TORBAY COUNCIL

Clerk: Governance Support Governance Support

Telephone: 01803 207013 Town Hall
E-mail address: governance.support@torbay.gov.uk
Date: Tuesday, 25 November 2025 Torquay

TQ1 3DR

Dear Member

OVERVIEW AND SCRUTINY BOARD - WEDNESDAY, 29 OCTOBER 2025

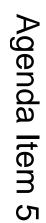
I am now able to enclose, for consideration at the Wednesday, 29 October 2025 meeting of the Overview and Scrutiny Board, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
5.	Spotlight Review on Water and Flooding Environment Agency updated presentation and Report on Spotlight Review on Water and Flooding	(Pages 3 - 34)

Yours sincerely

Governance Support Clerk







Clarissa Newell
Regulatory Manager (Water)

^ω Devon, Cornwall & Isles of Scilly



Responsibilities

Within England we're responsible for:

- •regulating major industry and waste
- treatment of contaminated land
- water quality and resources
- •fisheries
- •inland river, estuary and harbour navigations
- conservation and ecology

ບ We are also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

Priorities

Our priorities are to:

- •work with businesses and other organisations to manage the use of resources
- •increase the resilience of people, property and businesses to the risks of flooding and coastal erosion
- protect and improving water, land and biodiversity
- •improve the way we work as a regulator to protect people and the environment and support sustainable growth

Read more about Environment Agency: EA2025 creating a better place





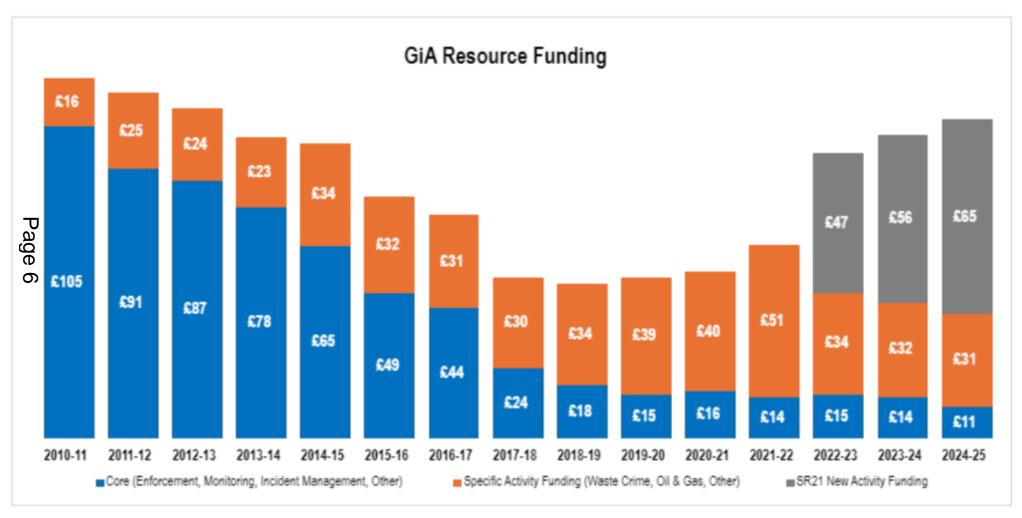




Our duties

Under section 2 of WIA91 as amended, we must carry out most of our work as an economic regulator in the way we consider will best:

- •further the consumer objective to protect the interests of consumers, wherever appropriate by promoting effective competition
- •secure that water companies (meaning water and sewerage undertakers) properly carry out their statutory functions
- •secure that water companies can (in particular through securing reasonable returns on their capital) finance the proper carrying out of their statutory functions
- •secure that water supply licensees and sewerage licensees properly carry out their licensed activities and statutory functions
- •further the resilience objective to secure the long-term resilience of water companies' water supply and wastewater systems; and to secure that they take steps to enable them, in the long term, to meet the need for water supplies and wastewater services



Additional funding from SR21 (£65m)

- · Project Speed
- · Contaminated Land
- Air Quality
- · Water Quality
- Navigation
- Environmental Monittoring
- Nature For Climate & Biodiversity
- · Water Transformation
- Future Farming
- · Chemical Regulation
- Waste Reform
- Marine

Examples of specific activity funding (£31m)

- · Air Quality Monitoring
- Abstraction Reform
- Environment Bill
- · Waste Crime

Examples of non specific funding (£12m)

- Enforcement
- Monitoring
- IT & Data
- Whole Life Costs

Assessing Compliance



In Devon and Cornwall and Isles of Scilly, for 2025/2026 the Water Industry teams will deliver

- Over 800 inspections to South West Water Assets (10,000 nationally)
- measures to address concerns about flow and storm overflows
- increased enforcement action for pollution incidents.

The Water (Special Measures) Bill will:

- speed up our enforcement response
- us to focus our prosecution activities
- Strengthen penalties for obstruction offences
- enable the courts to include imprisonment
- give water companies a duty to publish data within an hour of a discharge for all emergency overflows in England.
- new statutory requirements for water companies to publish annual Pollution Incident Reduction Plans

Reporting to the Public



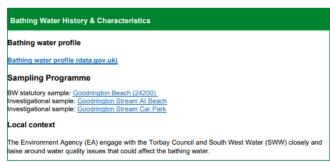
- The Environment Agency's online tool <u>Swimfo</u> provides information on all our designated bathing waters
- The Environment Agency works with local authorities to enable decisions on posting signs at these swimming locations to inform bathers about any possible dips in water quality.
- The Environment Agency does not warn and inform the public when **permitted** spills are happening. However, the local water company, SWW, does.
- You can find out more at: <u>Event duration monitoring lifting</u> the lid on storm overflows - Creating a better place (blog.gov.uk)

What action is being taken?

Action Plan: Goodrington (Deterioration)







Bathing water profile

- Bathing waters are having ongoing investigations if at sufficient or good.
- Goodrington- bathing water impacted by diffuse urban pollution, misconnections, dog faeces.
- Agriculture not thought to be of major impact
- Rapid bacteria sampling undertaken
- Ragging infrastructure to prevent blocking (WINEP)
- SWW has done investigations
- No connectivity to nearby holiday park
- EA monitoring
- <u>Event Duration Monitoring</u>: Event Duration Monitoring (EDM) data provides a robust and consistent way of monitoring how often and for how long storm overflows are used. This monitoring underpins our planning, compliance and enforcement work.

The most recent classification is **Good**, based on samples taken from 2021 through to 2024.



Are all the spills illegal?



- •Event Duration Monitors increase transparency by measuring how, when and for how long a storm overflow is in operation.
- •100% of storm overflows across the water network in England have now been fitted with Event Duration Monitors (EDMs).
- •This shows the public when discharges are happening, and helps the government and regulators to better hold water companies to account for illegal sewage spills and improve knowledge of overflow operation to identify where improvements can be made.
- •Storm overflows are an automatic safety valve that release excess pressure on the network from flooding and rain preventing sewage backing up into properties and stopping widespread mains pipe bursts across the country.
- •They should, however, only be used under strict permit conditions.

Dry day spills- are they compliant with their permit?

- Dry day spill data is collected centrally and made available to the local area team.
- A dry day spill is when a storm overflow is used on a 'dry day' defined as no rainfall above 0.25mm on that day and the preceding 24 hours.
- South West Water do have many sites that cause dry day spills.
- There can be legitimate reasons for a longer drain down time for instance rainfall catchment size and tidal influences
- SWW must submit evidence to do with surface water inflows and a suitable action plan demonstrating root cause of the issue and outlining how they intend to resolve it.
- SWW need to submit these plans to us next year.



What is the Environment Agency doing about dry day spills?

- We need to gather the data from the water company monitors and assess thousands of lines of data.
- Further investigation is always required on 'dry day spills'. We need to have a certain level of evidence to take enforcement action
- Includes site inspection and a requirement for the company to provide detailed evidence on the spill in question
- SSW have reported **2,323 dry day** spills between 1st January and 30th June 2025
- It is not possible for the Environment Agency to investigate each one.
- We take a national approach and focus on those assets which spill very frequently or have the potential to impact on sensitive sites such as bathing or shellfish waters.

Storm Overflow Reduction Plan by Constituency including 2023-4 spill data.xlsx



Enforcement

We have 24 offences coming to court this month with more to follow in 2026.

These investigations are for events that have caused environmental harm.

We act proportionately when we apply the law and take account of and balance the:

- risk posed to people and the environment
- seriousness of the breach of the law
- impact on the environment, people and legitimate business
- cost of taking enforcement action against the benefit of taking it
- impact on economic growth
- Like all public bodies, we operate with finite resources and we need to prioritise our work. That means we will focus our investigation on those sites that are the biggest risk to our environment.



Enforcement & Compliance

Devon dairy farm prosecuted for 'chronic and continuing' pollution

A dairy farm in north Devon has been prosecuted after it was found to have caused pollution in a nearby stream, with ammonia levels almost 100 times higher than healthy levels

by Conor McGlone



Press release

North Devon company fined for pollution that devastated fish population

The North Devon company that caused a pollution incident leading to a devastating fish kill on the River Mole near South Molton has been fined £2.000 and ordered to pay £9.836 in costs.

Smart Biosphere – Applications & Customers

Legal News

EA announces it

South West Water fails in attempt to get Nearly nine in Sewage dumping charges dropped



The River Torridge near Great Torrington. The report said that many dairy farms had increased their herds, but not their slurry storage. Photograph: John Insull/Alamy



South West Water has been fined a record amount of more than £2.1m after admitting causing pollution in Devon and Cornwall.

Misconnection campaign in Torrington



REGULATION: Water Resources



In Devon and Cornwall and Isles of Scilly, for 2025/2026 the Land & Water teams have a target to deliver

- 283 inspections of abstraction and impounding licences.
- This includes 32 inspections of water company licences.
- This will result in increased enforcement action for non-compliances.

Restoring Sustainable Abstraction (RSA) programme:

- DCIS have 12 sites in the RSA Programme which is a high priority for the area.
- These licences will have to become sustainable by variation or revocation by the end of 2026 to allow for appeals to be processed by the end of 2027. A compensation fund is available.
- Of the 12 licenses, 8 are for fish farms and the other 4 are for HEP generation.

What else does the Environment Agency do beyond regulation?



Monitor what is happening in our rivers and bathing waters. We carry out around 90,000 water quality sampling visits a year from 13,000 different locations and use the results to target polluters and monitor long terms trends in the water environment. In North Devon we have the Biosphere

Prevent our rivers from drying out: the EA licenses water abstraction and we work with all the main abstractors, water companies, farmers, energy producers and industry - to get it to a sustainable level.

partnership with monitoring provision.

Improve water habitats: we plant trees and plants that support wildlife, remove barriers to fish and eel passage, restock rivers with fish, remove invasive species, and restore rivers and streams to their natural state.

Work with farmers to secure better compliance with the rules and tackle inadequate farm infrastructure and poor soil and nutrient management.

What else is the Environment Agency doing??



- South Devon Catchment Co-ordinator Dave Shorten works with the South Devon Catchment Partnership hosted by Westcountry Rivers Trust and South Devon National Lanscape. The partnership links partners/ stakeholders together to develop and complete projects supporting improvements to the ecological status of the catchments waterbodies.
- Increased development, discussions with Local authority and SWW on asset improvement via the Water Industry National Environment Programme (WINEP)
- Liaising with forums: The Torbay climate partnership the EA fed into the Greener Way For Our Bay Framework and Action Plan
- Flood pipeline project- active partner
- Seagrass and ecology surveys
- Dye tracing
- Watching brief via sampling at other beaches

Dave Shorten EA South Devon Catchment Co-ordinator

My Role as EA Catchment Co-Ordinator

- Harmonise EA work within the South Devon catchments and collaborate with external partners through the catchment partnership to support River Basin Management Plan delivery
- Provide support for improvements on the ground, including data, advice and guidance

My priorities as the new "CaCo"

- Understand the state of our river network and estuaries and challenges as seen by different stakeholders
- Strengthen the collaboration between EA and our partners through the partnership (you!)
- Look towards the future

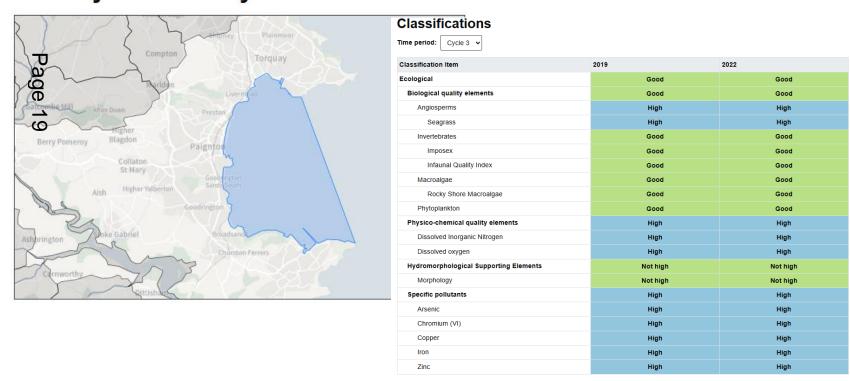


Water Environment Regulations 2017 – formally water framework directive

Designated water bodies across the UK are regularly monitored to enable the ecological status to be monitored

Tor Bay is a coastal waterbody with a current ecological status of 'Good', whilst this is great news it doesn't mean we can relax, but need to continue the work of protecting habitats such as seagrass, monitoring water quality and educating and empowering people in the community to continue to take individual actions on a daily basis to help keep the status at good. This is especially important with the impact of climate change going forward and the need to ensure the resilience of the ecological elements is maintained.

Tor Bay Water Body Good ecological status



Tor Bay | Catchment Data Explorer | Catchment Data Explorer



Bringing people **together** for a **cleaner** & **healthier** water environment for the **benefit** of **all**



















Help Keep Your Bathing For people **Waters EXCELLENT**

and Nature



Be Mindful

Surface water drains often carry runoff straight to rivers and seas o when oil, litter, pet waste, or garden chemicals wash in, they

To help, place litter in bins or take it home, don't put wastewater down the drain, sweep up debris instead of washing it away and when possible use the car wash. Every small action helps protect our water and wildlife.

Be Water Wise

The more water we use at home, on holiday or work increases pressure on drains and Slowing water runoff helps reduce flooding and lets nature filter out pollutants, leading to always using water wisely everywhere and look for things you can do to help slow the flow.

Be a Savvy Sailor

Boating is a great way to enjoy the water, but it's important to protect the environment. Fuel spills, sewage, and harsh cleaners can pollute the water, harm wildlife, and damage habitats like seagrass beds.



Boaters can help by using ecofriendly products, maintaining engines to prevent leaks, and using sump-out stations for waste

Follow the Fish

These fish near drains remine you: what goes down drains can affect waterways.

Did you know that some surface water drains flow directly into the watercourses? Meaning what we put down them goes straight to rivers and seas, including litter, chemicals, and other pollutants. Water is a precious natural resource and we can make small changes to help protect it.

What can you do?

Bin your litter properly or take it home with you.

Be Water Wise

Check your home for misconnected sewers and drains Sweep up debris garden

waste to prevent blockages

Use less water at home, on holiday and at work

in the drains Use your local environmental facilities to dispose of waste Use water butts, rain chains from your boat. and different planting in your

Use environmentally friendly cleaning products

Visit our website to find out more





Explore the RYA **Environmental Facilities** map







Nitrate Pollution

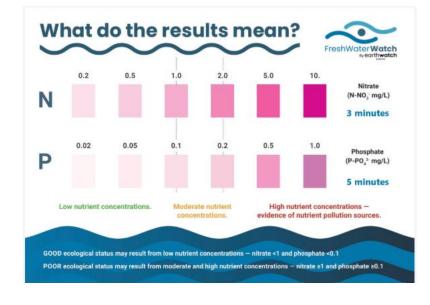
As the competent authority, we are responsible for assessing farmers' compliance and enforcing the requirements of these regulations. We may visit farms and/or work with partners and/or employ surveillance techniques to do this. The checks we carry out are targeted according to the environmental outcome we want to see.

Map showing Nitrate vulnerable zones



Great UK WaterBlitz Results | FreshWater Watch





COLLABORATION: Outcomes for water

- Improved quality of surface, ground and coastal waters
- Protection, enhancement and multifunctional benefits
- Delivery of infrastructure required to support Development Plan abouting and economic targets
- Avoidance of non-mains drainage treatment options
- LPAs take an integrated and catchment based approach to the water environment
- Reduction in Combined Sewer Overflows





COLLABORATION: Planning consultations



We are also a Statutory Consultee for some planning applications. This means (LPAs) must consult us on these proposed developments.

The National Planning Policy Framework states that decisions should:

- contribute to and enhance the natural and local environment
- prevent new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability.
- development should, wherever possible, help to improve local environmental conditions such as air and water quality,
- take into account relevant information such as river basin management plans

COLLABORATION: Drainage & Waste Management Plans (DWMP)



What can you do to help?



As a Local authority

- Misconnections
- Consideration to increased development
- Surface water connections/ infiltration

The public:

- So many incidents are caused by blockages:
- Wet wipes
- Fats, oils, grease

Water and Flooding – Report of the Overview and Scrutiny Board Spotlight Review

Report to Torbay Council and South West Water

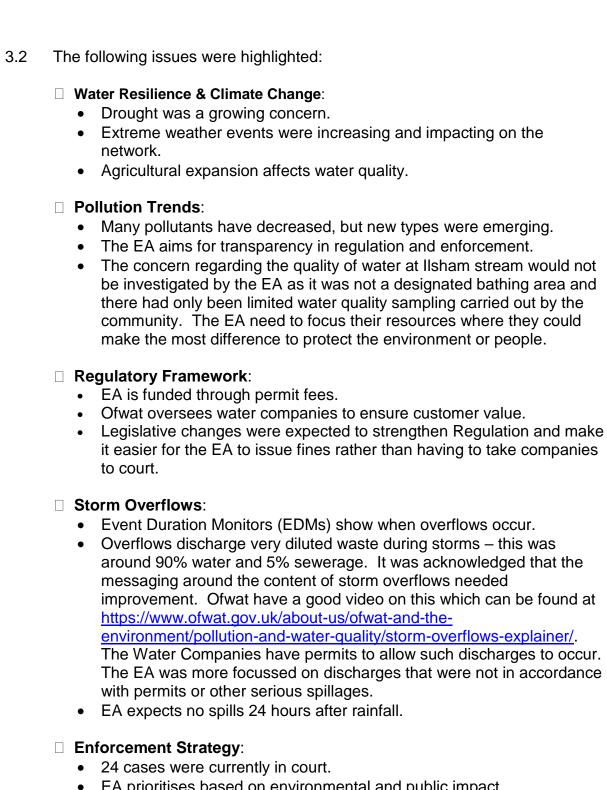
Background

- 1. Since 2023 the Overview and Scrutiny Board have carried out an annual Spotlight Review on Water and Flooding. The Board met on 29 October 2025 to discuss concerns in respect of water and flooding. The Board examined the written responses to the initial key lines of enquiry and supporting documents (full details of which can be found at https://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?Cld=21 8&MId=26764&Ver= and received the following:
 - Key lines of enquiry and responses from the Environment Agency;
 - Key lines of enquiry and responses from South West Water;
 - English Riviera Business Improvement District (ERBID) Company response to question;
 - Updated presentation from the Environment Agency; and
 - Presentation from South West Water (SWW).
- 2. The Board heard evidence from the following:
 - Clarissa Newell, Regulatory Manager (Water) Environment Agency;
 - Dave Shorten, South West Catchment Co-ordinator Environment Agency;
 - Alan Burrows, Head of Local Government Affairs SWW;
 - Ian Lake, Head of Developer Services SWW;
 - Jonathan Coldwell, Operations Manager Waste Water Services SWW; and
 - Carolyn Custerson, Chief Executive Officer English Riviera Business Improvement District (ERBID) Company Ltd.

3. Key Findings

Environment Agency:

3.1 The Environment Agency is responsible for regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology; and managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.



- EA prioritises based on environmental and public impact.
- Enforcement tools include warning letters and undertakings.
- Fines could be redirected into community investment.

☐ Surface Water & Sewerage:

- SWW must submit a plan next year to reduce surface water entering sewers.
- Climate change was causing faster rainfall events which was impacting on the network and causing increased flooding.
- Plans to store storm sewerage longer were underway.
- Misconnections were a big problem e.g. new extensions connected to surface water drains instead of waste drains, culverted streams, as well as the impact of blockages caused by wet wipes, fats, oils and grease.

□ Community Engagement:

- EA encourages citizen science more information can be found on their website at https://engageenvironmentagency.uk.engagementhq.com/citizen-science-participate - Councillors were encouraged to signpost members of the public to this page.
- Campaigns like "Yellow Fish" raise awareness of pollution more information can be found at http://oilcare.org.uk/avoid-pollution/yellow-fish/.

South West Water:

3.3 The following issues were highlighted:

☐ Water Resource Management:

- Planning for population growth and climate pressures were crucial to water resource management. Including developers providing Sustainable Urban Drainage Solutions (SUDS).
- Most water for Torbay comes from the Roadford Reservoir.
- A new reservoir was planned in Cheddar to help provide capacity across the South West of England (due mid to late 2030s).
- There was an ability to move water across the South West region to help meet demand.

☐ Waste Water Resource Management Plan:

- It was now mandatory to have Waste Water Resource Management Plans in place setting out what the capacity of the network was, where does water need to be and what does SWW need to do to the network and water treatment systems to protect their operation and reduce pollution. Torbay Council will contribute towards this considering the Local Plan and future house building.
- SWW was focussing on network capacity and pollution reduction.
- There were no major rivers monitored in Torbay, the main area was the coastal water and protecting the number of designated bathing areas which need to be the best to attract tourists.

☐ Storm Overflows:

- Target: max 10 spills/year per overflow.
- Bathing waters: max 2 spills per season.
- SWW aims to meet government targets by 2040; earlier for bathing/shellfish waters (2030).

☐ Water Quality & Tourism:

- Coastal waters were key due to tourism.
- Improvements had been made due to investment to Brokenbury
 Treatment Works, electronic monitoring, faster responses to blockages,
 storage tanks on Paignton Seafront and also through the work of the
 Environment Agency.
- Goodrington was the only beach rated "Good" (all others were "Excellent").

 Issues include urban pollution, misconnections, and dog waste can also impact on water quality.
 Environmental Goals: Net Zero strategy via Pennon Power. Solar farms planned (e.g. Brokenbury). Biodiversity improvements and removal of invasive species.
 Customer Charges & Investment: £3.4 billion investment planned. One-third funded by customers, two-thirds by loans/investors. Pennon was one of three publicly listed companies, ensuring greater financial transparency than some other water companies.
 Tariff Trials: Aimed at reducing water usage. 75% of customers were still on the trial. Early data shows slight behavioural changes.
 Community Projects: Better Futures Fund supports local environmental initiatives – more information can be found at https://www.southwestwater.co.uk/our-south-west/community/better-futures-fund - Councillors were encouraged to share this link with their communities. SWW collaborates with ERBID and local Councils.
Agreed actions for South West Water:
 to provide a written response if the 25% of people who opted out of the tariff trial were from Torbay or a wider area; to share more information with the Board on the tariff trial when it is available; to provide a link to the updated Waste Water Resource Management Plan; to work with Councillor Spacagna on the issues raised in connection with works at Cockington; to provide a written response regarding the temporary sewerage pipe
 at Ilsham Marine Drive; and to provide links to water data and catchment data explorer.
ERBID:
The following issues were highlighted:
 Impact of cryptosporidium Outbreak (May 2024): Global media coverage affected Brixham and wider South Devon. £40 million in forward bookings cancelled. Misconception that beach water was contaminated.
 Marketing Recovery Efforts: £1 million support agreement with SWW.

3.4

3.5

- Two national TV adverts aired on ITVX and Sky.
- Targeted Midlands and South Wales audiences.
- Campaign ran for 7 months starting February 2025 and will be run again next year.

☐ Positive Outcomes:

- Greenway businesses saw a 9% uplift in turnover.
- 10 million advert views.
- New Brixham video and photography produced.

□ Legacy Fund:

- £250,000 Brixham Legacy Fund for local projects.
- Ideas include electronic visitor boards and creative promotions.

3.6 Agreed actions for Torbay Council:

- Teresa Buckley to find out who the single point of contact was from the Council for bathing waters, previously this was someone from the Harbour and inform Councillors;
- Teresa Buckley to provide details of the background to the issues regarding traffic management at Cockington to Alan Denby so that he could liaise with SWISCo on what improvements could be made working with statutory partners regarding road works and communications;
- Teresa Buckley to share the SWW Council Enquiries email address with all Councillors; and
- Councillor Cowell to provide SWW with details of the SUDS projects in Sherwell Valley Primary School and St Cuthbert Mayne Schools.

4. Conclusion

- 4.1 The Board reflected and debated the information provided to them, both verbal and written. The Board welcomed the progress that had been made to improve the quality of water across Torbay and recognised the need for continued investment and partnership working across all agencies to address the challenges faced by climate change; and the need to build more houses and the crucial role we all have to play in raising awareness and influencing the public and developers to reduce water and ensure that water was connected correctly and to report leakages and concerns to SWW.
- 4.2 Members thanked the representatives from the Environment Agency, SWW and ERBID for all of their hard work and for contributing towards the Spotlight Review.
- 4.3 The Board formed the following recommendations and upon being put to the vote, the motion was declared carried unanimously.

5. Recommendations

Recommendations for South West Water:

- 5.1 to respond to the Regulation 18 consultation on the revised Torbay Local Plan and raise any concerns over the proposed housing expansion and how these fits with SWW's plans for investment and expansion;
- 5.2 to convene strategic conversations on a sufficiently frequent basis between Torbay Council and major service providers to share opportunities and risks;
- 5.3 to work closely with key partners, including the Environment Agency and the Council on the impacts of climate change specifically to understand our specific roles in managing surface water flooding and links to storm overflows;
- 5.4 to review the process for reporting of incidents e.g. leakages, pollution etc. to ensure that SWW go back customers who report leaks etc. to advise of the outcome of any investigation or work; and
- to supply leaflets/information on the campaigns for Councillors to share with their residents;

Recommendations for Torbay Council:

- that the Director of Pride in Place be requested to ensure the Local Plan includes reference to how the Council is responding to the updated Government housing targets to enable investment decisions to be made in a timely manner and ensure planning focus on Sustainable Urban Drainage Solutions (SUDS) to ensure that additional pressure is not placed on the existing sewerage and drainage network;
- 5.7 that the Director of Regeneration and Place Delivery be requested to establish a working group with SWW and Torbay Council, with ERBID being invited where appropriate, to explore options around connections and to help reduce the operation of storm overflows and reduce the potential for pollution in Torbay, particularly at the Rivier Fleet (Fleet Walk), Barton Tip and Goodrington Lake and to provide an update on the conversations to the Overview and Scrutiny Board;
- 5.8 Councillors be requested to ensure that they use the dedicated SWW Council Enquires email address for locally elected Councillors to report any concerns and raise awareness of any events that may have impacted so that SWW can log, track and respond in a timely manner;
- 5.9 that Councillors and the Director of Corporate Services be requested to promote positive customer behaviour through Council channels to help protect the environment as per below:
 - prompt reporting of incidents e.g. leakages, pollution to ensure an effective response can be made;
 - promote the 'Love you Loo' campaign i.e. only flush pee, poo and paper down the loo. By doing this it stops wet wipes entering the

- network which can cause blockages to occur and stop our pumps for working effectively. In some instances, this can lead to pollutions occurring and storm overflows operating. A link to the 'Love Your Loo' campaign can be found at Bin it don't block it | South West Water;
- promote the 'Think Sink' campaign. Avoid pouring Fats Oils and Greases (or FOG) down the kitchen sink as these can cause "fatbergs" which again cause blockages and can lead to pollutions and storm overflow operation. A link to the 'Think Sink' campaign can be found here Bin it don't block it | South West Water and for the Director of Pride in Place to work with SWISCo to promote positive action to encourage recycling of waste oil;
- to encourage residents when considering building extensions which include plumbing of new toilets, sinks, washing machine to ensure they are connected to the correct pipe work. SWW continue to find misconnections across the network that have occurred because of wrongly connected pipe work. These can lead to pollutions occurring. The Director of Regeneration and Place Delivery to be requested to consider the role for Building Regulations to ensure this is assessed and understood; and
- promote water efficient measures e.g. water efficient shower heads, not running the tap when brushing your teeth, installing a water butt. These will help both save water and reduce bills for those on meters as less water is used. There is lots of information at <u>Save water | South West Water</u>.

