

Written evidence submitted by Mayday! to the Water (Special Measures) Bill Committee (WSMB10).

Respondent: John Robert Bruce Garrett of Eastlands Farm, Chidham Lane, Chidham, West Sussex PO18 8TF, resident in the Chichester District where Jess Brown-Fuller is now our Liberal Democrat MP. This response is made in my personal capacity as a tax payer and customer of Portsmouth Water. It is also a response on behalf of the Mayday! Action Group which was created back in 2019 by a small group of concerned residents in West Sussex at the frequency of Combined Sewer Overflow releases of untreated and partially treated sewage and wastewater into the much loved and well used for recreational purposes water of Chichester and Langstone harbours, formerly an AONB and a National Landscape. As Mayday! Action Group we organised 2 roadside peaceful demonstrations along the A259 from the Fishbourne roundabout as far as the bridge which leads to Hayling Island, the focal point for Hayling Sewage Watch and also the Finalstrawfoundation, the brilliant campaign started by Bianca Carr and focusing principally upon man-made pollution of our oceans and watercourses by plastic and other deleterious matter and substances.

1: Executive Summary

I commend the Water (Special Measures) Bill as a progressive effort toward rectifying decades of environmental harm caused as a direct result of inadequate regulation, an inexplicable 'gap' in the latest Water Act which makes CSO releases by water companies legal and the corporate greed of shareholders of water utilities who have lined their pockets rather than expend money on essential infrastructure to meet the increased capacity requirements of their customers. Our major concerns and actionable recommendations are summarised below.

1.1 Executive Summary: Root Causes of Sewage Pollution

1. Systemic Regulatory Failures

- Years of underfunding of and weak oversight by OFWAT and the Environment Agency (EA) have allowed water companies to prioritise their profits at the expense of public health and safety and environmental protection.
- DEFRA's 2013 Bathing Water Regulations consultation which closed on December 23rd 2024 highlights ongoing public safety risks that demand urgent attention.

2. Corporate Exploitation of Weak Oversight

Water companies operate within deficient regulatory frameworks that fail to address key pollution metrics, such as volumetric discharge data, and have resisted transparency and accountability measures.

1.2 Executive Summary: Key Issues in the Southern Water Region

1. Inadequate Monitoring and Accountability

- Self-policing of pollution data by water companies simply does not work.

The EA's reliance on filtered, summary data masks the true extent of pollution which is rarely highlighted by regulators.

- "Dry spills" (sewage discharges **unrelated to rainfall**) are grossly underreported and should be thoroughly investigated by independent, empowered auditors

2. Public Trust of water companies is non-existent

- Communities and customers are totally disillusioned with water companies and see them as profit-drive, greedy entities, failing as environmental stewards.

3. Short-term thinking rules

- It is unimaginable how, with our population growth and concentration on the supposed national housing crisis, all water utilities thinking is limited to 5 years. The failure of water companies to upgrade existing assets and invest in new capacity assets is dire in the extreme. Where are their 10/15/20 and 25 year plans?

4. Inadequate Pollutant Testing

- Water companies focus is far, far too narrow. This leaves gigantic gaps in understanding the full extent and the full consequences of cheap, inadequate and irregular testing of watercourses into which they discharge come shine or rain.

1.3 Executive Summary: Recommendations to Strengthen the Bill

1. Executive Accountability

- Make bonus payment bans much longer and impose personal financial and criminal penalties on executives/senior managers for pollution breaches. Direct criminal and financial accountability must encourage and incentivise improved decision-making and prevent corporate evasion of environmental responsibilities.

2. Independent Monitoring

- Replace Event Duration Monitoring (EDM) with volumetric discharge metrics to capture accurate pollution data.
- Fund year-round, independent testing of sewage discharges for a broader range of pollutants

- Ensure independent analysis determines the true sources of pollution.

3. Enhanced Regulation

- Expand the funding for the EA and empower it to enforce robust compliance. Mandate volumetric data reporting, enforce comprehensive pollutant testing, and increase oversight of environmentally sensitive projects.
- Address infrastructure leaks and expand sewer capacity to mitigate the long-term impacts of climate change.

4. Transparency and Public Engagement

- Require real-time public reporting of sewage discharges and pollutant levels to rebuild trust and enhance accountability.

5. Rethink and Refocus Corporate Strategy

- Halt environmentally damaging projects at the early planning stage
- Prioritise sustainable infrastructure upgrades
- Environmentally sustainable solutions to make more water available embracing the effects of Climate Change are being dismissed by Southern Water. Profit is being prioritised over environmental guardianship.

2: About me

I am a retired husband, father and grandfather. I am an active participant in water sports as a keen dinghy and larger cruising yacht sailor. We chose to purchase our home some thirty years ago and we enjoy an uninterrupted view to the east of the world-renowned harbourside village of Bosham. I was moved in late 2019 to gather together a small group of like-minded local residents all of whom are deeply concerned, as am I, at the terrible, frequent incidents of pollution in Chichester Harbour (which includes Langstone Harbour) and elsewhere along this stretch of the South Coast. These two harbours are used by young and old throughout the year; wild water and cold water swimming are growing in popularity and sadly so too are the stories of individuals who have contracted long-term sickness from exposure to foul seawater within the harbours and further afield the waters of the Solent. I am also concerned that we now live in a country where successive governments have failed to act in anything other than a short-term way, and we have simply failed to demand that the 9 water companies invest and improve. **I am most concerned that as the law now stands, the law permits storm overflow releases.**

3: Root Causes of the Sewage Pollution Crisis

The well documented sewage pollution scandal stems unequivocally from years of poor regulation by OFWAT and the Environment Agency (EA). Decades of government funding cuts have significantly exacerbated these shortcomings, leading to inadequate oversight and poor quality enforcement. Water companies exploit these weak regulatory frameworks, enabling them to prioritise profit over environmental protection and public safety concerns with impunity.

This has been further highlighted in the DEFRA Consultation on the Reform of Bathing Water Regulations 2013, where significant public safety issues in rivers and seas have been highlighted I would encourage committees to closely scrutinise this consultation because it is highly relevant to the four main aims of this bill

4: Recommendations and Observations on the Bill's Aims

1. Executive Accountability

- It is undeniable that executive decision-making is impacted and influenced by regulatory framework demands covering environmental protection and public health and safety
- Stopping executive bonuses because of pollution breaches is without doubt an essential first step. My view is that this measures should embrace **all executive board members and senior directors. There has to be a cultural shift** to ensure collective responsibility..

2. Criminal Charges and Personal Fines

- Fines and criminal charges will have more effect if they are directed at individual employees. This should not preclude the corporate entity from being heavily fined as well. To be honest, the level of fines and penalties imposed to date on profitable water companies has been way too low. The deep pockets have to really feel the pain of continuing to pollute quite simply because they can and they feel right now the pain for so doing will not last long. This has to change and the punishment must really dent both the responsible individuals and the corporate entity if any impact is really to be felt.

3. Independent Monitoring

- **Independent monitoring of all sewer outfalls is an absolute must.**
- Event duration monitoring (EDM) must be replaced with volumetric instrumentation to more accurately measure pollution and assess impacts.
- Regulators must enforce comprehensive testing of final effluent and stormwater discharges for a wider range of pollutants.

4. Strengthened Regulation and Oversight

- The Environment Agency requires significantly increased funding and a mandate to enforce stricter data driven compliance..

5. Redirecting Corporate Strategy

- Water companies must prioritise fixing infrastructure failures and network leaks in a much more aggressive and ambitious way
- Expanding sewerage capacity, and investing in more sustainable solutions should be their priority.

Such a corporate strategic redirection and refocus would reduce energy consumption, minimise environmental pollution, and address long-term environmental challenges.

6. Transparency and Public Engagement

- Mandatory real-time public reporting of discharge data and pollutant levels will rebuild trust and empower communities to hold water companies accountable.

5: To conclude:

The Water (Special Measures) Bill provides a great opportunity to correct years of regulatory failure and corporate misdemeanours by the water industry.

Whilst I see this Bill as a positive step forward, I fear that the failings of the past will take a great deal of time and money to overcome.

Polluting our coastal waters, harbours, chalk streams, rivers and lakes is an inadmissible action that, sadly, under the Water Act is made admissible. Our combined sewer system is under excessive pressure and relieving that pressure will not be a quick fix – nor indeed should it be.

We must hope that Parliament and the House of Lords will have the courage and determination to push this legislation through and where possible tighten it up.

We risk untold harm to individuals and our environment on land and at sea if the water industry is not brought to heel and quickly.

Please, please adopt this Bill and take further steps as a matter of urgency.

January 2025.