

Our Ref: C00533

Wiltshire Council
Monkton Park Offices
Monkton Hill
Chippenham
SN15 1ER

12th November 2025

Dear Sir/Madam,

**Continuous Water Quality Monitoring Equipment Installation
Application for Certificate of Lawful Development, Land South of A36 at Langford Lakes
Nature Reserve**

Background

Over the next 10 years, Wessex Water Services Ltd (WW) will be legally required by S.82 of the Environment Act 2021 to install a significant number (approx. 2000) of continuous water quality monitoring (CWQM) stations in rivers and ordinary watercourses to continuously monitor water quality up and downstream of storm overflows and final effluent discharges. These installations, their locations and programmed timescales are also a regulatory output mandated and supported by the Environment Agency through the Water Industry National Environment Plan (WINEP).

Over the past 18 months, WW has carried out a trial of the programme and installed a number of these CWQM stations in Wiltshire and BANES. There are several designs of different CWQM stations which have formed part of the trial; the most suitable monitor for each location is dependent on location, access, flood risks, south facing aspect, water and bank conditions.

Defra guidance

Defra's guidance on the Continuous Water Quality programme, Aug. 2023, (attached) states that the Water Industry Act 1991 ('The Act'), S. 141DB, will 'require sewerage undertakers wholly or mainly to continuously monitor the quality of the receiving water upstream and downstream of their assets. This will allow sewerage undertakers to assess the impact of discharges from their assets on the receiving watercourse'.

The location of the monitors is restricted by the Defra guidance – 'Where discharge outlets are within 1 kilometre (0.62 miles) of one another they may be clustered and monitored by one pair of monitors. Sewerage undertakers must make all reasonable efforts to place downstream monitors at the ideal point for monitoring, at the point of cross-sectional mixing. If this is not possible, then the monitor must be placed at the first suitable point downstream on the watercourse, not more than 500m (0.31 miles) downstream from the point of cross-sectional mixing'. This means that monitors are located upstream and downstream of existing outfalls.

The site and proposed scheme

Wessex Water has installed a stilling tube within the River Wylfe, which is linked via ducted cabling to a single a solar post with telemetry equipment attached, on the bank to the south of the watercourse. A separate application for Certificate of Lawful Development for the telemetry/solar post has been submitted alongside this application. The stilling tube is located downstream of an existing storm overflow as shown on enclosed Drg. No. C00533-ENV-LAL01. A photo of the site location and installation is shown below looking from the south towards the River Wylfe.

Stilling tube installation

The stilling tube contains a sonde which sits within the watercourse and will be attached to the bank. The sonde monitors 6 water quality parameters; pH, temperature, turbidity, dissolved Oxygen, ammonium and conductivity. The telemetry to power the monitoring equipment is attached to the solar post within a telemetry pelicase. The data will be collected at either 1 hour or 15 min intervals (dependent on conditions).



Environmental procedures

As part of our procedures, a qualified ecologist has surveyed this site before final site selection was made to identify potential ecological constraints e.g. presence of protected species including water vole, and invasive species.

A method statement was produced to guide the installation to minimise environmental impacts and including a pre-installation check for water vole and precautionary measures were taken during vegetation clearance to ensure that any reptiles and amphibians are protected.

Case for permitted development - stilling tubes

We consider that the stilling tube is PD under Part 13, Class C, 'development by a drainage body in, on or under any watercourse ... required in connection with the improvement... of that watercourse'.

The PD right is applicable for the following reasons:

Wessex Water Services Ltd is a drainage body as defined under S. 72(1) of the Land Drainage Act 1991 'i.e. a body having power to make or maintain works for the drainage of land'.

A 'watercourse' is defined by Section 219 of the Water Industry Act 1991 as 'rivers, streams, ditches, cuts, culverts, dykes, sluices, sewers and passages through which water flows (except mains or other pipes belonging to the Environment Agency, Natural Resources Wales or a water undertaker)'.

This Defra guidance programme objectives include (p. 6) to 'inform sewerage undertaker improvement programmes to meet the Storm Overflow Discharge Reduction Plan targets; and inform Regulatory action'. The installation of these monitors is required to achieve these objectives.

The wording of Class C is echoed in the wording of Class D which gives the Environment Agency permitted development rights to install monitors in watercourses for the purpose of its functions.

Conclusion

Our view is that the stilling tube is permitted development under GPDO Schedule 2 Part 13, Class C, i.e. it is development by a drainage body in a watercourse required in connection with the improvement of that watercourse.

We therefore welcome issue of a Certificate of Lawfulness for the proposed development as set out above.

If you require any further information, please do not hesitate to contact me. I look forward to hearing from you.

Yours faithfully

J m. Bonney

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Enc.
Application Form
Fee
DEFRA Guidance, August 2023
Drg. No. Hayes Park Road-Env-100C Constraints/Location Plan