

The Environment Agency and The Water Company

Water companies have a primary role in protecting and enhancing the environment and thereby improving the lives of those within the communities they serve. The UK government set out the ambition to deliver environmental improvements through various pieces of legislation, including the Environment Act 2021. These pieces of legislation are issued into the water industry strategic environmental requirements (WISER) which provide a strategic steer to water companies on the environment, resilience and flood risk obligations and requirements for business planning purposes.

The environmental requirements are delivered through the Water Industry National Environment Programme (WINEP). This programme is an important mechanism for delivering benefits to the natural environment.

We work closely with South West Water (SWW) to review investigations and drive improvements on water companies' assets which impact many factors in the environment, including but not limited to Bathing Waters, Drinking waters and Sites of Scientific Interest (SSSI). The Water Industry National Environment Programme also review data and permits to prevent deterioration to protected areas and WFD (Water Framework Directive) targets.

These environments can be at risk from either nutrient (algal blooms and eutrophication) pesticides, bacteria or dissolved organic carbons. These improvements can be made through many different mechanisms. Upstream thinking and catchment planning is one aspect SWW undertake to deliver improvements to water quality, working with natural processes and various stakeholders, to influence and change the catchment management. These scheme approaches help to improve water quality, but also improve habitats and biodiversity, increase carbon sequestration and reduce peak flows and flooding.

We also work with South West Water in more point source investigations and improvements, for example reducing faecal indicator organisms that discharges from Sewage Treatment Works (STW). These improvements can be hard engineered solutions like using UV (ultra violet) irradiation as a method of disinfection. However, nature based solution, like reed beds are desirable where management measures allow it.

More information on the WINEP and its roles can be found here: [Water industry national environment programme \(WINEP\) methodology - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/water-industry-national-environment-programme-winep-methodology)

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Document updated: 27/10/2022

Storm Overflows

Sometimes storm overflows need to be used and wastewater is released into the environment. The overflows act as relief valves when the sewerage system is at risk of being overwhelmed, for example during heavy downpours, when a lot of rainwater runs into drains and the sewerage system in a short space of time. It helps avoid flooding and wastewater backing up into people's homes. Unfortunately, the combined effects of more intense rain storms resulting from climate change, drought-hardened soils, misuse of sewers causing blockages and population growth have all increased the frequency of overflow spills. There is a helpful explanatory video produced by Ofwat here: <https://www.ofwat.gov.uk/storm-overflows-explainer/>

Our action against water companies in England

The Environment Agency is holding the water company industry to account on a scale never seen before. This includes measures to address concerns about flow and storm overflows, as well as increased enforcement action for pollution incidents. We have significantly driven up monitoring and transparency from water companies in recent years, including the following:

Event Duration Monitoring: This measures how often and for how long storm overflows are used. We have increased the number of overflows monitored across the network in England from 800 in 2016 to more than 12,700 in 2021 - the equivalent of almost nine in ten storm overflows now with monitoring devices. All 15,000 overflows will have them by the end of 2023. The data is published here [online](#). More information on Event Duration Monitoring is available [here](#).

Flow-to-full treatment: We have also asked companies to install new flow monitors on more than 2,000 wastewater treatment works to identify what is happening at those works during the sewage treatment process itself. This has led to a major investigation, announced in November 2021, with the Environment Agency requesting more detailed data from all wastewater treatment works.

Storm Overflows Taskforce: Through the work of the Storm Overflows Taskforce – made up of Defra, the Environment Agency, Ofwat, Consumer Council for Water, Blueprint for Water and Water UK – water companies have agreed to increase transparency around when and how storm overflows are used by:

- making real-time data on sewage discharges available at bathing sites all year round.
- publishing annual monitoring data on their websites so that progress in reducing their use can be tracked.

The Environment Agency has taken tough action against those companies which are breaking the rules. The Pandemic significantly impacted the number of prosecution cases which could be prepared and progressed through to the courts over the last two years. But in 2021, the courts fined water companies a total of £102,490,000 for pollution incidents following our prosecutions and on 9 September 2022, South West Water plead guilty to 13 offences at five of their permitted sites, including Crediton and Kilmington.

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It is also important to recognise that not all enforcement action results in a prosecution. For some offences we sometimes accept an Environmental Undertaking (EU). An EU is a financial contribution made by the company for direct use in environmental improvements. These are made on a case-by-case basis and offers are scrutinised carefully to ensure that the sums offered properly reflect the level of offending in terms of both harm and culpability. In 2021 we accepted 9 EU offers from water companies totalling £1,703,272. For other, less serious offences we can also issue a warning letter to the company.

As announced in November 2021, the Environment Agency is conducting a major investigation into potential widespread non-compliance by water and sewerage companies at sewage treatment works. As with all criminal investigations, we need to obtain and secure evidence to ensure that we can prove our case beyond reasonable doubt when and if we commence court proceedings. It takes time and care to ensure that our prosecutions, whether these are against companies or individuals, are fair, proportionate and have the maximum chance of success. We will continue to publish updates when appropriate where these will not prejudice any potential evidence or proceedings. Our most recent update on our investigation is available on our blog:

<https://environmentagency.blog.gov.uk/2022/05/12/update-on-environment-agency-investigation/>

Agriculture: delivering additional farm inspections – Agricultural Regulatory Taskforce

The Environment Agency has secured additional funding this year to increase the number of farm inspections we are able to deliver and help support transition to a more sustainable and healthy farming industry.

As well as a commitment to deliver 1500 farm inspections, we will be working with the farming community to test a number of approaches that will help inform the regulation of agriculture in the future. Through the visits we aim to give farmers access to advice and guidance which as well as driving up compliance will also help them to benefit from future funding opportunities, such as the new Environmental Land Management schemes.

With this programme of work, we want to positively improve farmer behaviour and compliance with environmental regulations in targeted catchments through the delivery of additional advice led regulatory inspections. Our aim is to improve water quality by reducing the frequency of both point and diffuse sources of pollution by helping farmers understand their regulatory duties. Our primary focus with this funding will be on catchments draining into water dependent Natura 2000 protected sites and other protected areas that are impacted by farming.

In Devon and Cornwall we have dedicated farm inspection officers who are currently inspecting farms in the highest priority river catchments, these include the Otter, Exe and Axe.