The Royal Borough of Kensington and Chelsea response to Ofwat's PR19 draft determinations for Thames Water. August 2019

The Council welcomes the opportunity to respond to the consultation on the PR19 draft determinations for Thames Water. As a Lead Local Flood Authority, the Council has statutory duties regarding local sources of flood risk. The main concern for us is sewer flooding in the borough as a result of the lack of sewer capacity in the Counters Creek area and how Thames Water are addressing it.

Evolution of the Counters Creek Flood Alleviation Scheme.
The Royal Borough has suffered a series of flooding events, the most recent in 2007. The main problem comes from the ingress of rainwater into the sewer system, which is close to capacity. The sewer system is then overwhelmed and discharges sewer water into the lower part of properties (basements or lower ground floors). Since 2007, we have been working closely with Thames Water to address this problem and ensure residents and businesses are protected against flooding. Ofwat approved the funds needed to undertake the Counters Creek Sewer Alleviation Scheme in December 2014.

Thames Water's proposal to solve this problem included four elements:

- a new storm relief sewer to increase the sewer capacity;
- Sustainable Drainage Systems (SuDS) to reduce surface water run-off entering the sewers;
- anti-flooding devices (also known as FLIPs: Flooding Local Improvement Process) to stop the sewers surcharging into lower properties; and,
- local sewer improvements.

The proposed storm relief sewer went through several rounds of public consultation: Phase 1 consultation (November 2014 to February 2015); Interim Engagement consultations (Spring 2015 and Autumn 2015); and Phase 2 consultation (January to April 2016). The Council supported the construction of the storm relief sewer even when it involved significant disruption during the long period of construction.

Thames Water was expected to submit planning applications in 2017 in relation to the proposed storm relief sewer. However, in January 2018, they contacted the Council to explain that they were reconsidering the project. The current proposal no longer includes a storm relief sewer but maintains the other three elements: SuDS, anti-flooding devices (FLIPs), and local sewer improvements. The local sewer improvement proposed for RBKC is an underground sewage pumping station on Queensdale Road. The proposed SuDS are all located in the London Borough of Hammersmith and Fulham. Thames Water implemented a SuDS pilot in Arundel Gardens. This pilot scheme included the provision of permeable paving in the road with underground surface water attenuation.

Thames Water sent a letter to local councillors, held a series of drop-ins for residents and produced a summary report to explain the current proposal. Their summary report provides information on their investigations and findings that support their new

proposal. The report was scrutinised by the Council on the 23 July 2019 at the Public Realm Scrutiny Committee (which terms of reference includes flooding). After the meeting, the committee made the following recommendations in a letter to Thames Water:

1. It asked Thames Water to provide more information on the SuDS they are implementing upstream in other boroughs;
2. It supported the SuDS approach and wanted to see Thames Water redouble its efforts to roll out such schemes in the Counters Creek catchment areas;
3. It welcomed Thames Water's readiness to share the Independent Advisory Group report's findings and the WSP, the multinational consultants' findings;
4. It looked forward to Thames Water's sharing information on the scale of the risk in RBKC and in which streets this risk was greatest so that ward councillors could be informed;
5. It has requested that Thames Water provided data of a technical nature on the levels of water pressure the FLIPS and non-return valve systems could cope with in several storm events (1 in 30yrs, 1 in 40yrs, 1 in 50yrs events);
6. It recognised that loss of permeable surfaces in the borough had an impact on water run-off and wanted it to be addressed further in the future Local Plan. It requested confirmation for Thames Water's endorsement that large areas of permeable surfaces were vital to flood mitigation;
7. It supported the lobbying of central government for changes in requirements in planning law to safeguard permeable surfaces, and
8. It wanted the Council's new Greening Supplementary Planning Document to promote good practice in planning applications to minimise future flood risk.

PR19 draft determinations

Ofwat mentions the Counters Creek scheme in two of the consultation documents:

- Thames Water - draft determination
- Thames Water – Accounting for past delivery actions and interventions

In the first document Ofwat states that it has made "*a £150 million downwards adjustment to the RCV in relation to its Counters Creek sewer flooding programme, which we consider to be cancelled to fully compensate customers for Thames Water failure to deliver on this programme in 2015-20 period*". The details of how Ofwat reached this conclusion are included in Tables 4.16 (page 49) and table 4.17 (page 51).

We agree with Ofwat's conclusion that, "*through the company's actions, the majority of the originally envisioned benefits have not been realised"*.

In the second document: "Thames Water - Accounting for past delivery actions and interventions" references to the Counters Creek schemes can be found in pages 3, 4, 7 and 9. Specifically, page 4 of the document states:

"There is insufficient evidence that Thames Water understands the risk of flooding in the Counters Creek area. For instance, it has previously stated that the risk of flooding comes from rainfall over a widespread area, but in presenting evidence that the risk is less than previously thought has focused on rainfall in the more immediate area of Counters Creek."

The Council agrees with Ofwat's assessment and is concerned that sewer flooding may reoccur in the future.

The importance of SuDS in the Counters Creek catchment area
Section 5.1 Thames Water's summary report explains the implementation of SuDS in the wider Counters Creek catchment area will increase the capacity of the sewer and reduce local sewer flooding. However, Thames Water do not explain how they will implement the SuDS needed in the Counters Creek catchement area. They refer to some schemes they are implementing in White City but they leave the construction of SuDS to developers as part of the implementation of planning permissions.

Thames Water explain in their website how they have developed a SuDS programme to disconnect more than 65 hectares from the sewer system. Their aim is to drain surface water (rainfall) from this land into SuDS. This will reduce significantly the amount of rainfall which enters the combined sewer system and will free capacity in the sewer for foul water. Thames water pledge to do this between 2020-2025 by:

1. Providing up to £150,000 to each of the 93 local authorities with overall responsibility for surface water to contribute to SuDS schemes
2. Forming partnerships with three Lead Local Flood Authorities with some of the greatest pressure on drainage capacity to jointly deliver a range of projects (including strategic SuDS)
3. Funding third-sector bodies (including schools and environment groups) to deliver SuDS
4. Installing a range of schemes in areas with the least available capacity in sewers, using large-scale SuDS and sewer interception / storage schemes

Whilst we welcome the implementation of SuDS across the Thames catchment area, we are concerned that not enough weight has been given to the issues of the Counters Creek catchment area. None of the partnerships mentioned under point 2 above include a London borough within the Counters Creek catchment area (the shortlisted north London Boroughs are: Hounslow, Waltham Forest and Newham).

The Council does not want to subject residents, business and visitors to the lengthy construction process and impacts of a storm relief sewer if it is unnecessary. Quite the contrary, we would welcome other softer measures such as SuDS to future proof the sewer's capacity. However, we are concerned that the number of SuDS required to solve the Counters Creek problem will in reality, not be implemented. Therefore, we would like Ofwat to include the active delivery of strategic SuDS in the Counters Creek catchment area as an outcome to be delivered and that this commitment is reflected in their business plan. Sufficient detail should be provided to demonstrate how the SuDS in question provide adequate mitigation works with the FLIPS to ensure that there is sufficient mitigation in the absence of a storm relief sewer. A timetable for their implementation should also be included.