

# Windrush Against Sewage Pollution

Registered Charity number 1199418.



Rt Hon Steve Barclay MP

Sent by email 26 February 2024

Secretary of State for the Environment

Dear Mr Barclay

## Oxford Housing - Thames Water blockage.

On 15<sup>th</sup> February, the Environment Agency (EA) responded to a planning application including 1,450 houses on land north east of Oxford adjacent to a recent major housing development.

After years of demonstrating negligent indifference to water companies failing to increase capacity to cope with additional housing, the Agency's professional response to this application has come as a shock to those of us who have studied and experienced woefully inadequate water company regulation, including the South Oxfordshire District Councillor who alerted us to it.

As well as detailing more commonly seen comments in respect of surface water management the Agency response contains this statement:

***'Objection 4 – Foul waste In accordance with paragraph 180 of the National Planning Policy Framework, we maintain our objection to this application as submitted because the proposed development would pose an unacceptable risk of pollution to surface water quality. We recommend that planning permission should be refused on this basis.'***

The existing situation in respect of foul waste (sewage) capacity at Oxford Sewage Treatment Works was an entirely avoidable one which has resulted from the failure of Ofwat, but more specifically the Environment Agency, and thereby Defra, to ensure that Thames Water made reasonable provisions for the predicted increases in the city's housing stock over many years.

The blame is shared by Thames Water which has exploited the failure of regulation and disregarded the criminal law. In common with the rest of the water industry, the company found out long ago that it could get away with lawbreaking for enough of the time to make it a highly profitable commercial choice.

The Agency's response adds this detail:

***'In November 2021 the Environment Agency inspected Oxford STW, which led to Thames Water being issued with a Compliance Assessment Report (C.A.R.). Within this report, some serious and significant permit breaches were identified.'***

This inspection took place after and in response to the exposure of previously hidden illegal pollution revealed by our data analyst, Professor Peter Hammond who included Oxford's illegal operation in the evidence he provided to the Environmental Audit Committee in March 2021.

The Agency's response continues.

***'While the site is non-compliant with its permit, the risk to the environment remains high. Oxford STW was identified in 2017 as having insufficient Flow to Full Treatment (FFT) capacity for the population***

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***served. It was allocated a U\_IMP5 driver for the AMP7 investment period in order to realign the FFT. This was due to be delivered March 2025, however the EA understands this has been delayed by several years. The scheme and deadline are regulatory and legislative commitments, and failure to deliver it on time will potentially lead to further noncompliance at the site. It also presents a significant and ongoing risk to the receiving waterbody, particularly from continued and extended periods of storm overflows. Adding additional flows to the STW before this scheme is completed is not acceptable.'***

This is highly unusual as typically the Agency fails or even refuses to comment on planning applications and sends this response even in grossly inappropriate situations.

From: Planning\_THM  
Sent: 20 Apr 2021 10:55:26 +0000  
To: Planning (WODC)  
Subject: 21/00691/RES  
Attachments: 17-08-16 External Consultation Checklist v3.3 update.pdf

Dear Sir/Madam

**This planning application is for development we do not wish to be consulted on. Please see the attached which was issued to your council to screen applications before sending to us. Please only consult us on planning applications that fall within the categories in the attached list.**

Ensuring your Authority **ONLY** consult us on the development we wish to comment on saves time for both our organisations which can be better spent on other higher risk developments requiring our input.

**For development that falls within a flood risk area:**  
For certain development types, we have supplied your Authority with Flood Risk Standing Advice (FRSA). Please refer to this in accordance with the table below. Please consult the Environment Agency for development not covered by FRSA.

Thames Water made this response to the Oxford application was made on 31/1/23 and 29/9/23:  
***Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.***

This is a common response observed in many other cases where the company's capacity is inadequate and the sewage works operating illegally – something that planning authorities have historically accepted without question, avoiding the inconvenient truth and the pressures that would have forced water companies to deliver their statutory obligations, not defer them at their convenience and to their financial advantage. **Silence from the Environment Agency facilitated the pretence that infrastructure could cope with more development and helped build a national sewage crisis.**

How did the country get into this mess? The ducking and diving that the Efra committee allowed the Environment Agency's previous CEO, Sir James Bevan to get away with to hide the true extent of the Agency's gross failure created a ticking time bomb which is now slowly exploding in front of the new Chief Executive, Philip Duffy during your tenure as Secretary of State - starting in full view at Oxford. This situation will be replicated across the country where many campaign groups observe the same neglect and deceit from water companies and negligence from the Environment Agency.

The reality can no longer be hidden as the impact of failed sewerage systems create increased public health as well as environmental risks and damage with sewage even spilling into streets and homes.

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On 22 January 2021 Defra admitted in a blog: '**...water infrastructure has not kept pace with development growth over decades.**' Yet nothing was done to stop the way that water companies routinely fail to deliver on essential and paid for upgrades.

Someone has to take an urgent grip in this crisis, and it seems to us, one of the fiercest critics of the Agency, that the people within it who are prepared to try to stop the rot must be protected and allowed to do their job while those who created the crisis must take the burden of blame.

It is vital to understand that any blockage to delivering housing stock in the area served by Oxford Sewage works is not due to the messengers; the Environment Agency staff now revealing the facts, the campaigners who forced the truth out into the open, the councillors and objectors from the wider public who are unwilling to see their country treated with contempt for the financial benefit of water companies. It is due to the commercial choices of Thames Water and the previous inaction of Environment Agency staff and management who failed in their duty.

Oxford is a striking example of a national epidemic created by water companies that have avoided spending money and simply pocketed the extra connection fees and bills even when their sewage works were already over capacity.

Now we observe that Thames Water is using its self-inflicted precarious financial state to hold the government over a barrel to avoid the embarrassment of enforced public ownership.

We have four questions:

1. If Oxford STW had been identified as having insufficient flow to treatment capacity in 2017, why did the Environment Agency allow Thames Water to continue to add fresh housing there and at other illegally operating sewage works and add connection fees and annual bills to its income before bringing the works back into legal capacity?
2. Despite being allowed to raise the quoted £130M funding from billpayers for the upgrade of Oxford STW by Ofwat, why is the company being allowed to continue operating illegally to a future date of its choosing? This question also applies to the list of 108 schemes to be deferred by up to 6 years by Thames Water from this spending period.
3. What happened to the money that the company was allowed to raise to conduct this essential work and will customers be compensated for the failure to use their bills as required, or will they be made to pay twice?
4. Will you support the Environment Agency in regaining control of a water industry that cannot be trusted to manage vital national infrastructure essential for sustainable development? Will you allow the Agency to provide accurate and transparent responses to planning applications to force water companies to obey the law or not?

Yours sincerely

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Ashley Smith

Chair of Trustees, Windrush Against Sewage Pollution

CC. Philip Duffy, CEO Environment Agency

David Black, CEO, Ofwat

The Rt Hon Philip Dunne, Environmental Audit Committee.

