

Mudlamootoo, Hans (WQ)

From: Bob Treacher [bob.treacher@environment-agency.gov.uk]
Sent: 05 August 2004 10:07
To: Mudlamootoo, Hans (WQ)
Cc: Cunningham, Mark (WQ); Andrew Wood; Catherine Ruane; David Loveday; Dominic Shepherd; Graeme Warren; Graham Donachie; Keirston O'Neill; Andrea Smith
Subject: Re: Briefing for reply to Harry Clark letter to Margaret Beckett

Hans

We spoke and I am faxing this e-mail to you in view of the Agency's current e-mail difficulties.

Before I cover the matters you raised, it will be worth providing you with some background on our dealings with Mr Latimer. We have been in direct correspondence with him for ten years, there has been a Public Inquiry and two reviews by the Parliamentary Ombudsman. We advised him last week that we do not believe that there is any detail of the sewage system that has not been looked at closely by either the Inquiry or the Ombudsman and that we consider the matter closed. We will, of course respond to any new issues that he raises, but we consider that there is little mileage in this issue and that our position is quite clear.

Having said that, we have no objection to you sending our briefing note to Mr Latimer.

We have already provided Mr Latimer (14th June 2004) with a copy of the Whitburn consent (Ref. 245/1207).

Your main request was to provide a statement about the operational policy for CSOs (para. 5 of your 1st July letter to Harry Clark of the Seaham Environmental Association) in relation to Whitburn Steel pumping station.

The 'operational policy' for CSO's is set out in the nationally agreed AMP2 Guidelines. Paragraph 5 of your letter and paragraph 4 of the our briefing note refer to the general principle for CSO's that they are usually designed to pass forward 6 times dry weather flow before spilling. These paragraphs do not specifically refer to the Whitburn system.

For large urbanised combined sewerage catchments such as Wearside (including Whitburn) the AMP2 guidelines allow for less flow to be passed forward before spills occur. It should also be noted that at Whitburn, spills occur to the interceptor tunnel and not to the environment. The reasons for this were discussed in detail at the Public Inquiry in 2001 which concluded with the direction of the Secretary of State for the Agency to issue the Whitburn (245/1207) and Hendon (245/1213) consents. We do not consider it appropriate and see no value in revisiting matters over which the Secretary of State has already decided.

In effect, a specific 'operational policy' for Whitburn, i.e. how it must be operated, is prescribed by the conditions of the consent (245/1207). Mr Latimer already has a copy of this.

While discussing correspondence with Mr Latimer, last year we were asked to provide information to the Department regarding a complaint that Mr Latimer made to the EC about the Whitburn/Hendon system failing to meet UWWTD obligations. Early feedback was that the complaint was unlikely to be upheld but I would be grateful if you could let me have an update for our records.