

South East Water given £76,000 penalty for water supply breach

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Human error blamed as enough water to fill 300,000 baths taken without Environment Agency licence.

South East Water risked harm to the environment by taking millions of litres of water from the Kent countryside without the permission of the Environment Agency.

For 6 weeks, the company illegally took more than 52 million litres from an underground source on a farm at Tudeley, near Tonbridge, in a practice known as abstraction.

The unlicensed water taken through May and June in 2021 was enough to fill 300,000 baths.

The failure to renew the licence the previous March means South East Water has paid £75,859.10 in a civil sanction called a variable monetary penalty.

Abstraction licences are necessary to protect water resources, and safeguard wildlife habitats and the environment from the damaging effects of taking too much water.

The Environment Agency controls how much, where and when water is abstracted through its licensing system, which is also designed to prevent water shortages.

South East Water knew its licence for using the borehole at Tudeley had run out. It told investigators under caution that a changeover of staff was to blame for the mistake.

However, the Environment Agency discovered the issue went deeper than one employee replacing another in the job of making sure licences were kept up-to-date.

No-one checked if the licence had been renewed. Staff had to rely on manual records for when licences to abstract millions of litres of water expired, with no process to flag when new ones were needed.

Fiona Kent, a senior environment officer for the Environment Agency in Kent, said:

South East Water acted negligently in letting the abstraction licence expire, putting the environment at risk. Luck was on their side and that of the environment that no harm was caused during the 6 weeks of unlicensed use.

Taking water with no licence from the Environment Agency seriously undermines the regulatory regime.

As a consequence of the error, South East Water has brought in an automated system that highlights when licences need renewal.

Water companies and other sectors are legally obliged to apply for the abstraction of water for business use.

What happened between 4 May and 19 June 2021 wasn't an isolated incident. South East Water had been warned by the Environment Agency several times in the previous 7 years to keep within the parameters of its abstraction licences at different locations when taking water for public supply.

Variable monetary penalties are an alternative to prosecution where effective measures can be taken to maintain lawful abstraction of water.

VMPs also allow the Environment Agency to remove any financial gain or saving from a breach

The variable monetary penalty includes a figure of almost £6,000, equal to the fee South East Water would have paid the Environment Agency for a licence between 1 April 2021 and 3 March 2022.

South East Water didn't abstract any more water in Tudeley until its licence was renewed on 4 March 2022.

The company appealed the level of the penalty because no harm was caused, but this was dismissed by judge Catherine Harris on 4 March this year following an earlier tribunal hearing.

Contact us:

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<https://www.gov.uk/government/news/south-east-water-given-76000-penalty-for-water-supply-breach>