

By: Overview and Scrutiny Manager

To: Environment and Regeneration Policy Overview Committee – 31 January 2008

Subject: **SELECT COMMITTEES - UPDATE**

Classification: Unrestricted

Summary: This report updates Members on the Select Committee for Flood Risk and the Select Committee Topic Review Work Programme.

Recommendations:

The Committee is asked to:-

- (a) Note the outcome of the work of the Select Committee for Flood Risk;
 - (b) Note the Minutes of the reconvened meeting of the Select Committee for Water and Wastewater, particularly in Ashford; and
 - (c) Note the update on the Select Committee Topic Review Work Programme
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Select Committee: Flood Risk

1 The report from the Select Committee on Flood Risk was submitted to Cabinet on 26 November 2007 and was well received. The County Council meeting on 13 March 2008 devoted to the issue of Flood Risk.

Select Committee: Water and Wastewater, particularly in Ashford

2. (1) As reported at the November meeting of the Policy Overview Committee, the Select Committee for Water and Wastewater, particularly in Ashford met on 31 October 2007 to discuss the progress made on the recommendations from this Select Committee Topic Review, produced as a report by Mr Alan Turner, Principal Regeneration and Projects Officer.

(2) The Minutes of the meeting are attached (Appendix 1). Members will note that the majority of the recommendations have been achieved.

Topic Review Work Programme Autumn 2007 – Spring 2008

3. (1) The Policy Overview Co-ordinating Committee (POCC) at its meeting on 5 November 2007 agreed that the following Select Committees should be established under the Committee indicated as soon as resources became available.

- (a) Accessing Democracy (Corporate POC);

- (b) Vulnerable Children (Children, Families and Education POC) ; and
- (c) Accessing Healthcare (Health Overview and Scrutiny Committee).

(2) The POCC agreed that the topic “**Provision of Activities for Young People**” proposed by the Communities Policy Overview Committee in June 2006 should remain on the programme. Information to support this suggested review should be provided. Information to update this topic review proposal will be submitted to the meeting of the POCC on 14 February 2007. Suggestions for other potential topic reviews to go into the future work programme were welcomed.

Recommendations

4. The Committee is asked to:-

- (a) note the outcome of the work of the Select Committee for Flood Risk;
- (b) note the Minutes of the meeting for the Select Committee for Water and Wastewater, particularly in Ashford; and
- (c) note the update on the Select Committee Topic Review Work Programme: and .

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Background Information: *Nil*

KENT COUNTY COUNCIL

**ENVIRONMENT AND REGENERATION POLICY OVERVIEW
COMMITTEE**

**SELECT COMMITTEE: WATER AND WASTE WATER,
PARTICULARLY IN ASHFORD**

MINUTES of a meeting of the Environment and Regeneration Policy Overview Committee: Select Committee for Water and Wastewater, particularly in Ashford held on Wednesday, 31 October 2007 at Sessions House, County Hall, Maidstone.

PRESENT: Mr D A Hirst (Chairman), Mr D S Daley, Mr C G Findlay, Mr P M Hill OBE, Mr A R Poole, Mr D Smyth and Mrs P A V Stockell.

CO-OPTED MEMBERS: Cllr P Davison and Cllr S J G Koowaree, Ashford Borough Council.

ALSO PRESENT: Ms J Addis, Sustainable Development Officer (Ashford & East Kent), Environment Agency.

OFFICERS IN ATTENDANCE: Mr A Turner, Principal Regeneration and Projects Officer, and Mrs C Singh, Democratic Services Officer (Overview and Scrutiny).

UNRESTRICTED ITEMS

1. Water and Wastewater, Particularly in Ashford – Progress with Recommendations

(1) The Select Committee was reconvened in compliance with the County Council's Constitution to receive a report on the progress of the fifteen recommendations it produced following lengthy evidence gathering in 2005.

(2) The Select Committee received a report highlighting that progress had been made on the majority of the recommendations, however the report advised the following:-

- the scale of the challenge of water demand management means that measurable improvements cannot yet be shown
- river water quality modelling has highlighted new concerns regarding future phosphorous concentrations that might result from the growth of Ashford; and
- the recommendation on storm and foul sewerage appears to have not received any action.

(3) Members agreed to ask questions and make comments that progress on the recommendations. These were as follows:-

Recommendation 1

(4) Members were pleased to note the commitment to sustainable development had been reinforced in the adopted Kent and Medway Structure Plan and a new water policy statement adopted by Kent County Council in December 2006. This was linked into the issues of social, economic and the Environment Strategy.

(5) Members were awaiting DEFRA's interpretation to the EU directive.

(6) In response to how KCC was monitoring how sustainability was being adopted by the Borough Council's local development frameworks, Mr Turner advised that Ashford Borough Council was the most advanced and was receiving the County Council's support as well as Maidstone Borough Council and Kent Thameside.

Recommendation 3

(6) In response to the question on whether there was going to be significant investment into the River Stour by 2011, Ms Addis advised that it was early days for the Water Framework Directive – the water quality standards had been set but this was still in draft. The concentration of phosphorous in rivers was a problem throughout the country. Ashford Future and Ashford Borough Council were looking at these issues as a whole as well as a possible solution, which included changing the behaviours of the general public at home with issues such as the use of washing powders. The Committee noted that the treatment of sewerage works also needed to be addressed as it was considered the main source of phosphorous pollution within rivers.

(7) The Select Committee noted that in early 2008 Southern Water Services Ltd (SWS) would be producing a comprehensive plan for the period 2010 to 2015 which would include the wastewater management investments that they deem necessary and that this would be submitted to OFWAT for their approval.

(8) Ms Addis advised that it would be difficult to predict how OFWAT would interpret the report.

(9) Members were reassured that the modelling included the figures for new houses in Ashford.

(10) In answer to the whether when water levels were at their lowest on record would the River Stour be at the required chalk stream standard, Mr Turner said that there had been improvement especially with phosphorous stripping, which meant the River Stour would be reasonably robust for at least ten years or so and with longer term modelling it would no longer need to be under controls.

(11) In reply to whether this included chalk streams, Ms Addis advised that the Environment Agency in 2007 had submitted a case to DEFRA that the reach designate from Bybrook to Wye on the River Stour should be changed and designated under the Fresh Fisheries Directive from cyprinid to salmonid.

(12) In answer to whether OFWAT could have a different approach with the Water Framework Directive that requires 'good ecological' status to be sought by 2016, Ms Addis advised that as part of UK legislation any changes would need to be put to the Secretary of State. Mr Turner added that until the Water Directive came into effect the targets set for all rivers at this time would show that the rivers were continuously improving, which DEFRA could show if the rivers had not reached the optimum standard set by the Water Directive, when it came into effect.

(13) There was concern raised, that if there was a failure of other sources of water to supply Ashford this would leave Ashford in a difficult situation. However it was heard that the constraints may come more from wastewater issues rather than water supply for Ashford and that the issue for phosphorous was the nub of the problem. For example a pipeline from Bewl Water Reservoir is already under construction but waste water options were really limited. Ms Addis advised that Bewl Water would at times be half empty as it was a reservoir and was not meant to be constantly full but, at the present time, there are good ground water levels.

(14) In answer to whether the Water Directive would be a great driving force, Mr Turner advised that there were a number of EU directives which had been to date responded to reluctantly but had been built on.

Recommendation 4

(15) Ms Addis highlighted that the local planners had a mandatory duty to seek advice from the Environment Agency but were not bound by that advice. The Environment Agency had no powers to enforce.

(16) Members of the Committee felt strongly that housing developments should not exceed the water supply.

Recommendation 5

(17) Ms Addis gave reassurance that there was a requirement of a license to abstract water that every license holder had a meter and enforcement officers' role was to look for illegal abstraction. Members of the Committee raised their concerns that during the evidence gathering they had been made aware of undeclared sources of water being used. Ms Addis said the Enforcement Officers did the best they could to check all licensees regularly and would prosecute when illegal abstraction was proven

Recommendation 6

(18) Members sought an update on Broad Oak and Bewl Water. Mr Turner advised that both Broad Oak and Bewl Water would be included in a comprehensive report to be produced by the water companies with many options of demand and supply. All options would be assessed by their environment impact, and carbon footprint, etc. Mid Kent Water was carrying out feasibility studies which involved Southern Water too, but no decision had been made.

(19) Concerns were raised regarding the Canterbury area chalk stream stretch of the River Stour. There was anxiety regarding the viability of the Broad Oak Reservoir. Ms Addis advised that the timetable for the water companies producing

the report was set by OFWAT. With regard to the River Stour, the Environment Agency and water companies would look at the impact of the proposal chosen with the right background information and local knowledge.

(20) In response to whether there had been any reassessment of the growth of Ashford through Government studies, Ms Addis advised that she had not seen anything to date.

(21) Mr Turner advised that Kent County Council would have its first opportunity to be consulted on the next new cycle of water companies funding. The County Council can expect to receive a broad study of options and supporting documents that he predicted would cover the concerns of the Select Committee including those on Broad Oak. The County Council would respond from April to June 2008. Ms Addis advised that the Environment Agency's Effluent Reuse study had not been finalised as they awaited further data collection and analysis.

(22) The Committee were unanimous that they wished to be involved in the response from the County Council on the consultation document. There was frustration expressed regarding the Environment Agency's Effluent Reuse Study being late. Ms Addis advised that the second phase had been delayed due to data collection, which had slipped by weeks but would not affect the Environment Agency's input into water company's water resources planning process. Ms Addis reiterated that the Environment Agency had no influence over OFWAT.

Recommendation 7

(23) The Select Committee noted that Folkestone and Dover Water Services had been granted water scarcity status and had started to implement their plans for 90% metering by 2015. The company had started with the compulsory metering of the whole town of Lydd without any problems.

Recommendation 8

(24) In response to how much the Government had put into Building Regulations regarding water efficiency labelling and fixtures and fittings, Mr Turner advised that the Government had a commitment to realign Building Regulations to level 1 of the Code for Sustainable Homes (CSH). In wetter parts of the country anything more stringent might be seen as an unnecessary investment. Government has said that it would be appropriate for local authorities to require higher CSH levels through the local planning system. This could possibly be achieved through the Local Area Agreements.

(25) Members suggested that common sense was needed when selecting retro-fittings and fixtures. Some new homes built in Ashford had been fitted with taps that produced extremely slow running water, which took far too long to fill bucket of water or a bath.

(26) Mr Turner advised that there were set standards for compliance but it was left to the developer how this was done. Mr Turner advised that he and a colleague were working on retro-fittings; dual flushing toilets, showers with aerated shower heads, and taps that offered customers a choice of either spray or different flows of water. He added that there would be a reassessment of the water fitting regulations. He

predicted that at some point there would only be water saving fixtures and fittings available to developers and the general public.

(27) It was highlighted that there had been no reference to rainwater harvesting within the progress report.

Recommendation 9

(28) Members noted the progress without discussion.

Recommendation 10

(29) Mr Turner advised the Select Committee that there was an opportunity for the Local Area Agreement 2 for structure and funding process for local authorities to respond to sustainable appliances across Kent. He felt that Kent should lead the way through the Local Area Agreement. In response Members suggested that the relevant Cabinet Member should be made available.

Recommendation 11

(30) The Select Committee felt that the County Council could do more. Mr Turner advised that he was unsure of the progress on this if KCC did not look at addressing its buildings before looking externally. He suggested that the Corporate Environment Performance Team may be able to offer advice. The Select Committee suggested that a phased approach to replace old fixtures and fittings with energy saving ones could be achieved in a phased approach.

Recommendation 12

(31) The Committee were advised that the Environment Agency were currently sponsoring field trials in water efficiency at Brogdale. Ms Addis advised that the trials are ongoing.

Recommendation 13

(32) Members noted the progress without discussion.

Recommendation 14

(33) The Select Committee were advised that there has been some change to OFWAT's remit by incorporating a new objective to promote sustainable development. Mr Turner felt this had been a difficult recommendation to carry out as there were many complicated issues relating to the synchronisation between the various stakeholders. As well as the five year plans the water companies were also required to produce a twenty-five year policy. It was a constraint but the water companies were used to working within it.

Recommendation 15

(34) Ms Addis reaffirmed that the rate of new homes and water, flooding, etc had all been taken into account in the modelling. Mr Turner added that modelling flagged

up where there were high standards and was used as a mechanism for reporting to the Ashford Future Board.

(35) Members reflected that the only new works they were aware of were the pipeline from the River Bewl to Ashford and some works on sewerage plants.

(36) In response to what target had been set for the River Bewl, Ms Addis advised that this was only one of the many options for Bewl being increased. In response to the concerns raised on the serious issue of Ashford becoming short of water and that a dry winter would be the biggest threat, Ms Addis advised that the option of the raising of the River Bewl could provide more capacity.

Recommendation 16

(37) There was great frustration over there had been no response to this recommendation. Mr Turner advised that he was aware of other activities such as limiting surface water getting into the water system through the use of Sustainable Urban Drainage Systems (SUDS). A sustainable urban drainage strategy" which was now in the Ashford Borough Council draft LDF.

(38) Members expressed their concern that members of the public with water courses running through their land needed to receive advice on what they should do should sewerage flood their land. Members agreed that the appropriate Cabinet Member should write to DEFRA seeking consideration of the Select Committee's recommendation 16.

(39) Mr Turner advised that the partnership that KCC chairs had taken the lead in demand management and had received widespread recognition for this.

(40) The Select Committee sought clarification on what the next steps were for the report and its recommendations. The Democratic Services Officer advised that the Minutes of this meeting would be submitted to the next Environment and Regeneration and Policy Overview Committee meeting on 20 November 2007 and the comments from this meeting would be forwarded to the relevant officers and Members for action.

2. RESOLVED that: -

- (a) the Select Committee requested that the relevant Cabinet Member be made available to lead on sustainable development within recommendation 10.
- (b) the Select Committee requested that the Cabinet Member write to DEFRA seeking its consideration of recommendation 16
- (c) the necessary action be taken forward by Officers, Members and stakeholders on the comments raised by the Select Committee on the progress of the recommendations to date
- (d) consideration be given to a further discussion on the issues of this report at a meeting of the County Council; and
- (e) the progress report be noted.