



## **Leader of the Council**

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Rt Hon Dr Thérèse Coffey MP  
Secretary of State for Environment, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London  
SW1P 3JR

25 January 2023

Dear Thérèse

### **Concerns Regarding the Environment Agency and Foul Water Connections**

I am writing to raise a number of related issues of significant concern to Buckinghamshire Council and our residents and which we request you attend to. These relate to the regulation and control of new connections to the sewage network and the ability for the Government's agencies to effectively discharge their responsibilities.

#### **Foul Water Connections**

As you will be aware, all water companies have a legal obligation under S94 of the Water Industry Act 1991 to provide developers with the right to connect to a public sewer regardless of capacity issues. Furthermore, Section 91(1) of the Act in effect makes it impossible for water companies to object or for the Council to refuse the grant of planning permission for development on the grounds that no improvement works are planned for a particular area.

If there is a lack of capacity, then the planning authority in consultation with the sewerage undertaker can take steps to ensure that there is no commencement and/or occupation of development until the capacity of the existing sewerage systems is demonstrated to be sufficient to accommodate the proposed development. We are however reliant on the specialist advice of the relevant sewerage undertaker and if they raise no objections at the planning application, then as Planning Authority we would struggle to justify the necessity of imposing such a Grampian condition.

The practical outcome of the above is that there is a lack of transparency and a growing lack of public confidence in a system that may be allowing new developments to connect to sewage systems in the knowledge this will exceed, or further exceed, designed capacity – even if that is for a relatively short period of time

We are concerned that this situation will result in enhanced pollution incidents, when applicable sewage treatment works discharge untreated effluent to water courses. We fully appreciate that the scale and frequency of such pollution incidents are affected by other factors as well; however, at a time when the existing infrastructure is already regularly overwhelmed, it is indefensible to allow the system to work in a way which knowingly worsens the situation.

We ask that, through the relevant agencies, you urgently update the regulatory regime so that new developments cannot connect to sewage infrastructure until it is known to be able to receive additional sewage discharge without exceeding its capacity.

### **Environment Agency**

It is also with some regret that I write to draw your attention to the serious misgivings my Council has with the performance of the Environment Agency. The Council has a range of interactions with the Environment Agency in the delivery of our core functions, in particular the Environment Agency's role as a statutory consultee within the planning process. Our experience of their performance is that it continually falls short of what is reasonably expected.

The performance issues focus on the recurrent delays in providing consultation responses to planning applications within Buckinghamshire. These delays not only increase the cost of operating the planning system for the Council, but delay the delivery of development which supports sustainable economic growth which is central to the local and nationally economy.

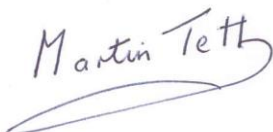
Furthermore, we find the Environment Agency's ability to engage positively with Buckinghamshire Council on areas of mutual interest is considerably lacking. During 2022, the Council (through its Transport, Environment and Climate Change Select Committee) conducted a review into Pollution in Buckinghamshire's Rivers and Chalk Streams. Whilst we did receive written evidence, we were disappointed that the Environment Agency chose not to attend and engage in the meetings.

Similarly, we have engaged the Environment Agency in issues on a specific sewage treatment works (via the Little Marlow Sewage Liaison Committee) and whilst we have received updates, there is little clear progress in completing an investigation into the March 2021 pollution incident.

The conclusion we draw is that the Environment Agency is not currently fit for purpose and in need of significant intervention to improve its performance. Following repeated attempts to resolve these issues directly with the Environment Agency, we have little confidence that the scale of the problem is either understood or necessary action to address them underway.

We would welcome the opportunity to meet with you to discuss these issues and the Government's plans to resolve them.

Yours sincerely

A handwritten signature in blue ink that reads "Martin Tett". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Martin Tett  
Leader, Buckinghamshire Council