not been subject to negotiations with water companies and that there was an improving direction rather than concessions being made**

This question is currently on hold, and in order for us to help you further, please can you provide more detail about what you are wanting information about?

**4. What assurance could be given to the loophole that regulators could discount 1 out of 7 water quality samples when there was an atypical event and what was classed as such event**

Only 61 out of 150 bathing water in Devon and Cornwall are submitted to Pollution Risk Forecasting. Most bathing waters consistently have very high water quality nearly all of the time.

However, at some bathing waters there are natural variations in quality that are predictable. At these sites we actively let bathers know of days when water quality may be temporarily reduced compared to normal conditions. This is due to factors such as the weather and tides which influence the levels of bacteria washed off the land into the sea and their dispersion. This is short term pollution (STP) and is defined as pollution that has identifiable causes and is expected to affect the quality of a bathing water for less than 72 hours. We use Pollution Risk Forecasting (PRF) to let people know when this is likely to happen.

To make these forecasts we use measurable factors that we know influence bathing water quality including rain, tide, wind, sunlight and seasonality. We match these factors to historic sample results to individually assess the risk factors unique to each bathing water. PRF doesn't currently directly take account of information from storm overflows operated by water companies. However, since these operate during heavy rainfall, warnings often coincide with discharges. When a temporary reduction in water quality is forecast, we issue a daily pollution risk warning and advice against bathing. This enables bathers to avoid times or locations where the risk of pollution is higher than normal and health risks from bathing may be higher than the annual classification suggests.

Where a local authority has signed up to receive and act on pollution risk warnings this activates the STP signage requirements of the Bathing Water Regulations. This means samples taken during STP events are eligible to be disregarded from the compliance assessment. The requirements include additional information on the bathing water fixed sign and a reactive daily warning sign whenever a warning is issued. Defra is responsible for bathing water signage requirements and they provide guidance. Both types of signs must be located in a clearly visible location in the near vicinity of the bathing water. PRFs and warnings can be sent automatically to suitable electronic signs via text messages, which are used at a number of bathing waters.

Each day from 1 May to 30 September we make a forecast of average water quality for each bathing water included in the system and issue advice against bathing if appropriate. The Bathing Water Regulations specify that compliance samples taken during short

term pollution may be excluded (disregarded) from the annual classification, provided the relevant STP procedures are in place. The Environment Agency considers several factors in deciding whether to disregard a sample. The total number of samples disregarded must not exceed 15% in any one assessment. We will only disregard samples that improve the classification percentile assessment for one, or both of the bacterial indicators specified in the Regulations and will consider each sample on a case-by-case basis.

Torbay Council have a very active beach controller who works closely with the Environment Agency to ensure the council upload their bathing water regulation obligation.