

## **Written evidence from Mr Robert Latimer**

### **Failure to comply with the Urban Waste Water Treatment Directive. Failure to Comply with Requirements with Judgement of European Court of Justice, Whitburn Storm Interceptor Tunnel and St Peters Sewerage Pumping Station.**

1. Following a Public Inquiry the Secretary of State accepted the Inspectors recommendations and directed the Environment Agency to issue a new consent to discharge with conditions on the 17 December 2002.
2. The conditions attached to the permit regulated spillage from the CSOs, the spill volume was based on a flow rate of six times dry weather flow.
3. The case (C – 301/10) proceeded to the European Court of Justice and on the 18 October 2012 the Court found against the UK authorities.
4. It was found that the UK were failing to ensure appropriate collection of the urban waste water of the agglomeration with a p.e. of more than 15,000 of Sunderland Whitburn.
5. It was following the Court judgement that it was found that the information regarding the spill rate provided by DEFRA to the Court was incorrect. DEFRA told me I would have to contact the Environment Agency which I did and they refused to provide the information. I went through the Information Commission process ending up before the First Tier Tribunal who allowed my appeal, but still the EA refused to hand over the information and that situation still remains today.
6. The UK were given 5 years to correct the situation (December 2017).
7. In June 2014 the Environment Agency wrote to NWL – *“Further to discussions between our respective planning and technical teams, I can confirm that up to 10,000m<sup>3</sup> of storage will be needed at Whitburn and up to 4,000m<sup>3</sup> at St Peters to satisfy the requirements of the judgement”*  
The work was carried out and completed by the end of December 2017.

8. On the 21 May 2019 the European Commission announced that following the high volumes of discharges up to the end August 2018 - 298,380 tonnes, the Commission remained concerned about the high volume of untreated waste water being spilled from the long sea outfall at Whitburn.
9. In 2020 the Environment Agency provided records that showed the situation had got even worse where more than 760,000 tonnes of untreated sewage had been discharged in 8 months of that year.
10. On the 21 October 2020 the European Commission wrote: - *“Given the continued elevated level of spills since December 2017, both in terms of frequency and quantity, the Commission is of the opinion that the main elements of the judgement of the Court in case C – 301/10 with regard to Whitburn have not been met”* This is how the situation stands today.
11. At a recent Sunderland Council meeting held on the 4 November 2020 the Environment Agency again made comments that were not true. The EA claimed at that meeting that the figure of 760,000m<sup>3</sup> of sewage in 8 months was not true.
12. What followed was that information was provided that had been sent to the National Audit Office which showed the EA had already admitted that the figure of 760,000m<sup>3</sup> was true.
13. On the 5 January 2021 I was provided with the minutes from that meeting along with a plan of the sewage system. To my surprise it showed that the tunnel capacities had been reduced to 3,000 m<sup>3</sup> Whitburn (should have been 10,000m<sup>3</sup>) - 1,600 m<sup>3</sup> for St Peters (should have been 4000m<sup>3</sup>). Worse was the fact they had removed over 400l/s of surface water from the sewage system, yet over 760,000m<sup>3</sup> had been discharged.
14. We have left the European Union with the judgement still outstanding. It is obvious to see that the Environment Agency don't care that discharging over 760,000m<sup>3</sup> shows the system is failing but the EA are allowing more developments to be added to the failed system.

It is now 20 years since the Secretary of State directed the Environment Agency to issue a new permit with conditions. The EA have failed to implement those conditions and now find themselves in the position of allowing a failed system to continue discharging in fear their errors will be found out, this cannot be right and why the public have lost all faith in the EA to do the right thing.

#### Recommendation

All of the above suggests that the Environment Agency is inadequate to ensure compliance with their own permits or with the UWWTD. There should be an independent specialist Government body charged with monitoring the actions and the discharge data of the private water companies, and policing the permits.

The UWWTD should be strengthened in British law and properly implemented to safeguard public safety and the environment.

*February 2021*