Official Verderer and Verderers and the members of public attending court today, I am Susan Kirsch, a Trustee of the New Forest Association. I give this presentment on water quality and pollution on behalf of the Association.

We are all aware of the damage done by Water Companies dumping sewage into this nation's waterways. National Parks, despite their protections, suffer disproportionately. [i]

It is increasingly well evidenced, both by government and independent bodies [ii], that the upper Beaulieu River is being chronically impacted by the shocking volumes of combined sewer overflow discharge regularly emanating from Lyndhurst Wastewater Treatment Works. These discharges include everything flushed out of Lyndhurst and the surrounds, including sewage from toilets, grey water, chemicals, and micro-plastics from household appliances, and road run-off.

Last winter, during a period of active discharge from the Lyndhurst works, spectacular drone images (photograph attached) showed extensive flooding of the upper Beaulieu River along the restored stretch of Longwater Lawn. This area of open Forest is subject to commoners' rights and thus grazed by livestock as well as regularly accessed by people and their dogs. It is also a SSSI grassland. The winter is fast approaching and, with heavier than previously experienced rainfall forecast, there is a real prospect of sewage and other pollutants again flooding this sensitive area.

However, Southern Water are not intending to deliver the required infrastructure upgrades to mitigate this issue until after 2030, more than ten years since the issue was raised publicly. [iii]

Clearly this court has responsibility for the health of livestock and thus the condition of the grazing in the Forest particularly when that stock may enter the food chain.[iv] The regular soaking of grazing with pollutants must be contrary to these responsibilities. Likewise, Forestry England, as land manager, must be concerned that the land they manage is being contaminated with consequences for their own liability to those accessing the Forest, given the potential threat to public health and safety.[v]

Three years ago, Southern Water were criticised by the NPA and FE for a lack of communications when their failed infrastructure led to a major sewage discharge into the upper Beaulieu River. [vi]

During the recent mains water burst near Lyndhurst, which was again due to failure of Southern Water's infrastructure, at least several hundred thousand litres of chlorinated water and a large volume of sediment entered the upper Beaulieu River. The generation of chlorine by-products created a potential risk to public and livestock in the vicinity.

The chlorinated water also contained levels of nitrate that are normal for mains water but in a river are classed as very high levels of pollution.

Despite the above, Southern Water failed to provide any information at any stage during the incident whether to the public, Forestry England, the wider New Forest Catchment Partnership or, we suspect, the Verderers. It is therefore clear that lessons still need to be learnt.

Accordingly, the NFA asks the Verderers and Forestry England to outline what urgent action they are taking or intend to take to ensure:

1. Southern Water bring forwards the required infrastructure investment to mitigate the combined sewer overflow issues that are chronically impacting water quality along the Beaulieu River and polluting the adjacent grazing lawns; and
2. Measures are put in place to enable effective, accurate and timely communications of pollution incidents to inform and protect people, livestock and the environment.

Photograph by Matt Roseveare

[i] Rivers At Risk Report 2025, Campaign for National Parks
pg. 24: Sewage works inside the National Parks are spilling sewage for twice as long as outside National Parks. Inside National Parks the average number of hours spilling from a single sewer overflow was 549 – more than double the average from outside (266 hours). In 2024, there were 254,808 hours sewage spilled into National Park rivers.
pg. 37: Sections of the [Lymington] river have been deemed unsafe for swimming in recent years; the Lymington saw 2,847 hours of sewage overflows in 2024.

[ii] e.g. presentations from the New Forest Biodiversity Conference 2026 here.
Gemma Stride (Bournemouth University) - Assessing the impact of pollution management on freshwater biodiversity - slides
Dom Longley (Environment Agency) - New Forest freshwater fish surveys in 2025 - slides

[iii] BBC: Lyndhurst sewage discharge 'lasting impact' for New Forest 21 August 2020:

> Effluent was seen in streams near Lyndhurst Sewage Treatment Plant after heavy rain on Wednesday.
> Russell Wynn, of the Wild New Forest group, raised concerns about pollution entering the Beaulieu River.
> "People expect the New Forest to be highly protected with pristine rivers, but this literally stinks - it's shocking," he added. "The infrastructure can't cope - there is stuff going in right at the head of the catchment of the Beaulieu River. When you introduce pollutants it can lead to a subsequent build-up of harmful algae, with potential knock-on effects including deoxygenation and fish kills.
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> Naomi Ewald, of the Freshwater Habitats Trust, said: "We are very concerned about reports of sewage discharged into one of the country's most important freshwater landscapes. In protected areas like the New Forest, streams and rivers should be maintained at the highest water quality standards, and we shouldn't rely on the environment to be the final stage of dilution for human waste."

[iv] See the New Forest Acts 1877. 1949 and 1964.
[v] See liability under the Occupiers Liability Acts 1957 and 1984 and potential to seek damages from Southern Water under the Rule in Rylands v Fletcher.

[vi] Packham 'furious' over Southern Water New Forest sewage leak 8 September 2023 :

> The New Forest National Park Authority criticised the utility firm for not informing it of the "serious incident" until a week later. Paul Walton, its head of environment and rural economy, said: "We are obviously concerned at the impact on water quality in a protected Site of Special Scientific Interest in the New Forest National Park. "In light of the information given to us by Southern Water we are seeking further clarification from them about how and why this occurred and reassurance that improvements to its protocols and monitoring are implemented and effective."
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> Southern Water said it "absolutely made errors" in not notifying authorities quickly enough. The company's head of wastewater, Alex Saunders, said: "That's something we've done a deep investigation into and now we've put processes in place so that, should anything happen again, that they're informed at a much earlier date within the incident."