

Centre City Tower, 7 Hill Street, Birmingham B5 4UA
21 Bloomsbury Street, London WC1B 3HF

By email

18 November 2016

Environmental Information Regulations (EIR) 2004- Request For
Information

Reference: EIR 131112016

Dear 

Thank you for your email in which you request information concerning the below questions.

Ofwat confirms it does hold the some of the information requested.

- 1. On the 14 September 2016 I asked: - "Please tell us what part of the £8 million is going towards to meeting the judgement and what part is going towards enlarging the sewage system so they can build these extra houses?"**

The £8 million figure you refer to is a figure quoted in Northumbrian Water press releases dated 22 March 2016 and 13 September 2016 and not a figure that Ofwat has any connection with. Ofwat's final price control determination notice for Northumbrian Water's proposals can be found at the following link http://www.ofwat.gov.uk/wp-content/uploads/2015/10/det_pr20141212nes.pdf

Page 80 refers to their request for £16.5 million sought and the allowed amount of £6.3 million. These figures are not disaggregated therefore Ofwat does not hold any information in relation to your question concerning the proportion of the £8 million figure quoted going towards meeting the ECJ's judgement.

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2. I request under the EIR copies of all information that shows by spending this £8 million it will meet the terms of the existing discharge consent?

I enclose a copy of two redacted letters from Defra and the Environment Agency in relation to the Urban Waste Water Treatment Directive judgement for your information. Again, there is no mention to any figure of £8 million and, as per question 1, this is not a figure that has come from Ofwat. Therefore we do not hold any information in relation to this figure. Some of the information held in these letters is exempt from disclosure under Regulation 12 (3) of the EIRs.

Ofwat considers that to disclose the personal data contained within the letters would be a breach of the Data Protection Act and considers this exception engaged.

3. On the 2 October 2016 I wrote to OFWAT also providing proof that the calculations being put forward were incorrect, I then asked [REDACTED]: - “The question has to be how did OFWAT allow public money to be spent on a system that had such flawed calculations?” I provide further proof below and ask again this time under the EIR please provide the calculations of flows that meet the existing consent?

We assume the calculations you are referring to are those in support of the storage scheme at Whitburn currently being undertaken by Northumbrian Water, rather than any earlier scheme in the locality to which the copies of historic correspondence you have attached to your recent emails refer. Either way, we confirm that these are Northumbrian Water’s calculations and, excepting details of any that are set out in the correspondence you have copied to us, that we do not hold the information you have requested.

4. On the 2 October 2016 I wrote further to [REDACTED] and [REDACTED]. In paragraph 2 of my email I quoted from the Advocate General’s Opinion where he stated: -

“79. The study found that, in order to maintain the number of discharges at below 20 per annum, the only possible solution would be to upgrade the interceptor tunnel whose capacity would have to be increased to 10,800 cubic metres. A change of that nature would result, however, in a minimum improvement equivalent to approximately 0.31% - in the quality of the receiving waters, calculated on the basis of the parameters normally employed

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to assess bathing waters. For those reasons, the study did not recommend any change to the Whitburn collecting system”

**In reply I wrote to [REDACTED] and [REDACTED] asking the following question: -
“Once again this information is not true, Whitburn was not designed only designed to spill at 20 times a year, the capacity of the interceptor tunnel already exceeds 15,000 cubic meters by almost a 1/3rd more than what DEFRA are telling the ECJ is required. What is ironic is, even based on these incorrect lower figures, the result of improvement would only be 0.31%; what would be the real improvement if the correct figures had been provided?” Under the EIR I ask this question again as it is most important when you consider the real capacity is already exceeds 15,000 cubic metres, the spill rate is supposed to be 6XDWF not 4.5XDWF and the number of discharges i.e. 2005 is 96 not 27 as the ECJ were told?**

Ofwat considers that this question is outside of the scope of the EIR’s as it is not related to a request for documentation held but to your point relating to calculations supplied.

If you have any queries or concerns with regard to the content of this email please do contact me, quoting the reference number.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of the decision, please contact:

Programme and Project Management Office
Ofwat
Centre City Tower
7 Hill Street
Birmingham B5 4UA
mailbox@ofwat.gsi.gov.uk

If you are not happy with the outcome of that review you can ask the Information Commissioner’s Office to consider your complaint. Generally, the ICO will not make a decision unless you have exhausted Ofwat’s complaints procedure. The ICO can be contacted at:

Freedom of Information/EIR Provide the Information

Centre City Tower, 7 Hill Street, Birmingham B5 4UA
21 Bloomsbury Street, London WC1B 3HF
<https://ico.org.uk/>

or

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Yours sincerely,

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